

Index of Records					
Accessory Dwelling Units Ordinance 25-014 (ECAF 2025-0765)					
Hearing Date: Wednesday, March 19, 2025 @ 10:30 a.m.					
Council Staff: Ryan Countryman DPA: Jessica Kraft-Klehm					
<i>Click on exhibit number to view document</i>					
EXHIBIT	RECORD TYPE	DATE	RECEIVED FROM	EXHIBIT DESCRIPTION	# OF PAGES
2.0 Planning Commission					
2.0003	Staff Report	07/25/24	Ryan Countryman, Council Staff	Briefing to Planning Commission: Accessory Dwelling Units	13
2.0019	Letter	10/08/24	Planning Commission	Planning Commission Recommendation	4
3.1 ECAF and Materials					
3.1.001	ECAF	02/21/25	Council	Transmitting Executive initiated Ordinance	1
3.1.002	Ordinance	02/21/25	Council	Introduced Ordinance	15
3.1.003	Motion	05/01/24	Council Staff	Motion 24-266	18
3.1.004	Introduction	02/21/25	Councilmember Nate Nehring	Introduction Slip	1
3.2 Council Planning Committee Materials					
3.2.001	Staff Report	02/26/25	Ryan Countryman, Council Staff	Council Staff Report	10
3.2.002	Minutes	02/26/25	Council Staff	Link to Minutes and Video of General Legislative Session - February 26, 2025	1
3.3 Correspondence, Comments, Testimony					
3.3.001	E-Mail	03/10/25	Mat Johnson	Public Testimony	3
3.4 Staff Reports and Submissions					

3.5 Public Participation					
3.6 Council Deliberations					

Index of Records					
Project Name		Accessory Dwelling Units			
Part 2 - PLANNING COMMISSION					
Exhibit #	Record Type	Date	Received From	Exhibit Description	# of Pages
2.0001	Public Outreach	8/15/2024	Planning Commission	Planning Commission Agenda (Briefing)	4
2.0002	Public Outreach	8/27/2024	The Herald	Affidavit of Agenda publication in The Herald (Briefing)	3
2.0003	Legislative Documents	8/13/2024	PDS Staff	Staff Report (Briefing)	13
2.0004	Public Outreach	8/13/2024	PDS Staff	Proposed Attached Single Family Dwelling ordinance	15
2.0005	Public Outreach	8/13/2024	PDS Staff	Proposed Amendment	1
2.0006	Public Outreach	8/12/2024	PDS Staff	Council Amended Motion 24-266	18
2.0007	Public Outreach	8/26/2024	PDS Staff	Presentation (Briefing)	13
2.0008	Public Testimony	8/27/2024	Johnson, Mat	ADU Code Update Comment Letter	1
2.0009	Public Testimony	8/27/2024	Johnson, Mat	Johnson, Mat_ADU Code Update Comment Email	2
2.0010	Public Outreach	9/25/2024	Planning Commission	Planning Commission Written Meeting Minutes (Briefing)	5
2.0011	Public Outreach	8/27/2024	Planning Commission	Planning Commission Recording of Meeting (Briefing)	NA
2.0012	Public Outreach	9/10/2024	Planning Commission	Planning Commission Agenda (Hearing)	3
2.0013	Public Outreach	10/1/2024	The Herald	Affidavit of Agenda publication in The Herald (Hearing)	3
2.0014	Public Outreach	10/23/2024	Planning Commission	Planning Commission Written Meeting Minutes (Hearing)	5
2.0015	Public Outreach	9/25/2024	Planning Commission	Planning Commission Meeting Recording (Hearing)	NA
2.0016	Public Testimony	9/1/2024	Tania, Hanna	Public Comment on ADU ordinance attachment	2
2.0017	Public Testimony	9/15/2024	Tania, Hanna	Public Comment on ADU ordinance	2
2.0018	Public Outreach	10/1/2024	PDS Staff	Comment Sign In Sheet	1
2.0019	Public Outreach	11/19/2024	Planning Commission	Recommendation Letter to County Council	4
<i>*Contact the Clerk of the Council for copies of Part 2 Exhibits - 425-388-3494 or contact.council@snoco.org</i>					

1 ADOPTED: _____
2 EFFECTIVE: _____

3 SNOHOMISH COUNTY COUNCIL
4 Snohomish County, Washington

5
6 ORDINANCE NO. 25-014

7
8 RELATING TO GROWTH MANAGEMENT; REVISING ACCESSORY DWELLING UNIT
9 REGULATIONS; AMENDING SNOHOMISH COUNTY CODE (SCC) SECTIONS
10 30.28.010, 30.28.070, AND 30.66B.057, AMENDING DEFINITIONS IN CHAPTERS
11 30.91A AND 30.91D SCC, AND ADDING A NEW DEFINITION IN CHAPTER 30.91P
12 SCC

13
14 WHEREAS, accessory dwelling units (ADUs) are a type of housing that can be
15 attached to another type of housing unit or in a separate detached structure; and

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

21
22 WHEREAS, in 1992, the Snohomish County Council (“County Council”) updated
23 the Snohomish County Code (SCC) to allow attached ADUs (then called “accessory
24 apartments”) in most urban, rural and resource zones that allowed a single family
25 dwelling and adopted development and use standards for ADUs through Amended
26 Ordinance No. 92-052; and

27
28 WHEREAS, Amended Ordinance No. 92-052, also updated the SCC definition of
29 a duplex to specify a duplex does not include “a structure containing an accessory
30 apartment”; and

31
32 WHEREAS, RCW 43.185A.215(3), originally adopted in 1993 as Senate Bill
33 5584, required that Snohomish County (the “County”) incorporate Accessory Dwelling
34 Unit (ADU) regulations into local development codes, zoning regulations, or official
35 controls, but deferred to the local legislative authority for establishment of regulations,
36 conditions, procedures, and limitations related to ADUs; and

37
38 WHEREAS, in 1994, the County Council amended the SCC to allow detached
39 ADUs as a permitted use in zoning districts generally considered to be single-family
40 zoning through Amended Ordinance No. 94-029; and

1
2 WHEREAS, SCC allows duplexes in urban single-family residential zones
3 provided the minimum lot size for duplexes is be one and one-half times the minimum
4 lot size for single family dwellings; however, Amendment Ordinance 16-044 removed
5 the minimum lot size requirement for duplexes in the R-8,400, R-9,600 and R-7,200
6 zones; and
7

8 WHEREAS, Snohomish County has revised its ADU regulations several times
9 since Amendment Ordinance No. 94-029, most recently by Ordinance 23-133 on
10 December 12, 2023; and
11

12 WHEREAS, in 2020, the Washington State Legislature enacted Engrossed
13 Substitute Senate Bill 6617 (ESSB 6617) which included new definitions for Accessory
14 Dwelling Unit (ADU), Attached Accessory Dwelling Unit (AADU), and Detached
15 Accessory Dwelling Unit (DADU) in RCW 36.70A.696(1), (2), and (5), respectively, as
16 part of the GMA; and
17

18 WHEREAS, the definition of ADU enacted by ESSB 6617 is “a dwelling unit
19 located on the same lot as a single-family housing unit, duplex, triplex, townhome, or
20 other housing unit”; and
21

22 WHEREAS, ESSB 6617 was supported by findings that include Washington
23 State is experiencing a housing affordability crisis and that encouraging the creation of
24 ADUs is a means to help promote additional affordable housing options; and
25

26 WHEREAS, in 2021, the Legislature enacted Engrossed Substitute Senate Bill
27 5235 (ESSB 5235) that amended the DADU definition in RCW 36.70A.696(5) to clarify
28 DADUs must be on the same property as other units; and
29

30 WHEREAS, in 2023, the Legislature enacted House Bill 1337 (HB 1337) that
31 provided additional requirements for ADUs including a definition of “principal unit” in the
32 context of ADUs, prohibiting regulations that require a property owner to reside in or
33 occupy the principal unit or ADU, and require counties to allow ADUs in certain
34 configurations within urban zones that are not currently authorized by county code; and
35

36 WHEREAS, the County Council concurs with the findings of the Legislature that
37 Snohomish County is experiencing a housing affordability crisis and that ADUs can be
38 part of the solution; and
39

1 WHEREAS, the County Council referred potential amendments on ADU
2 regulations to the Snohomish County Planning Commission (“Planning Commission”)
3 for its consideration and recommendation; and
4

5 WHEREAS, County Council staff briefed the Planning Commission on August 27,
6 2024; and
7

8 WHEREAS, on September 24, 2024, the Planning Commission held a public
9 hearing to receive public testimony concerning the code amendments contained in this
10 ordinance and recommended adoption of the code amendments along with two
11 additional amendments described in its October 8, 2024, recommendation letter; and
12

13 WHEREAS, on _____, 2025, the County Council held a public hearing after
14 proper notice, and considered public comment and the entire record related to the code
15 amendments contained in this ordinance; and
16

17 WHEREAS, following the public hearing, the County Council deliberated on the
18 code amendments contained in this ordinance;
19

20 NOW, THEREFORE, BE IT ORDAINED:
21

22 **Section 1.** The County Council adopts the following findings in support of this
23 ordinance:
24

25 A. The foregoing recitals are adopted as findings as if set forth in full herein.
26

27 B. This ordinance will amend provisions in title 30 SCC to update regulations related to
28 ADUs. In particular, the amendments will allow detached ADUs on lots with urban
29 zoning that contain single family dwellings, single family attached dwellings, and
30 duplexes within certain configurations. This ordinance will also update county code
31 definitions related to ADUs to reflect recent changes in the GMA.
32

33 C. In considering the proposed amendments, the County evaluated historical
34 development patterns reflective of the interaction of housing market conditions and
35 regulations at various points in time, current market conditions, and GMA and other
36 regulatory requirements.
37

- 38 1. The County is facing an affordable housing crisis and housing stock shortage.
39 The purpose of the proposed amendments is to provide additional means to
40 diversify the County’s urban housing stock.

1
2 2. Recent legislation to address state-wide housing affordability issues creates a
3 mandate for the County to update its provisions for ADUs, which include:

- 4
5 a. Rephrasing to match new state definitions [RCW 36.70A.696],
6 b. Allowing new configurations of attached and detached ADUs [RCW
7 36.70A.681(1)(c)],
8 c. Allowing for the conversion of an existing nonconforming structure on a lot
9 into an ADU [RCW 36.70A.681(1)(j)], and
10 d. Removing a requirement for owner-occupancy in the County's definition of
11 ADU [RCW 36.70A.681(1)(b)].
12

13 D. In considering the proposed amendments, the Planning Commission recommended
14 two additional changes to proposed discretionary amendments to increase the minimum
15 lot coverage and reduce setback requirements to incentivize ADU construction in SCC
16 30.28.010(2)(d)(i)-(iii), which are incorporated into this ordinance.
17

18 E. This proposed ordinance contains the following change that was not presented to
19 the Planning Commission: Removal of architectural standards specific to ADUs that are
20 currently in SCC 30.28.010(1)(f) and (g) for compliance with RCW 36.70A.681(1)(h).
21 This change is based on the recommendation from the Washington State Department of
22 Commerce, whose review of the proposed ordinance occurred after the Planning
23 Commission hearing. RCW 36.70A.681(1)(h) provides that ADUs cannot be subject to
24 aesthetic requirements that are greater than required for the principal unit.
25

26 F. In considering the proposed amendments, the County considered the goals and
27 standards of the GMA. The proposed amendments are consistent with:
28

- 29 1. GMA Goal 2 – Reduce sprawl. Reduce the inappropriate conversion of
30 undeveloped land into sprawling, low-density development.
31

32 This ordinance provides for infill development on sites with single family
33 dwellings, attached single family dwellings, and duplexes in urban areas, thereby
34 increasing urban residential capacity and reducing pressure to convert rural
35 lands to housing.
36

- 37 2. GMA Goal 4 – Housing. Encourage the availability of affordable housing to all
38 economic segments of the population of this state, promote a variety of
39 residential densities and housing types, and encourage preservation of existing
40 housing stock.

1
2 Construction of detached ADUs diversifies the housing stock. Rent for ADUs is
3 often at below-market rates. Detached ADUs serve an important niche in the
4 housing market, as they are uniquely suited to provide low-cost housing options
5 for the County’s senior population, individuals with a disability, and younger
6 adults. The expansion of opportunities to construct detached ADUs also
7 encourages the preservation of existing housing stock by granting property
8 owners the means to generate additional sources of income as a rental unit or
9 through the sale of an ADU unit as a condominium.

10
11 G. The proposed amendments will better achieve, comply with, and implement the
12 goals and policies of the Puget Sound Regional Council’s Multicounty Planning Policies
13 (MPPs), including the following goals and policies:

- 14
15 1. MPP Housing Goal – The region will preserve, improve, and expand its housing
16 stock to provide a range of affordable, healthy, and safe housing choices to every
17 resident. The region will continue to promote fair and equal access to housing for
18 all people.

19
20 The proposed amendments will help to expand and improve the diversity of the
21 housing stock by reducing regulatory barriers on the construction of ADUs.
22 Allowing ADUs in more configurations in urban areas provides more access to
23 housing for people of moderate means.

- 24
25 2. MPP-H-1 – Provide a range of housing types and choices to meet the housing
26 needs of all income levels and demographic groups within the region.

27
28 MPP-H-2 – Achieve and sustain — through preservation, rehabilitation, and new
29 development — a sufficient supply of housing to meet the needs of low-income,
30 moderate-income, middle-income, and special needs individuals and households
31 that is equitably and rationally distributed throughout the region.

32
33 The proposed amendments will support MPP-H-1 and MPP-H-2 by allowing for
34 the construction of ADUs in more configuration in urban zones. Construction of
35 detached ADUs contributes to the County’s efforts to meet the necessary supply
36 of housing units for low-income, moderate-income, middle-income, and special
37 needs individuals.

38
39 H. The proposed amendments will better achieve, comply with, and implement the
40 Housing Goal of the Countywide Planning Policies (CPPs), which provides: “Snohomish

1 County and its cities will promote an affordable lifestyle where residents have access to
2 safe, affordable, and diverse housing options near their jobs and transportation options.”
3 The proposed amendments will support the housing goal in the CPPs by reducing the
4 regulatory barriers on the construction of detached ADUs, which will help to diversify the
5 housing options in urban areas that are close to employment and transportation options.
6

7 I. In considering the proposed amendments, the county considered the goals,
8 objectives, and policies of the 2024 Snohomish County GMA Comprehensive Plan
9 (GMACP). The proposed amendments will work to support, implement, and balance the
10 following goals, objectives, and policies in the GMACP:
11

- 12 1. Goal LU 1 – Establish and maintain compact, clearly defined, well designed
13 UGAs.

14
15 Objective LU 1.A – Establish UGAs with sufficient capacity to accommodate the
16 majority of the county’s projected population, employment, and housing growth
17 over the next 20 years.

18
19 Policy LU 1.A.8 – Ensure the efficient use of urban land by adopting reasonable
20 measures to increase residential, commercial and industrial capacity within urban
21 growth areas prior to expanding urban growth boundaries. The County Council
22 will use the list of reasonable measures in accordance with the guidelines for
23 review contained in Appendix D of the Countywide Planning Policies to evaluate
24 all UGA boundary expansions.
25

26 The amendments proposed by this ordinance would reduce regulatory barriers
27 on the construction of ADUs in urban zones. This reasonable measure will
28 increase residential capacity in UGAs thereby helping to accommodate growth
29 and the maintenance of compact UGAs.
30

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

33
34 The proposed amendments reduce regulatory barriers on the development of
35 ADUs in urban areas, supporting the development of a broad range of housing
36 types and affordability. The development of ADUs provides different housing
37 types and affordability levels in areas with a lack of affordability.
38

39 J. The proposed amendments implement action item 1.B.2 of the Housing Affordability
40 Regional Taskforce (HART) 2020 Report and Five-Year Action Plan, which provides:

1 “Revise local zoning to encourage Accessory Dwelling Units (ADU).” The proposed
2 amendments will comply with action item 1.B.2 by revising Snohomish County
3 regulations to facilitate the construction of detached ADUs in urban areas.
4

5 K. Procedural requirements.
6

- 7 1. The State Environmental Policy Act (SEPA), chapter 43.21C RCW, is applicable
8 to this non-project action. Snohomish County completed an environmental
9 checklist and issued a Determination of Non-Significance (DNS) on February 13,
10 2025, for this non-project proposal to Amend SCC Title 30 Standards for ADUs.
11 Amendments necessary for compliance with RCW 36.70A.681 are exempt from
12 legal challenge under SEPA.
13
- 14 2. The proposal is a Type 3 legislative action pursuant to SCC 30.73.010.
15
- 16 3. Pursuant to RCW 36.70A.106(1), a notice of intent to adopt this ordinance was
17 transmitted to the Washington State Department of Commerce for distribution to
18 state agencies on November 22, 2024, and assigned material number 2024-S-
19 7774.
20
- 21 4. The public participation process used in the adoption of this ordinance complies
22 with all applicable requirements of the GMA and the SCC.
23
- 24 5. The Washington State Attorney General last issued an advisory memorandum,
25 as required by RCW 36.70A.370, in October of 2024 entitled “Advisory
26 Memorandum: Avoiding Unconstitutional Takings of Private Property” to help
27 local governments avoid the unconstitutional taking of private property. The
28 process outlined in the State Attorney General’s 2024 advisory memorandum
29 was used by the County in objectively evaluating the regulatory changes
30 proposed by this ordinance.
31

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

- 34 1. The proposed amendments are consistent with the goals, policies, and objectives
35 of the MPPs, CPPs, and GMACP.
36
- 37 2. The proposed amendments are consistent with applicable federal, state, and
38 local laws and regulations.
39

1 3. The County has complied with all SEPA requirements with respect to this non-
2 project action.

3
4 4. The regulations proposed by this ordinance do not result in an unconstitutional
5 taking of private property for a public purpose.

6
7 **Section 3.** The County Council bases its findings and conclusions on the entire
8 legislative record, including all testimony and exhibits. Any finding which should be
9 deemed a conclusion, and any conclusion that should be a finding, is hereby adopted
10 as such.

11
12 **Section 4.** Snohomish County Code Section 30.28.010, last amended by
13 Ordinance No. 23-133 on December 12, 2023, is amended to read:

14
15 **30.28.010 Accessory dwelling units.**

16 Accessory dwelling units are allowed (~~(subordinate to a single-family dwelling in zones~~
17 ~~where single-family dwellings are permitted))~~) under SCC 30.22.100, 30.22.110, ~~((and))~~
18 30.22.120, and this section.

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

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

23 (b) An accessory dwelling unit must be on the same lot as a legally-established
24 principal unit;

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

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

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

34 ~~((e))~~ (f) Accessory dwelling units shall meet the off-street parking requirements
35 in chapter 30.26 SCC(~~;~~).

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

39 (g) ~~Detached accessory dwelling units shall be constructed such that exterior~~
40 ~~materials, roof form, window spacing, and proportions approximate those of the single-~~

1 ~~family dwelling. A detached accessory dwelling unit proposed for location within an~~
2 ~~existing accessory structure is not required to approximate the exterior features of the~~
3 ~~existing single family dwelling. A mobile home, where allowed as a detached accessory~~
4 ~~dwelling unit pursuant to subsection (3)(a)(ii) of this section, is not required to~~
5 ~~approximate the exterior features of the existing single family dwelling.)~~

6 (2) Urban zones. Accessory dwelling units are permitted uses in the urban zones
7 pursuant to SCC 30.22.100 on lots with a ~~((single family))~~ single family, single family
8 attached, or duplex dwelling ((pursuant to SCC 30.22.100)).

9 (a) When the principal unit is a single family dwelling, a maximum of two
10 accessory dwelling units are permitted on the lot containing the principal unit in the
11 following configurations:

12 (i) One attached accessory dwelling unit and one detached accessory
13 dwelling unit((~~may be established on lots that contain a legally established single family~~
14 dwelling.)):

15 (ii) Two attached accessory dwelling units; or

16 (iii) Two detached accessory dwelling units, which may be comprised of one
17 or two detached structures.

18 (b) When the principal unit is a single family attached dwelling, one accessory
19 dwelling unit is permitted on the lot containing the principal unit in the following
20 configurations:

21 (i) One attached accessory dwelling unit; or

22 (ii) One detached accessory dwelling unit. Two detached accessory dwelling
23 units on adjacent lots may be combined into a single detached structure provided each
24 accessory dwelling unit is configured on the same lot line as the corresponding principal
25 unit.

26 (c) When the principal unit is a duplex dwelling, a maximum of two accessory
27 dwelling units are permitted on the lot in the following configurations:

28 (i) Two attached accessory dwelling units;

29 (ii) One attached accessory dwelling unit and one detached accessory
30 dwelling unit; or

31 (iii) Two detached accessory dwelling units, which may be comprised of either
32 one or two detached structures.

33 (d) Bulk requirements of SCC 30.23.032 and 30.23.041 for the underlying zone
34 are modified as follows:

35 (i) The maximum lot coverage is increased to 55%;

36 (ii) Setbacks from private roads are reduced to five feet for new principal
37 units, accessory dwelling units, and covered parking structures;

38 (iii) Setbacks from public roads for accessory dwelling units are reduced as
39 follows:

1 (A) Five feet from public roads that are 60 feet wide and over and public
2 roads that are under 60 feet wide in a recorded subdivision, short-subdivision or binding
3 site plan, measured from the edge of the right-of-way; and

4 (B) From all other public roads under 60 feet wide described in SCC
5 30.23.049(4), the lesser of 35 feet measured from the right-of-way centerline or as
6 allowed under SCC 30.23.049(5), or an averaged setback under SCC 30.23.120(1); and

7 (iv) An existing structure that does not meet current setback or lot coverage
8 requirements may be converted into an accessory dwelling unit, provided the director
9 may impose additional conditions for approval necessary to ensure public health, safety,
10 and welfare.

11 (e) Any portion of a driveway or shared driveway providing access to three or
12 more dwelling units shall meet the fire lane requirements of SCC 30.53A.512.

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

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

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

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

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

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

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

29
30 **Section 5.** Snohomish County Code Section 30.28.070, adopted by Amended
31 Ordinance No. 02-064 on December 9, 2002, is amended to read:

32
33 **30.28.070 Nonconforming structures.**

34 The following requirements apply to nonconforming structures:

35 (1) Continuance. Any legally established nonconforming structure is permitted to
36 remain in the form and location in which it existed on the effective date of the
37 nonconformance;

38 (2) Improvements. Nonconforming structures may be structurally altered or enlarged
39 only if the setback, height, lot coverage, and open space requirements of the zone in
40 which the structure is located are met; ~~except ((that repair to))~~ when to:

1 (a) Repair the existing structure including ordinary maintenance or replacement
2 of walls, fixtures, or plumbing shall be permitted so long as the exterior dimensions of
3 the structure, as it existed on the effective date of the nonconformance, are not
4 increased; or

5 (b) Convert an existing nonconforming structure into an accessory dwelling unit
6 pursuant to SCC 30.28.010(2)(d)(iv);

7 (3) Restoration. A structure that is accidentally destroyed may be fully restored only
8 if the setback and yard requirements of chapter 30.23 SCC are met unless the structure
9 is listed on the National Register of Historic Places, Washington State Cultural
10 Resource Inventory, or Snohomish County Cultural Resource Inventory, in which case,
11 the structure may be restored and located in its former location despite noncompliance
12 with the bulk regulations:

13 (a) To restore a destroyed nonconforming structure, a building permit must be
14 submitted to the department within one year of the destruction; and

15 (b) A structure shall be considered destroyed for purposes of this section if the
16 restoration costs exceed 75 percent of assessed value of record when the damage
17 occurred.

18
19 **Section 6.** Snohomish County Code Section 30.66B.057, adopted
20 by Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

21
22 **30.66B.057 Review of duplex ((residential)) building permit applications.**

23 (1) A duplex residential building permit for a lot for which necessary mitigation as
24 required by this chapter was not provided at the time of lot creation, will be issued by
25 the director only after appropriate mitigation is provided in conformance with this
26 chapter.

27 (2) The director of public works is not required to review duplex residential building
28 applications. Application forms for all duplex residential building permits shall be
29 accompanied by a statement that development of every lot in the county with a new
30 duplex residence will have an impact on the road system that must be mitigated. The
31 statement shall outline the options available to the developer for providing necessary
32 mitigation as required by this chapter. An applicant shall inform the department of the
33 applicant's mitigation choice at the time of permit issuance.

34 (3) This section does not apply to residential or commercial building permits for
35 duplex dwellings that include accessory dwelling units.

36
37 **Section 7.** Snohomish County Code Section 30.91A.035, adopted by Amended
38 Ordinance No. 21-018 on June 9, 2021, is amended to read:

39
40 **30.91A.035 Accessory dwelling unit.**

1 "Accessory dwelling unit" means a dwelling unit that is located on the same lot as(
2 ~~under the same ownership as, and subordinate to a single-family dwelling unit~~) a
3 principal unit. An accessory dwelling unit must include facilities for living, sleeping,
4 eating, cooking, and sanitation for not more than one family.
5

6 **Section 8.** Snohomish County Code Section 30.91A.040, last amended by
7 Amended Ordinance No. 21-018 on June 9, 2021, is amended to read:
8

9 **30.91A.040 Accessory dwelling unit, attached.**

10 "Accessory dwelling unit, attached" ("Attached accessory dwelling unit") means an
11 accessory dwelling unit that shares at least one common wall with and is located in the
12 same structure as the (~~primary dwelling~~) principal unit.
13

14 **Section 9.** Snohomish County Code Section 30.91A.050, last amended by
15 Amended Ordinance No. 21-018 on June 9, 2021, is amended to read:
16

17 **30.91A.050 Accessory dwelling unit, detached.**

18 "Accessory dwelling unit, detached" ("Detached accessory dwelling unit") means an
19 accessory dwelling unit that is physically separated from and located in a different
20 structure than the (~~primary dwelling~~) principal unit.
21

22 **Section 10.** Snohomish County Code Section 30.91D.210, last amended by
23 Amended Ordinance No. 21-018 on June 9, 2021, is amended to read:
24

25 **30.91D.210 Development**

26 "Development" means all applications for development activity that will generate
27 vehicular traffic except for:

- 28 (1) Single-family dwellings;
- 29 (2) Structures accessory to a single family use that are not used for commercial
30 purposes;
- 31 (3) Attached or detached accessory dwelling units;
- 32 (4) Duplex conversions and duplex dwellings with accessory dwelling units;
- 33 (5) Temporary dwellings; or
- 34 (6) Portable classrooms for public k-12 schools utilizing existing access.
35

36 *This definition applies only to the concurrency and road impact mitigation regulations in*
37 *chapter 30.66B SCC.*
38

39 **Section 11.** Snohomish County Code Section 30.91D.460, last amended by
40 Amended Ordinance No. 12-049 on October 3, 2012, is amended to read:

1
2 **30.91D.460 Driveway.**

3 "Driveway" means a road network element that provides a single access for vehicles
4 and pedestrians to one lot serving a maximum of two dwelling units or four dwelling
5 units where two of the units are accessory dwelling units.

6
7 **Section 12.** Snohomish County Code Section 30.91D.465, last amended by
8 Amended Ordinance No. 12-049, on October 3, 2012, is amended to read:

9
10 **30.91D.465, Driveway, shared.**

11 "Driveway, shared" ("shared driveway") means a road network element that provides a
12 single vehicle and pedestrian access in a private tract or easement for two lots that
13 have no more than two dwelling units, four dwelling units where two of the units are
14 accessory dwelling units, or two Group U occupancies per lot.

15
16 **Section 13.** Snohomish County Code Section 30.91D.480, last amended by
17 Amended Ordinance No. 21-018 on June 9, 2021, is amended to read:

18
19 **30.91D.480 Duplex.**

20 "Duplex" means a residential structure containing two dwelling units that have a
21 contiguous wall, which structure is located on one lot. (~~The term does not include a~~
22 ~~mobile home, or a structure containing an attached or detached accessory dwelling~~
23 ~~unit.)) A duplex may also include attached or detached accessory dwelling units.~~

24
25 **Section 14.** Snohomish County Code Section 30.91D.500, adopted by Amended
26 Ordinance No. 02-064 on December 9, 2002, is amended to read:

27
28 **30.91D.500 Dwelling, multiple family.**

29 "Dwelling, multiple family" ("Multiple family dwelling") means a dwelling containing three
30 or more dwelling units, but excluding accessory dwelling units, townhouses, and mobile
31 homes.

32
33 **Section 15.** Snohomish County Code Section 30.91D.510, last amended by
34 Amended Ordinance No. 21-018 on June 9, 2021, is amended to read:

35
36 **30.91D.510 Dwelling, single family.**

37 "Dwelling, single family" ("Single family dwelling") means a dwelling containing
38 one dwelling unit, or the dwelling unit and ~~((an))~~ any attached or detached accessory
39 dwelling ~~((unit))~~ units. This term shall also include factory built housing constructed

1 pursuant to the standards delineated in RCW 43.22.455, as amended, and rules and
2 regulations promulgated pursuant thereto.

3
4 **Section 16.** Snohomish County Code Section 30.91D.515, last amended by
5 Amended Ordinance 24-061 on August 14, 2024, is amended to read:

6
7 **30.91D.515 Dwelling, single family attached.**

8 "Dwelling, single family attached" ("Single family attached dwelling") means a single-
9 family dwelling unit constructed in a group of two attached units in which each unit
10 extends from foundation to roof and with open space on at least two sides and which is
11 configured as a zero lot line development. A single family attached dwelling may also
12 include an attached or detached accessory dwelling unit for each principal unit. This
13 term does not include duplex.

14
15 **Section 17.** A new section is added to Chapter 30.91P of the Snohomish County
16 Code to read:

17
18 **30.91P.307 Principal unit.**

19 "Principal unit" means a single family dwelling, single family attached dwelling, or duplex
20 located on the same lot as any attached or detached accessory dwelling units, where
21 the term principal unit distinguishes such dwelling unit from any accessory dwelling
22 units.

23
24 **Section 18. Severability and Savings.** If any section, sentence, clause or phrase
25 of this ordinance shall be held to be invalid by the Growth Management Hearings Board
26 (Board), or unconstitutional by a court of competent jurisdiction, such invalidity or
27 unconstitutionality shall not affect the validity or constitutionality of any other section,
28 sentence, clause or phrase of this ordinance. Provided, however, that if any section,
29 sentence, clause or phrase of this ordinance is held to be invalid by the Board or court
30 of competent jurisdiction, then the section, sentence, clause or phrase in effect prior to
31 the effective date of this ordinance shall be in full force and effect for that individual
32 section, sentence, clause or phrase as if this ordinance had never been adopted.

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PASSED this ____ day of ____, 2025.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

Council Chair

ATTEST:

Clerk of the Council

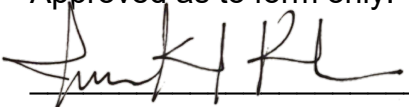
() APPROVED
() EMERGENCY
() VETOED

DATE: _____

County Executive

ATTEST:

Approved as to form only:

 2/12/2025

Deputy Prosecuting Attorney



Committee of the Whole

SNOHOMISH COUNTY COUNCIL

Council Initiated:

EXHIBIT # 3.2.001

Yes

Ryan Countryman

FILE ORD 25-014

No

ECAF: 2025-0765
Ordinance: 25-014

Type:

- Contract
- Board Appt.
- Code Amendment
- Budget Action
- Other

Requested Handling:

- Normal
- Expedite
- Urgent

Fund Source:

- General Fund
- Other
- N/A

Executive Rec:

- Approve
- Do Not Approve
- N/A

Approved as to

Form:

- Yes
- No
- N/A

Subject: Accessory Dwelling Unit Regulations

Scope: Ordinance 25-014 would revise Accessory Dwelling Unit (ADU) regulations, amending several existing sections in Snohomish County Code Title 30 and adding a new definition.

Fiscal Impact: Current Year Multi-Year N/A

Authority Granted: None

Background:

Ordinance 25-014 is based on a proposal sponsored by Councilmember Dunn to encourage more ADU development. The original proposal was referred to the Planning Commission by passage of [Motion 24-266](#). It included mandatory changes in response to recent legislation and discretionary changes to create further incentives for ADUs. Mandatory changes included allowing single family dwellings to have attached or two detached ADUs, removing an “under the same ownership” requirement that prevented sale of ADUs as condos, and a several other changes for consistency. Discretionary changes included allowing duplexes and attached single family dwellings to have ADUs and several bulk incentives to encourage more ADU development.

The Planning Commission recommended approval of the ordinance with two amendments. One amendment would give further flexibility in project design related to setbacks from public road. The second was a further increase in the maximum lot coverage. Ordinance 25-014 includes the Planning Commission recommendations. The ordinance also includes removal of existing requirements related to architectural consistency based on input from the Washington State Department of Commerce.

Appendix A provides a summary of the major discretionary and mandatory changes. Appendix B discusses recent legislation on ADUs. Appendix C provides a section-by-section analysis of the ordinance, which includes secondary code amendments necessary to implement the discretionary and mandatory changes.

Request:

Set time and date for a public hearing on Ordinance 25-014.
Suggested: March 19, 2025, at 10:30 a.m.

Appendix A: Summary of Major Changes

This Appendix summarizes the proposed ordinance. It then gives details on recent legislation that mandated some of the changes and authorized other changes described here as discretionary.

Summary of Proposal:

Many changes in Ordinance 25-014 involve amendments to SCC 30.28.010. Currently, only single family residences may have ADUs. In urban zones, Ord 25-014 would allow duplexes and attached single family dwellings to also have ADUs. Ord 25-014 would also remove architectural standards specific to ADUs that are currently in SCC 30.28.010(1)(f) and (g) for compliance with RCW 36.70A.681(1)(h).

- Single family dwellings may have a maximum of two accessory units per lot, including:
 - One attached ADU (currently allowed)
 - One detached ADU (currently allowed)
 - One attached *and* one detached (currently allowed)
 - Two attached ADUs (mandated)
 - Two detached ADUs, comprised of either one or two detached structures (mandated)
- Duplex dwellings may have a maximum of two accessory units per lot, including:
 - One attached ADU (discretionary)
 - One detached ADU (discretionary)
 - One attached *and* one detached (discretionary)
 - Two attached ADUs (discretionary)
 - Two detached ADUs, comprised of either one or two detached structures (discretionary)
- Attached single family dwellings may have a maximum of one accessory unit per lot, including:
 - One attached ADU (discretionary)
 - One detached ADU (discretionary)

Ordinance 25-014 includes new incentives related to bulk regulations to encourage more ADU development that would apply to sites with urban zoning. One is mandatory and the others are incentives to develop ADUs.

- Exemptions for converting existing structures to ADUs (mandated)
- Increase the maximum lot coverage increases to 55% (currently 35%, proposed to be 40% by Motion 24-266, and proposed to be 55% by the Planning Commission based on public input during the commission hearing)
- Reduced setbacks from private road easements (discretionary)
- Reduced setbacks from public and private road rights-of-way (added by the Planning Commission based on public comment and input from Planning and Development Services regarding phrasing)

Appendix B: Recent Legislation

In 2020, the Washington State Legislature enacted Engrossed Substitute Senate Bill 6617 (ESSB 6617). This established new definitions for Accessory Dwelling Unit (ADU), Attached Accessory Dwelling Unit (AADU), and Detached Accessory Dwelling Unit (DADU). These are now parts of the Growth Management Act (GMA) at RCW 36.70A.696(1), (2), and (5), respectively. The proposed ordinance includes many minor rephrasing changes for consistency with these new GMA definitions.

Regarding the discretionary changes in the proposed ordinance, it is important to note that ESSB 6617 defines ADUs as meaning a “dwelling unit located on the same lot as a single-family housing unit, duplex, [...] or other housing unit.” The proposed ordinance relies on this change to allow duplexes and attached single family dwellings (i.e., subdivided duplexes)¹ to have ADUs. ADUs associated with duplexes and attached single family dwellings are thus discretionary options enabled by ESSB 6617.

In 2021, the Legislature enacted Engrossed Substitute Senate Bill 5235 (ESSB 5235). Among other changes this added a clarification that detached ADUs must be on the same property as other units. The definition of detached ADU in RCW 36.70A.696(5) now reads “‘Detached accessory dwelling unit’ means an accessory dwelling unit that consists partly or entirely of a building that is separate and detached from a single-family housing unit, duplex, triplex, townhome, or other housing unit and is on the same property”. Being on the same property means that someone cannot subdivide a detached ADU onto a new lot and still be consider the detached unit to be an ADU.²

In 2023, the Legislature enacted House Bill 1337 (HB 1337). Among other things, HB 1337 established a definition of “principal unit” in the context of ADUs (RCW 36.70A.696(10)). This requires updated terminology in county code applicable to all ADUs for consistency.

HB 1337 also enacted RCW 36.70A.680 and .681. Section .680 says that cities and counties planning under GMA must update development regulations for ADUs to implement Section .681 within “six months after the jurisdiction’s next periodic plan update” (RCW 36.70A.680(1)(a)). Since Snohomish County’s next periodic plan update must be complete by December 31, 2024, this requirement means

¹ The process of subdividing to add a lot line through a duplex is what makes the difference between a duplex and two attached single family residences. Subdivisions are subject to [RCW Chapter 58.17](#), duplexes are not. This procedural difference means that ADUs associated with attached single family dwellings may be subject to different requirements than ADUs associated with a duplex even though the physical layout is identical. For example, [RCW 58.17.060](#) requires “sidewalk and other planning features that assure safe walking conditions” which results in frontage improvement requirements for the subdivision to create the attached single family dwelling. A duplex with ADUs is exempt from frontage improvements because both types of housing are exempt from [SCC 30.66B](#). Further, the county may not begin requiring frontage improvements solely to permit the ADU per [RCW 36.70A.681\(1\)\(l\)](#) which says that a “county may not require public street improvements as a condition of permitting accessory dwelling units”.

² A detached ADU could receive a conversion permit as part of a subdivision to make it a single family unit on its own lot. However, that process also involves meeting other requirements applicable to single family dwellings in subdivisions such as paying impact fees, providing parking, and making any necessary frontage improvements.

that the County must adopt provisions compliant with Section .681 by June 30, 2025. Section .681 applies just urban growth areas per Subsection .680(2). Therefore, within UGAs, HB 1337 requires the following changes by June 30, 2025:

1. A “county may not require the owner of a lot on which there is an accessory dwelling unit to reside in or occupy the accessory dwelling unit or another housing unit on the same lot” (RCW 36.70A.681(1)(b)).³ This requires updating Snohomish County’s definition of ADU to remove the “under the same ownership” phrasing in SCC 30.91A.035.
2. Counties must allow ADUs in certain configurations within urban zones (RCW 36.70A.681(1)(c)). County code does not yet allow some of the mandated configurations. These are the “mandated” configurations listed on page A-1.
3. A “city or county may not prohibit the sale or other conveyance of a condominium unit independently of a principal unit solely on the grounds that the condominium unit was originally built as an accessory dwelling unit” (RCW 36.70A.681(1)(k)). This also requires removal of the “under the same ownership” phrasing in SCC 30.91A.035.
4. A “county must allow accessory dwelling units to be converted from existing structures, including but not limited to detached garages, even if they violate current code requirements for setbacks or lot coverage” (RCW 36.70A.681(1)(j)). This is the origin of the bulk exception described on page A-1 as “mandatory”.

³ This requirement is one of several examples where HB 1337 creates differences in the meaning of ADU under GMA, county codes adopted under GMA, and the International Residential Code (IRC). The IRC requires that the “owner of a property containing an ADU shall reside either in the primary dwelling unit or the ADU as of the date of permit approval” ([2024 IRC Appendix BC Condition BC101.2\(3\)](#)). Some buildings that meet GMA and local definitions of ADU would have other residential or commercial classifications under IRC.

Appendix C: Section-By-Section Analysis

Sections 1 to 3 of the proposed ordinance provide findings and conclusions to support the substantive changes in later sections.

Section 4 amends SCC 30.28.010 which contains many of the provisions for ADUs. This is a lengthy code section, so this analysis addresses it one part at a time.

Edits to the main section reflect that ADUs are no longer a subordinate use. Additional phrasing referring to this section allows duplexes and attached single family dwellings to have ADUs as described later for this section.

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, and this section.

The new principal unit phrasing is for consistency with HB 1337 and appears throughout the ordinance. The addition of language about unheated storage areas in (1)(e) addresses attics and other unoccupied space.

- (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) An accessory dwelling unit must be on the same lot as a legally-established principal unit;
 - ~~((b))~~ (c) 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;
 - ~~((e))~~ (d) 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;
 - ~~((e))~~ (e) The floor area of an accessory dwelling unit shall not exceed 1,200 square feet. Floor areas shall be exclusive of garages, porches, unheated storage areas, and unfinished basements; and
 - ~~((e))~~ (f) Accessory dwelling units shall meet the off-street parking requirements in chapter 30.26 SCC(~~(;)~~).

The Washington State Department of Commerce provided comment on current subsections (1)(f) and (g) after the Planning Commission had made its recommendations. Commerce observed that these sections appear to conflict with new limitations on local regulation of aesthetics in [RCW 36.70A.681\(1\)\(h\)](#).

- ~~((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 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.)~~

The addition of new dwelling types in subsection (2) means that these may now have ADUs in urban zones. The rest of subsection (2) is then reformatted. (2)(a) addresses ADU configurations associated with single family dwellings. (2)(b) addresses ADUs with attached single family dwellings. (2)(c) ADUs with duplexes. (2)(d) has new bulk requirements for ADUs associated with any type of principal unit in an urban zone.

(2) Urban zones. Accessory dwelling units are permitted uses in the urban zones pursuant to SCC 30.22.100 on lots with a ~~((single family))~~ single family, single family attached, or duplex dwelling ~~((pursuant to SCC 30.22.100)).~~

Changes to (2)(a) and (2)(a)(i) are part of the reformatting and rephrasing described above. The additions of (2)(a)(ii) and (iii) are both to allow new configurations mandated by HB 1337.

[2](a) When the principal unit is a single family dwelling, a maximum of two accessory dwelling units are permitted on the lot containing the principal unit in the following configurations:

(i) One attached accessory dwelling unit and one detached accessory dwelling unit~~((may be established on lots that contain a legally established single family dwelling.))~~;

(ii) Two attached accessory dwelling units; or

(iii) Two detached accessory dwelling units, which may be comprised of one or two detached structures.

The addition of (2)(b) is discretionary and will allow attached single-family dwellings to have ADUs. Each attached single family unit may only have one ADU. Since attached single family dwellings are otherwise a duplex with a lot line through the middle, the configurations in (2)(b) allow the same physical arrangement as proposed in (2)(c) to have a lot line through the middle.

[2](b) When the principal unit is a single family attached dwelling, one accessory dwelling unit is permitted on the lot containing the principal unit in the following configurations:

(i) One attached accessory dwelling unit; or

(ii) One detached accessory dwelling unit. Two detached accessory dwelling units on adjacent lots may be combined into a single detached structure provided each accessory dwelling unit is configured on the same lot line as the corresponding principal unit.

The addition of (2)(c) is discretionary and will allow duplexes to have up to two accessory units, or a maximum of four total units on a lot.

[2](c) When the principal unit is a duplex dwelling, a maximum of two accessory dwelling units are permitted on the lot in the following configurations:

(i) Two attached accessory dwelling units;

(ii) One attached accessory dwelling unit and one detached accessory dwelling unit; or

(iii) Two detached accessory dwelling units, which may be comprised of either one or two detached structures.

The addition of (2)(d) adds bulk regulation incentives to construct ADUs. Subsection (2)(d)(i) reflects a Planning Commission recommendation to increase the maximum lot coverage to 55% (current regulations allow 35% and Motion 24-266 had proposed a 5% incentive which would have allowed 40%). (2)(d)(ii) provides relief from private road setbacks as proposed in Motion 24-266. Subsection (2)(d)(iii) provides relief from public road setbacks and is based on language that PDS helped draft in response to public comment on this issue. Subsection (2)(d)(iv) provides mandated language to comply with and exemption created by HB 1337, and it clarifies that the conversion of non-conforming buildings into ADUs must still meet other requirements.

[2](d)Bulk requirements of SCC 30.23.032 and 30.23.041 for the underlying zone are modified as follows:

(i) The maximum lot coverage is increased to 55%;

(ii) Setbacks from private roads are reduced to five feet for new principal units, accessory dwelling units, and covered parking structures;

(iii) Setbacks from public roads for accessory dwelling units are reduced as follows:

(A) Five feet from public roads that are 60 feet wide and over and public roads that are under 60 feet wide in a recorded subdivision, short-subdivision or binding site plan, measured from the edge of the right-of-way; and

(B) From all other public roads under 60 feet wide described in SCC 30.23.049(4), the lesser of 35 feet measured from the right-of-way centerline or as allowed under SCC 30.23.049(5), or an averaged setback under SCC 30.23.120(1); and

(iv) An existing structure that does not meet current setback or lot coverage requirements may be converted into an accessory dwelling unit, provided the director may impose additional conditions for approval necessary to ensure public health, safety, and welfare.

The addition of (2)(e) ensures that access requirements for ADUs also meet fire code requirements.

[2](e) Any portion of a driveway or shared driveway providing access to three or more dwelling units shall meet the fire lane requirements of SCC 30.53A.512.

Subsection (3) leaves ADU standards outside urban zones unchanged.

Section 5 responds to the HB 1337's mandatory allowance for converting non-conforming structures into ADUs by making secondary amendments to SCC 30.28.070.

30.28.070 Nonconforming structures.

The following requirements apply to nonconforming structures:

(1) Continuanace. Any legally established nonconforming structure is permitted to remain in the form and location in which it existed on the effective date of the nonconformance;

(2) Improvements. Nonconforming structures may be structurally altered or enlarged only if the setback, height, lot coverage, and open space requirements of the zone in which the structure is located are met; except ~~((that repair to))~~ when to:

(a) Repair the existing structure including ordinary maintenance or replacement of walls, fixtures, or plumbing shall be permitted so long as the exterior dimensions of the structure, as it existed on the effective date of the nonconformance, are not increased; or

(b) Convert an existing nonconforming structure into an accessory dwelling unit pursuant to SCC 30.28.010(2)(d)(iv);

(3) Restoration. *[No changes]*

Section 6 clarifies that building permits for duplexes with ADUs do not activate SCC 30.66B.057. Depending on the configuration of a duplex with attached ADUs, the structure may require either a residential or a commercial building permit.

30.66B.057 Review of duplex ((residential)) building permit applications.

(1) A duplex residential building permit for a lot for which necessary mitigation as required by this chapter was not provided at the time of lot creation, will be issued by the director only after appropriate mitigation is provided in conformance with this chapter.

(2) The director of public works is not required to review duplex residential building applications. Application forms for all duplex residential building permits shall be accompanied by a statement that development of every lot in the county with a new duplex residence will have an impact on the road system that must be mitigated. The statement shall outline the options available to the developer for providing necessary mitigation as required by this chapter. An applicant shall inform the department of the applicant's mitigation choice at the time of permit issuance.

(3) This section does not apply to residential or commercial building permits for duplex dwellings that include accessory dwelling units.

Sections 7 to 9. Amends how Snohomish County defines Accessory Dwelling Units in SCC 30.91A.035, attached ADUs in SCC 30.91A.040, and detached ADUs in SCC 30.91A.050, respectively for compliance with recent legislation. ADUs no longer need to be under the same ownership as a single family dwelling or a subordinate use. Other types of dwellings are now eligible to sever as a principal unit on the same lot. The addition of language about sharing a common wall in the definition of attached ADUs is to clarify that breezeways do not count as a connection making an ADU "attached".

[Section 7] 30.91A.035 Accessory dwelling unit.

"Accessory dwelling unit" means a dwelling unit that is located on the same lot as ~~((, under the same ownership as, and subordinate to a single family dwelling unit))~~ a principal unit. An accessory dwelling unit must include facilities for living, sleeping, eating, cooking, and sanitation for not more than one family.

[Section 8] 30.91A.040 Accessory dwelling unit, attached.

"Accessory dwelling unit, attached" ("Attached accessory dwelling unit") means an accessory dwelling unit that shares at least one common wall with and is located in the same structure as the ~~((primary dwelling))~~ principal unit.

[Section 9] 30.91A.050 Accessory dwelling unit, detached.

"Accessory dwelling unit, detached" ("Detached accessory dwelling unit") means an accessory dwelling unit that is physically separated from and located in a different structure than the ~~((primary dwelling))~~ principal unit.

Section 10 clarifies that duplex dwellings with accessory dwelling units are not a type of “development” that is subject to road impact mitigation under SCC 30.66B.

30.91D.210 Development

"Development" means all applications for development activity that will generate vehicular traffic except for:

- (1) Single-family dwellings;
- (2) Structures accessory to a single family use that are not used for commercial purposes;
- (3) Attached or detached accessory dwelling units;
- (4) Duplex conversions and duplex dwellings with accessory dwelling units;
- (5) Temporary dwellings; or
- (6) Portable classrooms for public k-12 schools utilizing existing access.

This definition applies only to the concurrency and road impact mitigation regulations in chapter 30.66B SCC.

Section 11 amends the definition of “Driveway” in SCC 30.91D.460. Driveways provide access to a single lot. Changes would allow a single driveway to serve the proposed configuration of a duplex with two ADUs (or four units on one lot).

30.91D.460 Driveway.

"Driveway" means a road network element that provides a single access for vehicles and pedestrians to one lot serving a maximum of two dwelling units or four dwelling units where two of the units are accessory dwelling units.

Section 12 amends the definition of “Shared Driveway” in SCC 30.91D.465. Shared driveways provide access to two lots. Change would allow a shared driveway to serve lots where each lot has a duplex and two ADUs.

30.91D.465, Driveway, shared.

"Driveway, shared" ("shared driveway") means a road network element that provides a single vehicle and pedestrian access in a private tract or easement for two lots that have no more than two dwelling units, four dwelling units where two of the units are accessory dwelling units, or two Group U occupancies per lot.

Section 13 amends the definition of “Duplex” in SCC 30.91D.480 for consistency with other changes in the proposed ordinance. Deletion of the sentence excluding mobile homes and ADUs is consistent the definitions for those dwelling types. The proposed clarifying language that a “duplex may include attached or detached accessory dwelling units” is because the vernacular meaning of a duplex as a two unit building does not include the newly authorized uses of ADUs along with a principal unit that is a duplex.

30.91D.480 Duplex.

"Duplex" means a residential structure containing two dwelling units that have a contiguous wall, which structure is located on one lot. ~~((The term does not include a mobile home, or a structure containing an attached or detached accessory dwelling unit.))~~ A duplex may also include attached or detached accessory dwelling units.

Section 14 amends the definition of “Multiple Family Dwelling” in SCC 30.91D.500 to clarify that ADUs are not part of what makes a building multiple family in the zoning code.

30.91D.500 Dwelling, multiple family.

"Dwelling, multiple family" ("Multiple family dwelling") means a dwelling containing three or more dwelling units, but excluding accessory dwelling units, townhouses and mobile homes.

Section 15 amends the definition of Single Family Dwelling in SCC 30.91D.510 to reflect that such units may have two ADUs in urban zones.

30.91D.510 Dwelling, single family.

"Dwelling, single family" ("Single family dwelling") means a dwelling containing one dwelling unit, or the dwelling unit and ~~((an))~~ any attached or detached accessory dwelling ~~((unit))~~ units. This term shall also include factory built housing constructed pursuant to the standards delineated in RCW 43.22.455, as amended, and rules and regulations promulgated pursuant thereto.

Section 16 amends the definition of Attached Single Family Dwelling in SCC 30.91D.515 so that these may include ADUs.

30.91D.515 Dwelling, single family attached.

"Dwelling, single family attached" ("Single family attached dwelling") means a single-family dwelling unit constructed in a group of two attached units in which each unit extends from foundation to roof and with open space on at least two sides and which is configured as a zero lot line development. A single family attached dwelling may also include an attached or detached accessory dwelling unit for each principal unit. This term does not include duplex.

Section 17 adds a new section SCC 30.91P.307 to define “Principal Unit”. This definition is consistent with HB 1337 but only includes those types of principal units that would be authorized to have ADUs under this ordinance.

30.91P.307 Principal unit.

“Principal unit” means a single family dwelling, single family attached dwelling, or duplex located on the same lot as any attached or detached accessory dwelling units, where the term principal unit distinguishes such dwelling unit from any accessory dwelling units.

Section 18 is a standard severability and savings clause.



Snohomish County Council

To: Snohomish County Planning Commission

From: Snohomish County Council
Ryan Countryman, Senior Legislative Analyst

Report Date: August 12, 2024

Briefing Date: August 27, 2024

Subject: Staff Report on Accessory Dwelling Units

Introduction

By [Motion 24-266](#), the Snohomish County Council is requesting review and recommendation by the Planning Commission on a proposed ordinance and possible amendment to the ordinance related to Accessory Dwelling Units (ADUs).

The proposed ordinance includes both mandatory and discretionary changes. Mandated changes include allowing single family residences in urban areas to have two attached or two detached ADUs. ([SCC 30.28.010](#) currently allows one attached and one detached ADU in urban zones). Legislation also requires allowing sale of ADUs as condominiums. Allowing condos requires changing Snohomish County's definition of ADU in [SCC 30.91A.035](#) to no longer specify that they be "under the same ownership" as the principal unit. Discretionary changes include allowing duplexes to have two ADUs (up to four total units on a lot). The ordinance also proposes discretionary bulk incentives to encourage more ADU development.

County Council staff is providing this staff report to the Planning Commission for a briefing on August 27, 2024. The Planning Commission could potentially hold its public hearing on September 24, 2024.

Background

Snohomish County faces a well-documented shortage of affordable housing options. ADUs are smaller units located on the same lot as a larger principal unit. Since 1992, Snohomish County has allowed ADUs (then called Accessory Apartments) as a tool to encourage market-based production of relatively affordable housing. Regulations have evolved over time. Current cost-advantages that ADUs have over other types of housing include the smaller size, reduced parking, and easier permitting. Recent legislation requires that Snohomish County do more to allow ADUs in urban areas by June 30, 2025 (and make some other changes by the same time). The legislation also created new discretionary ways to encourage urban ADU production.

Sponsored by Councilmember Megan Dunn, the proposed ordinance was prepared to make the mandated changes and would also to include discretionary changes to encourage more ADUs. This draft ordinance is an attachment to Motion 24-266 which the County Council passed on July 10, 2024. The motion transmits the proposed ordinance to the Planning Commission for review and recommendation back to the Council.

The County Council is also asking the Planning Commission to review a potential amendment for possible inclusion in its recommendation back to the Council. This amendment to the ordinance is based on a public comment received by the Council on July 2, 2024, when they were discussing the motion to refer the ordinance to the Planning Commission. The amendment would allow reduction in setbacks from road rights-of-way.

The next section summarizes the major changes in the proposed ordinance. After that, this report describes the recent legislation which mandates some of the changes. There is then a section-by-section analysis of the proposed ordinance which identifies those changes that would be discretionary and those which are mandatory. There is a description of the proposed setback amendment before the staff report provides its policy analysis and procedural closing.

Summary of Proposal

The major changes in the proposed ordinance involve changes to SCC 30.28.010. Currently, only single family residences may have ADUs. In the proposed ordinance, duplexes and attached single family dwellings could also have ADUs. There are no substantive changes proposed for rural, resource, or "Other" non-urban zones. As proposed for urban zones:

- Single family dwellings may have a maximum of two accessory units per lot, including:
 - One attached ADU (currently allowed)¹
 - One detached ADU (currently allowed)
 - One attached *and* one detached (currently allowed)
 - Two attached ADUs (mandated)²
 - Two detached ADUs, comprised of either one or two detached structures (mandated)

¹ A single family dwelling with an attached ADU is different than a duplex in several ways. ADUs have a maximum unit area of 1,200 square feet, no parking requirement in urban zones, and are exempt from current pay impact fees. Duplex units may be of any size, each unit requires two parking spaces, and impact fees are due for each unit.

² A single family dwelling with two attached ADUs is an entirely new concept mandated by the Legislature. In the proposed zoning changes, this differs from a three unit multifamily dwelling. The accessory units each have a 1,200 square foot size limitation, no parking requirement, and are exempt impact fees and making road frontage improvements. Three unit multifamily dwellings have no size limitations, must provide two parking spaces per unit, impact fees are due for each unit, and building permit approval may require making road frontage improvements. Under the building code, a single-family dwelling with two attached ADUs may be subject to commercial building standards if designed as three stacked flats or the building may be subject to residential building standards if the designed to meet the building code definition on townhomes.

- Duplex dwellings may have a maximum of two accessory units per lot, including:
 - One attached ADU (discretionary)
 - One detached ADU (discretionary)
 - One attached *and* one detached (discretionary)
 - Two attached ADUs (discretionary)
 - Two detached ADUs, comprised of either one or two detached structures (discretionary)
- Attached single family dwellings may have a maximum of one accessory unit per lot, including:
 - One attached ADU (discretionary)
 - One detached ADU (discretionary)

The proposed ordinance also includes new exceptions to bulk standards. These would apply to sites with urban zoning proposing ADUs. One is mandatory and the others are incentives to develop ADUs.³

- Exemptions for converting existing structures to ADUs (mandated)
- Maximum lot coverage increases by 5% (discretionary)
- Reduced setbacks from private road easements (discretionary)

Recent Legislation

In 2020, the Washington State Legislature enacted Engrossed Substitute Senate Bill 6617 (ESSB 6617). This established new definitions for Accessory Dwelling Unit (ADU), Attached Accessory Dwelling Unit (AADU), and Detached Accessory Dwelling Unit (DADU). These are now parts of the Growth Management Act (GMA) at RCW 36.70A.696(1), (2), and (5), respectively. The proposed ordinance includes many minor rephrasing changes for consistency with these new GMA definitions.

Regarding the discretionary changes in the proposed ordinance, it is important to note that ESSB 6617 defines ADUs as meaning a “dwelling unit located on the same lot as a single-family housing unit, duplex, [...] or other housing unit.” The proposed ordinance relies on this change to allow duplexes and attached single family dwellings (i.e., subdivided duplexes)⁴ to have ADUs.

³ The proposed amendment discussed later in this report would add another discretionary bulk standard incentive to develop more ADUs.

⁴ The process of subdividing to add a lot line through a duplex is what makes the difference between a duplex and two attached single family residences. Subdivisions are subject to [RCW Chapter 58.17](#), duplexes are not. This procedural difference means that ADUs associated with attached single family dwellings may be subject to different requirements than ADUs associated with a duplex even though the physical layout is identical. For example, [RCW 58.17.060](#) requires “sidewalk and other planning features that assure safe walking conditions” which results in frontage improvement requirements for the subdivision to create the attached single family dwelling. A duplex with ADUs is exempt from frontage improvements because both types of housing are exempt from [SCC 30.66B](#). Further, the county may not begin requiring frontage improvements solely to permit the ADU

ADUs associated with duplexes and attached single family dwellings are discretionary options enabled by ESSB 6617.

In 2021, the Legislature enacted Engrossed Substitute Senate Bill 5235 (ESSB 5235). Among other changes this added a clarification that detached ADUs must be on the same property as other units. The definition of detached ADU in RCW 36.70A.696(5) now reads “‘Detached accessory dwelling unit’ means an accessory dwelling unit that consists partly or entirely of a building that is separate and detached from a single-family housing unit, duplex, triplex, townhome, or other housing unit and is on the same property”. Being on the same property means that someone cannot subdivide a detached ADU onto a new lot. If this happens, the detached unit would no longer be an ADU.⁵

In 2023, the Legislature enacted House Bill 1337 (HB 1337). Among other things, HB 1337 established a definition of “principal unit” in the context of ADUs (RCW 36.70A.696(10)). This requires updated terminology in county code applicable to all ADUs for consistency.

HB 1337 also enacted RCW 36.70A.680 and .681. Section .680 says that cities and counties planning under GMA must update development regulations for ADUs to implement Section .681 within “six months after the jurisdiction’s next periodic plan update” (RCW 36.70A.680(1)(a)). Since Snohomish County’s next periodic plan update must be complete by December 31, 2024, this requirement means that the County must adopt provisions compliant with Section .681 by June 30, 2025. Section .681 applies just urban growth areas per Subsection .680(2). Therefore, within UGAs, HB 1337 requires the following changes by June 30, 2025:

1. A “county may not require the owner of a lot on which there is an accessory dwelling unit to reside in or occupy the accessory dwelling unit or another housing unit on the same lot” (RCW 36.70A.681(1)(b)).⁶ This requires updating Snohomish County’s definition of ADU to remove the “under the same ownership” phrasing in SCC 30.91A.035.
2. Counties must allow ADUs in certain configurations within urban zones (RCW 36.70A.681(1)(c)). County code does not yet allow some of the mandated configurations. These are the “mandated” configurations listed on page A-1.
3. A “city or county may not prohibit the sale or other conveyance of a condominium unit independently of a principal unit solely on the grounds that the condominium unit was

per [RCW 36.70A.681\(1\)\(l\)](#) which says that a “county may not require public street improvements as a condition of permitting accessory dwelling units”.

⁵ A detached ADU could receive a conversion permit as part of a subdivision to make it a single family unit on its own lot. However, that process also involves meeting other requirements applicable to single family dwellings in subdivisions such as paying impact fees, providing parking, and making any necessary frontage improvements.

⁶ This requirement is one of several examples where HB 1337 creates differences in the meaning of ADU under GMA, county codes adopted under GMA, and the International Residential Code (IRC). The IRC requires that the “owner of a property containing an ADU shall reside either in the primary dwelling unit or the ADU as of the date of permit approval” ([2024 IRC Appendix BC Condition BC101.2\(3\)](#)). Some buildings that meet GMA and local definitions of ADU would have other residential or commercial classifications under IRC.

originally built as an accessory dwelling unit” (RCW 36.70A.681(1)(k)). This also requires removal of the “under the same ownership” phrasing in SCC 30.91A.035.

4. A “county must allow accessory dwelling units to be converted from existing structures, including but not limited to detached garages, even if they violate current code requirements for setbacks or lot coverage” (RCW 36.70A.681(1)(j)). This is the origin of the bulk exception described on page A-1 as “mandatory”.

Proposed Ordinance

Sections 1 to 3 of the proposed ordinance provide findings and conclusions to support the substantive changes in later sections.

Section 4 amends SCC 30.28.010 which contains many of the provisions for ADUs. This is a lengthy code section, so this analysis addresses it one part at a time.

Edits to the main section reflect that ADUs are no longer a subordinate use. Duplexes and attached single family dwellings will now be able to have ADUs. The new principal unit phrasing is for consistency with HB 1337 and appears throughout the ordinance. The ordinance moves the phrase “legally established” here since it is a basic requirement for all ADUs that appears multiple places as the code is currently written.⁷

30.28.010 Accessory dwelling units.

Accessory dwelling units are allowed (~~(subordinate to a single family dwelling in zones where single family dwellings are)~~) as permitted ((under)) in SCC 30.22.100, 30.22.110, and 30.22.120. An accessory dwelling unit, by definition, must be on the same lot as a principal unit. The principal unit must be a legally established single family dwelling, attached single family dwelling, or duplex dwelling.

The addition of language about unheated storage areas in (1)(d) addresses attics and other unoccupied space. In (1)(f), the addition of a common wall requirement is to address scenarios where applicants who were unable to apply for a detached ADU instead submitted plans where a breezeway attached the ADU to the principal unit by some distance. A breezeway connection may make things one structure under some definitions, but this design does not meet the common understanding where attached units must share a common wall.

- (1) General standards. All accessory dwelling units shall comply with the following standards:
 - (a) to (c) *[No changes]*

⁷ This proposed rephrasing also address potential confusion about differences in permitting of ADUs and of single-family dwellings in the use matrices of SCC 30.22.100, 30.22.110, and 30.22.120. For instance, SCC 30.22.110 allows ADUs but not new single family dwellings in Rural Business zoning. This means that pre-existing single family dwellings that do not conform to RB zoning may have an ADU. This has been the case since at least 2002 when Ordinance 02-064 consolidated previous requirements into Title 30 SCC. Conversely, SCC 30.22.100 currently allows duplexes in Business Park zoning some situations, but the new provisions allowing urban duplexes in general to have ADUs would not mean that duplexes in BP zoning could have ADUs.

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

(e) *[No changes]*

(f) Attached accessory dwelling units shall share at least one common wall and be designed such that the architectural character of the ~~((primary dwelling))~~ principal unit is preserved. Exterior materials, roof form, window spacing, and proportions shall match that of ~~((primary dwelling))~~ principal unit; 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))~~ principal unit. 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))~~ principal unit. 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.

The addition of “attached single-family or duplex” dwelling in subsection (2) means that these dwelling types may now have ADUs in urban zones. The rest of subsection (2) is then reformatted. (2)(a) addresses ADU configurations associated with single family dwellings. (2)(b) addresses ADUs with attached single family dwellings. (2)(c) ADUs with duplexes. (2)(d) has new bulk requirements for ADUs associated with any type of principal unit in an urban zone.

(2) Urban zones. Accessory dwelling units are permitted uses in the urban zones on lots with a legally-established single-family, attached single-family or duplex dwelling pursuant to SCC 30.22.100.

Changes to (2)(a) and (2)(a)(i) are part of the reformatting and rephrasing described above. The additions of (2)(a)(ii) and (iii) are both to allow new configurations mandated by HB 1337.

[2](a) When the principal unit is a single-family dwelling, a maximum of two accessory dwelling units are permitted on the lot containing the principal unit in the following configurations:

(i) One attached accessory dwelling unit and one detached accessory dwelling unit ((may be established on lots that contain a legally-established single-family dwelling-));

(ii) Two attached accessory dwelling units;

(iii) Two detached accessory dwelling units where such detached units may be comprised of either one or two detached structures; and

The addition of (2)(b) is discretionary and will allow attached single-family dwellings to have ADUs. Each attached single family unit may only have one ADU. Since attached single family dwellings are otherwise a duplex with a lot line through the middle, the configurations in (2)(b) allow the same physical arrangement as proposed in (2)(c) to have a lot line through the middle.

[2](b) When the principal unit is an attached single-family dwelling, a maximum of one accessory unit per lot is permitted in the following configurations:

(i) One attached accessory dwelling unit; or

(ii) One detached accessory dwelling unit. Detached accessory units may be a single unit in a detached structure or a detached structure containing two accessory dwelling units where each accessory unit is accessory to one of the attached single family dwellings.

The addition of (2)(c) is discretionary and will allow duplexes to have up to two accessory units, or a maximum of four total units on a lot.

[2](c) When the principal unit is a duplex dwelling, a maximum of two accessory units per lot are permitted in the following configurations:

- (i) One attached accessory dwelling unit and one detached accessory dwelling unit.
- (ii) Two detached accessory dwelling units, where such detached units may be comprised of either one or two detached structures.

The addition of (2)(d) adds two discretionary bulk regulation incentives to construct ADUs in (2)(d)(i) and (ii). Subsection (2)(d)(iii) provides mandated language to comply with and exemption created by HB 1337, and it clarifies that the conversion of non-conforming buildings into ADUs must still meet other requirements.

[2](d) Bulk requirements of the underlying zone may be modified as follows:

- (i) The maximum lot coverage allowance may be increased by 5% for lots with accessory dwelling units;
- (ii) Setbacks for residential structures and covered parking structures may be reduced to five feet from a private road easement that is internal to the parcel on which the buildings are located; and
- (iii) Pursuant to RCW 36.70A.681(1)(j), existing structures, including but not limited to detached garages, may be converted into accessory dwelling units even if they do not meet current setback or lot coverage requirements; however, in such situations the director may impose additional conditions on approval as necessary to ensure public health, safety, and welfare.

Subsection (3) leaves ADU standards outside urban zones effectively unchanged. The phrasing “legally-established” would move to the main section so that it only needs to appear once.

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

Section 5 responds to the HB 1337’s mandatory allowance for converting non-conforming structures into ADUs by making secondary amendments to SCC 30.28.070.

30.28.070 Nonconforming structures.

The following requirements apply to nonconforming structures:

- (1) Continuation. Any legally established nonconforming structure is permitted to remain in the form and location in which it existed on the effective date of the nonconformance;
- (2) Improvements. Nonconforming structures may be structurally altered or enlarged only if the setback, height, lot coverage, and open space requirements of the zone in which the structure is located are met; except when to:
 - (a) ~~((that repair to))~~ Repair the existing structure including ordinary maintenance or replacement of walls, fixtures, or plumbing shall be permitted so long as the exterior dimensions of the structure, as it existed on the effective date of the nonconformance, are not increased; or
 - (b) Convert an existing nonconforming structure into an accessory dwelling unit pursuant to RCW 36.70A.681(1)(j) and SCC 30.28.010(2)(d)(ii).
- (3) Restoration. *[No changes]*

Section 6 repeals SCC 30.66B.057. This section is obsolete under current code provisions. It includes pre-GMA language for determining road impact mitigation for duplexes. This language predates Title 30 and became part of it when adoption of Title 30 moved several then-codified requirements from other chapters into their present locations in 2002. However, continuing to retain SCC 30.66B.057 would create a potential conflict with SCC 30.62B.020(1), 30.91D.210, and the proposed allowance for duplexes to have two ADUs.

SCC 30.62B.020(1) requires development as defined in SCC 30.91D.210 and that will generate three or more peak hour trips to have a traffic pre-submittal conference to determine mitigation of impacts to the road system. SCC 30.91D.210 specifically exempts ADUs and duplexes from the requirements of Chapter 30.66B. Ordinance 16-010 updated and clarified these exemptions in 2016. Since that clarification, the provisions regarding review of duplex permits in SCC 30.66B.057 would clearly never apply because a duplex generates less than three peak hour trips. However, a duplex with two ADUs as proposed by the present ordinance may generate more than three peak hour trips.⁸ This configuration might then potentially activate SCC 30.66B.057. However, that possible activation is uncertain because of the exemptions for duplexes and ADUs in SCC 30.91D.210. Discussion between council staff and the Department of

⁸ Peak hour trips rely on standard assumptions and estimates provided by the Institute of Transportation Engineers (ITE). For single-family units, ITE estimates 0.94 peak hour trips. ITE does not provide estimates of peak hour vehicle trips generated by ADUs or duplexes. Review of peak hour trips for purposes of Chapter 30.66B SCC assumes that duplexes generate 1.88 peak hour trips (twice the single family rate). Similarly, permit review assumes an ADU unit would have the same traffic as a single family unit. Based on this, under the proposed ordinance:

- A single family dwelling with two ADUs would generate 2.82 peak hour trips and still be below the three or more peak hour trip threshold in SCC 30.62B.020(1).
- A duplex with two ADUs would generate 3.76 peak hour trips, making that configuration potentially subject to a pre-submittal conference under SCC 30.62B.020(1).

The calculation that a duplex with two ADUs would generate 3.76 peak hour trips means that this new configuration would meet the threshold for requiring a pre-submittal conference process. However, the result of that process would be a determination of no mitigation required. This is because of the specific exemptions for duplexes and ADUs in SCC 30.91D.210. In other words, SCC 30.66B.057 would create a process to determine mitigation for duplexes with two ADUs where the result would be an automatic finding that the project requires no mitigation. Avoiding this unnecessary circular process is why the repeal of SCC 30.66B.057 is part of the proposed ordinance.

Public Works (DPW) led to a request from DPW that the proposed ordinance simply repeal SCC 30.66B.057. This repeal removes obsolete language that might otherwise seem applicable to duplexes with ADUs under this ordinance.

Sections 7 to 9. Amends how Snohomish County defines Accessory Dwelling Units in SCC 30.91A.035, attached ADUs in SCC 30.91A.040, and detached ADUs in SCC 30.91A.050, respectively for compliance with recent legislation. ADUs no longer need to be under the same ownership as a single family dwelling or a subordinate use. Other types of dwellings are now eligible to serve as a principal unit on the same lot.

[Section 7] 30.91A.035 Accessory dwelling unit.

"Accessory dwelling unit" means a dwelling unit that is located on the same lot as ~~((, under the same ownership as, and subordinate to a single family dwelling unit))~~ a principal unit. An accessory dwelling unit must include facilities for living, sleeping, eating, cooking, and sanitation for not more than one family.

[Section 8] 30.91A.040 Accessory dwelling unit, attached.

"Accessory dwelling unit, attached" ("Attached accessory dwelling unit") means an accessory dwelling unit that is located in the same structure as the ~~((primary dwelling))~~ principal unit.

[Section 9] 30.91A.050 Accessory dwelling unit, detached.

"Accessory dwelling unit, detached" ("Detached accessory dwelling unit") means an accessory dwelling unit that is physically separated from and located in a different structure than the ~~((primary dwelling))~~ principal unit on the same lot.

Section 10 clarifies phrasing in SCC 30.91D.210. This section defines "Development" for the purpose of determining concurrency and road impact mitigation under Chapter 30.66B. Existing phrasing for duplex *conversion* is undefined and appears to predate the advent of attached ADUs at which time adding a second unit would have meant converting a house into a duplex. The word *conversion* in this context is confusing and potentially in conflict with the proposed allowance to allow duplexes to have ADUs. Use of the word dwelling instead of conversion would remove potential conflict between this section and the changes proposed by this ordinance.

30.91D.210 Development

"Development" means all applications for development activity that will generate vehicular traffic except for:

- (1) Single-family dwellings;
- (2) Structures accessory to a single family use that are not used for commercial purposes;
- (3) Attached or detached accessory dwelling units;
- (4) Duplex ~~((conversions))~~ dwellings;
- (5) Temporary dwellings; or
- (6) Portable classrooms for public k-12 schools utilizing existing access.

This definition applies only to the concurrency and road impact mitigation regulations in chapter 30.66B SCC.

Section 11 amends the definition of “Driveway” in SCC 30.91D.460. Driveways provide access to a single lot. Changes would allow a single driveway to serve the proposed configuration of a duplex with two ADUs (or four units on one lot). The addition of phrasing regarding fire lanes is because any access to three or more units must meet fire lane standards. Driveways may be 10 feet wide or as much as 30 feet wide. Fire lanes must be at least 20 feet wide. Driveways and portions of driveways may double as fire lanes.

30.91D.460 Driveway.

"Driveway" means a road network element that provides a single access for vehicles and pedestrians to one lot serving a maximum of ~~((two))~~ four dwelling units. Any portion of a driveway providing access to three or more dwelling units shall be designated as a fire lane and meet the fire lane requirements in SCC 30.24.100 and 30.53A.512.

Section 12 amends the definition of “Shared Driveway” in SCC 30.91D.465. Shared driveways provide access to two lots. Change would allow a shared driveway to serve lots where each lot has a duplex and two ADUs. No addition of language regarding fire lane is necessary here because SCC 30.24.130 already addresses the issue by spelling out shared driveway requirements, including the sometimes need for part of a shared driveway to be a fire lane (there is no similar section of requirements for driveways serving just one lot).

30.91D.465, Driveway, shared.

"Driveway, shared" ("shared driveway") means a road network element that provides a single vehicle and pedestrian access in a private tract or easement for two lots that have no more than ~~((two))~~ four dwelling units or two Group U occupancies per lot.

Section 13 amends the definition of “Duplex” in SCC 30.91D.480 for consistency with other changes in the proposed ordinance. Deletion of the sentence excluding mobile homes and ADUs is consistent the definitions for those dwelling types. The proposed clarifying language that a “duplex may include attached or detached accessory dwelling units” is because the vernacular meaning of a duplex as a two unit building does not include the newly authorized uses of ADUs along with a principal unit that is a duplex.

30.91D.480 Duplex.

"Duplex" means a residential structure containing two ~~((dwelling))~~ principal units that have a contiguous wall, which structure is located on one lot. ~~((The term does not include a mobile home, or a structure containing an attached or detached accessory dwelling unit.))~~ A duplex may include attached or detached accessory dwelling units.

Section 14 amends the definition of “Multiple Family Dwelling” in SCC 30.91D.500 to clarify that ADUs are not part of what makes a building multiple family in the zoning code.

30.91D.500 Dwelling, multiple family.

"Dwelling, multiple family" ("Multiple family dwelling") means a dwelling containing three or more dwelling units, but excluding accessory dwelling units, townhouses and mobile homes.

Section 15 amends the definition of Single Family Dwelling in SCC 30.91D.510 to reflect that such units may have two ADUs in urban zones.

30.91D.510 Dwelling, single family.

"Dwelling, single family ("Single family dwelling") means a dwelling containing one dwelling unit, or the dwelling unit and ~~((an-))~~ any attached or detached accessory dwelling units. This term shall also include factory built housing constructed pursuant to the standards delineated in RCW 43.22.455, as amended, and rules and regulations promulgated pursuant thereto.

Section 16 amends the definition of Attached Single Family Dwelling in SCC 30.91D.515 so that these may include ADUs.

30.91D.515 Dwelling, single family attached.

"Dwelling, single family attached" ("Single family attached dwelling") means a single-family dwelling unit constructed in a group of two attached principal units in which each principal unit extends from foundation to roof and with open space on at least two sides and which is developed as a zero lot line development. Single family attached dwellings may include an attached or detached accessory dwelling unit. This term does not include duplex.

Section 17 adds a new section SCC 30.91P.307 to define "Principal Unit".⁹ This definition is consistent with HB 1337 but only includes those types of principal units that would be authorized to have ADUs under this ordinance.¹⁰

30.91P.307 Principal unit.

"Principal unit" means a single-family dwelling, single family attached dwelling, or a duplex located on the same lot as any attached or detached accessory dwelling units, where the term principal unit distinguishes such unit from any accessory units.

Section 18 is a standard severability and savings clause.

⁹ This would normally go to 30.91P.305 but the proposal is for it to be .307. This is because there is a currently a non-alphabetical definition for principal party at 30.91P.123. Council staff has asked PDS staff to consider moving that definition as part of a code correction ordinance. If principal party became something like to be SCC 30.91P.303, that would leave room for other terms starting with principal in this Chapter.

¹⁰ If future ordinances were to authorize other types of principal units to have ADUs, then this definition may need further revision. For example, HB 1337 allows townhomes to have ADUs but that is not a mandated configuration, and this ordinance does not propose it.

Proposed Amendment

The County Council discussed the proposed ordinance during their July 2, 2024, Planning and Community Development Committee (PCDC).¹¹ A public comment in that meeting requested that the ordinance allow ADUs to have a reduced setback from road rights-of-way. If included in the final ordinance, this setback would be an additional discretionary incentive to encourage ADU development. Snohomish County provides a similar incentives for building townhomes, which have a smaller setbacks than houses or duplexes. The proposed amendment matches the townhouse setback incentive in practice, but the phrasing is different because townhouse and ADU development go through different processes.

Amendment: Add a fourth bulk regulation incentive at SCC 30.28.010(2)(d)(iv) to read:

Setbacks for Accessory Dwelling Units from public and private road rights-of-way may be reduced as follows. Five feet from rights-of-way that are at least 60 feet wide. For rights-of-way under 60 feet wide, the smaller of (1) 35 feet from the road centerline or (2) an amount authorized by an approved variance.

[SCC 30.23.041](#) provides the standard setbacks from rights-of-way in urban zones. Setbacks vary depending on the width of the road. Current road standards call for 60-feet of right-of-way.¹² For roads wide enough to meet current engineering standards, the standard setback for most housing is 15 feet from the edge of right-of-way. For roads that do not meet the current engineering width, the setback is from the centerline of right-of-way and is an amount that would result in the buildings being 15 feet from the edge of right-of-way if the county were to widen the road to current standards.

For townhomes, [SCC 30.23.049\(13\)](#) allows reduction of the setback to only 5 feet from the edge of right-of-way. If an applicant proposes townhomes on a road that is narrower than current engineering standards, the approval process requires that applicant to first widen and construct their portion of the road to current standards. "Frontage improvements" is the term for widening the road and installing improvements. Since townhomes must always install frontage improvements if they are not already present, townhouse setbacks are never from the centerline of a road. Townhouse setbacks are always from the edge of an improved right-of-way.

Accessory dwelling units, single family homes, and duplexes on existing lots are exempt from making frontage improvements. If the road is already 60 feet or wider, then a 5-foot setback from edge of right-of-way would match the townhouse incentive. For roads narrower than 60 feet, a setback of 35 feet from the centerline of the road would place the building in the same physical location but the ADU process would not require construction of any frontage improvements. If a property owner built an ADU first and the County later improved the road to current standards, the

¹¹ The recording of the July 2 PCDC meeting is available at: https://snohomish.granicus.com/MediaPlayer.php?view_id=18&clip_id=8992. The comment making the request for setback relief is at 2:30 in the recording. Council discussion of Motion 24-266 referring the ADU ordinance to the Planning Commission begins at 37:00 in the recording.

¹² A 60 foot right-of-way has room enough for travel lanes, drainage, planter strips, and sidewalks.

ADU would then be 5-feet from the edge of right-of-way. In some specific situations, the county might never widen an existing road to full current standards due to topography, low traffic volume or similar reasons. The proposal to allow a variance to reduce the setback for roads narrower than 60 feet would create a process for setback relief when there is an unusual circumstance to justify allowing an ADU to be just 5 feet from the edge of a narrow road.

Policy Analysis

The proposed changes would increase development of ADUs in urban zones to help address housing affordability challenges. They would also update ADU-related terminology for all unincorporated areas for consistency with recent legislation. By going beyond mandated changes to allow duplexes and attached single family dwellings to also have ADUs, the proposed ordinance would allow up to four units on an existing lot with urban zoning. Additional incentives for increased lot coverage and the proposed amendment to allow reduced setbacks from rights-of-way would help encourage construction of more ADUs.

Procedural

Environmental Review

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

Notification of State Agencies

Pursuant to RCW 36.70A.106, county staff will transmit a draft of the proposed ordinance to the Washington State Department of Commerce at least 60 days prior to adoption by the County Council.

Action Requested

Council Motion 24-266 requests that Planning Commission hold a public hearing, consider the proposed code amendments, and provide a recommendation to the County Council by December 2, 2024. The Planning Commission can recommend approval of the proposed ordinance with supporting findings of fact as proposed or modified, deny the proposal with findings, or amend the proposal with appropriate findings.

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



Snohomish County

SNOHOMISH COUNTY PLANNING COMMISSION

October 8, 2024

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

SUBJECT: Planning Commission recommendations on proposed code amendments related to Accessory Dwelling Units

Dear Snohomish County Council:

On behalf of the Snohomish County Planning Commission, I am forwarding our recommendation to amend Snohomish County Code under the proposed Accessory Dwelling Unit (ADU) ordinance. The Planning Commission had a briefing on this topic on August 27, 2024, and conducted a public hearing and deliberated on September 24, 2024.

The proposed ordinance would make a variety of amendments to ADU standards. Some of the changes would meet new state mandates, while other amendments are discretionary. Mandated changes include both non-substantive changes in terminology for consistency with state law and substantive changes to provide for new configurations of ADUs in urban zones. New mandated urban configurations include allowing single family residences to have two attached or two detached ADUs. (Currently urban single family dwellings may have two ADUs, but only if one is attached and the other detached.) The proposal would also redefine ADUs so that they must no longer be under common ownership with the principal unit; this change is in response to state requirements that ADUs must be eligible for sale as condominiums.

Discretionary changes in the proposed ordinance includes allowing duplexes and attached single family dwellings to have ADUs. The ordinance referred to the Planning Commission includes discretionary incentives to encourage ADU development. Among these, the Planning Commission recommendation recommends a larger incentive regarding maximum lot coverage than was in the ordinance we received. The original

proposal was to give a 5% bonus to maximum lot coverage, which is generally 35%, so that lots containing ADUs could have up to 40% lot coverage. Based on public input and deliberations among planning commissions, the Planning Commission recommends allowing 55% lot coverage for lots with ADUs. This lot coverage matches other incentives offered to Planned Residential Developments and subdivisions using Lot Size Averaging.

The County Council also referred a possible amendment that would give relief to building setbacks from road rights-of-way to the Planning Commission for consideration. The Planning Commission recommends including relief from these setbacks but suggests alternative phrasing in its recommendation. The alternative phrasing is based on a suggestion from Planning and Development Services (PDS) and corrects the phrasing "road centerline" to read more correctly as "right-of-way" centerline. According to PDS, the alternative phrasing that refers to SCC 30.23.120(1) instead of to use of the variance process provides an easier process to administer while determining appropriate setbacks.

The Planning Commission received one public comment prior to the September 24 hearing. The hearing was open for public comment, one person commented at the hearing.

PLANNING COMMISSION RECOMMENDATION

Regarding the ordinance as submitted by staff, Commissioner Sheldon made a **Motion** seconded by Commissioner Campbell, recommending APPROVAL of the proposed ordinance.

VOTE:

9 in favor (*Ash, Busteed, Brown, Bush, Campbell, James, Larsen, Niemela, Sheldon*)

0 opposed

0 abstention

Motion PASSED

Regarding the amendment referred to the Planning Commission by the County Council, Commissioner Campbell and seconded by Commissioner Brown recommended approval of the amendment with modified phrasing to as follows:

Setbacks for Accessory Dwelling Units from public and private road rights-of-way may be reduced as follows. Five feet from rights-of-way that are at least 60 feet

wide. For rights-of-way under 60 feet wide, the smaller of (1) 35 feet from the ((road)) right-of-way centerline or (2) ((an amount authorized by an approved variance)) pursuant to SCC 30.23.120(1).

VOTE:

9 in favor (*Ash, Busteed, Brown, Brush, Campbell, James, Larsen, Niemela, Sheldon*)

0 opposed

0 abstention

Motion PASSED

Based on public input and a motion made by Commissioner Ash, seconded by Commissioner James the Planning Commission recommends increasing the maximum lot coverage incentive proposed to be at SCC 30.28.010(2)(d)(i) as follows:

(i) The maximum lot coverage allowance may be increased ((~~by 5% for lots with accessory dwelling units~~)) to 55%;

VOTE:

9 in favor (*Ash, Busteed, Brown, Brush, Campbell, James, Larsen, Niemela, Sheldon*)


0 opposed

0 abstention

Motion PASSED

This recommendation was made following the close of the public hearing and after due consideration of information presented. It is based on the findings and conclusions presented in the August 27, 2024, staff briefing and as supported by the Staff Report dated August 12, 2024.

Respectfully submitted,


Robert Larsen (Nov 14, 2024 16:20 PST)

SNOHOMISH COUNTY PLANNING COMMISSION
Robert Larsen, Chair

cc: Dave Somers, Snohomish County Executive
Mike McCrary, Director, Planning and Development Services


Planning Commission Recommendation Letter ADUs

Final Audit Report


2024-11-15

Created:	2024-11-14
By:	Megan Moore (Megan.Moore@co.snohomish.wa.us)
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"Planning Commission Recommendation Letter ADUs" History

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 Agreement completed.

2024-11-15 - 0:20:41 AM GMT

Executive/Council Action Form (ECAF)**ITEM TITLE:****..Title**

Ordinance 25-014, relating to Growth Management; Revising Accessory Dwelling Unit Regulations; Amending Snohomish County Code (SCC) Sections 30.28.010, 30.28.070, and 30.66B.057, Amending Definitions in Chapters 30.91A and 30.91D SCC, and Adding a New Definition in Chapter 30.91P SCC

..body

DEPARTMENT: Council

ORIGINATOR: Ryan Countryman for Megan Dunn

EXECUTIVE RECOMMENDATION: Approve

PURPOSE: This ordinance revises regulations for Accessory Dwelling Units (ADUs). It allows new opportunities and incentives for ADU development in urban zones, including additional allowances for ADUs associated with single family dwellings required by recent state legislation and other discretionary allowances for ADUs associated with duplexes (up to two ADUs) and single family attached dwellings. It also includes definitional and other changes for consistency with recent legislation and to ensure new allowances for ADUs are eligible for the same exemptions that are currently applicable to the associated principal dwelling unit.

BACKGROUND: Councilmember Dunn sponsored this ordinance which the County Council referred to the Planning Commission by Motion 24-266 (ECAF 24-1363). The Planning Commission recommended approval and recommended two amendments to further incentivize ADU development (greater flexibility regarding setbacks from roads and allowing a higher maximum lot coverage). After the Planning Commission made its recommendation, the Washington Department of Commerce advised the County that existing provisions related to architectural standards in SCC 30.28.010(1)(f) and (g) may conflict with RCW 36.70A.681(1)(h). The final ordinance proposes to strike SCC 30.28.010(1)(f) and (g) based on the advice from Commerce.

OTHER DEPARTMENTAL REVIEW/COMMENTS: AATF: Jessica Kraft-Klehm 2/12/25

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

MOTION NO. 24-266

REFERRING A PROPOSED ORDINANCE REVISING ACCESSORY DWELLING UNIT
REGULATIONS TO COUNTY DEPARTMENTS AND THE SNOHOMISH COUNTY
PLANNING COMMISSION

WHEREAS, the County Council wishes to obtain a recommendation from the Snohomish County Planning Commission regarding proposed code amendments related to accessory dwelling units; and

WHEREAS, the code revisions are Type 3 legislative actions pursuant to Chapter 30.73 SCC; and

WHEREAS, SCC 30.73.040 provides that the Planning Commission shall hold a public hearing on a Type 3 proposal referred to it by the county council within 90 days or within a time specified by the County Council; and

WHEREAS, the County Council requests a prompt review of the proposed code amendments by the Planning Commission, but wishes to provide flexibility in timing in recognition of the Planning Commission's existing workload; and

WHEREAS, the subject matter experts in PDS and other county departments could offer suggestions to proposed code language and findings; and

WHEREAS, the logical time for input from county departments would be prior County Council receipt of to an approved as to form recommendation from the Planning Commission; and

WHEREAS, the proposed code amendments might create some minor differences between county code and the Engineering Design and Development Standards (EDDS) maintained by the County Engineer with the Department of Public Works (DPW); and

NOW, THEREFORE ON MOTION, the County Council hereby refers the potential code revisions, attached as "Exhibit A", to the Departments of Planning and Development Services (PDS) and DPW for action as follows:

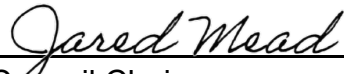
1. Pursuant to chapters 2.08 and 30.73 SCC, the County Council refers the potential code revisions to the Director of PDS acting in the capacity of

Secretary to the Snohomish County Planning Commission for its review, consideration, and a recommendation to the Council.

2. As provided in SCC 30.73.045, the County Council will be the department responsible for preparing a report summarizing the proposal for transmittal to the Planning Commission and that Council staff is hereby directed to seek and include information from county departments including PDS in the report to Planning Commission.
3. The County Council requests that a public hearing be held before the Planning Commission and a recommendation be provided to the County Council prior to December 2, 2024.
4. The County Council requests that DPW and the County Engineer consider whether the proposed ordinance might necessitate minor changes in the EDDS and to take appropriate action if Council adopts the ordinance so that project applicants do not encounter conflicting requirements applied to their projects.


DATED this 10th day of July, 2024.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington



Council Chair

ATTEST:



Deputy Clerk of the Council

**EXHIBIT A – PROPOSED CODE REVISIONS
REGARDING ACCESSORY DWELLING UNITS**

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

ORDINANCE NO. 24-

RELATING TO GROWTH MANAGEMENT; REVISING ACCESSORY DWELLING UNIT
REGULATIONS; AMENDING SEVERAL SECTIONS AND ADDING A SECTION IN
TITLE 30 OF THE SNOHOMISH COUNTY CODE

WHEREAS, accessory dwelling units (ADUs) are a type of housing that can be attached to another type of housing unit or in a separate detached structure; and

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

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

WHEREAS, Amended Ordinance No. 92-052, also updated Snohomish County’s definition of a duplex to specifically state that this was a type of residential structure containing two dwelling units does not include “a structure containing an accessory apartment”; and

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

WHEREAS, Amended Ordinance No. 94-029, approved by the County Council on April 6, 1994, amended the SCC to allow detached ADUs as a permitted use in zoning districts generally considered to be single-family zoning; and

MOTION 24-266

Page A-1

REFERRING A PROPOSED ORDINANCE REVISING ACCESSORY DWELLING UNIT
REGULATIONS TO COUNTY DEPARTMENTS AND THE SNOHOMISH COUNTY
PLANNING COMMISSION

**EXHIBIT A – PROPOSED CODE REVISIONS
REGARDING ACCESSORY DWELLING UNITS**

WHEREAS, duplexes were long allowed in urban single family residential zones with a requirement the minimum lot size for lots with duplexes shall be on and one-half times the minimum lot size for single family dwellings; however, this changed for the R-8,400, R-9,600 and R-7,200 zones with adoption on Amendment Ordinance 16-044 which removed the one and one-half times the minimum lot size requirement for duplexes; and

WHEREAS, Snohomish County has revised its ADU regulations several times since Amendment Ordinance No. 94-029, most recently by Ordinance 23-133 on December 12, 2023; and

WHEREAS, in 2020, the Washington State Legislature enacted Engrossed Substitute Senate Bill 6617 (ESSB 6617) which included new definitions for Accessory Dwelling Unit (ADU), Attached Accessory Dwelling Unit (AADU), and Detached Accessory Dwelling Unit (DADU) as parts of the Growth Management Act (GMA) at RCW 36.70A.696(1), (2), and (5), respectively; and

WHEREAS, the definition of ADU enacted by ESSB 6617 now means that an ADU is “a dwelling unit located on the same lot as a single-family housing unit, duplex, triplex, townhome, or other housing unit” but did not legislate clear definitions for these types of housing, for example it did not define the difference between a single-family residence with an attached accessory dwelling unit and a duplex, instead ESSB 6617 left those distinctions to be made elsewhere; and

WHEREAS, ESSB 6617 was supported by the following findings that “(a) Washington state is experiencing a housing affordability crisis. Many communities across the state are in need of more housing for renters, across the income spectrum. Accessory dwelling units are frequently rented at below market rate, providing additional affordable housing options for renters. (b) Accessory dwelling units are often occupied by tenants who pay no rent at all; among these tenants are grandparents, adult children, family members with disabilities, friends going through life transitions, and community members in need. Accessory dwelling units meet the needs of these people who might otherwise require scarce subsidized housing space and resources. (c) Accessory dwelling units can meet the needs of Washington's growing senior population, making it possible for this population to age in their communities by offering senior-friendly housing, which prioritizes physical accessibility, in walkable communities near amenities essential to successful aging in place, including transit and grocery stores, without

**EXHIBIT A – PROPOSED CODE REVISIONS
REGARDING ACCESSORY DWELLING UNITS**

requiring costly renovations of existing housing stock. (d) Homeowners who add an accessory dwelling unit may benefit from added income and an increased sense of security. (e) Siting accessory dwelling units near transit hubs and near public amenities can help to reduce greenhouse gas emissions by increasing walkability, shortening household commutes, and limiting sprawl. (2) The legislature intends to promote and encourage the creation of accessory dwelling units as a means to address the need for additional affordable housing options"; and

WHEREAS, in 2021, the Legislature enacted Engrossed Substitute Senate Bill 5235 (ESSB 5235) which, among other things, added a clarification that DADUs must be on the same property as other units, such that the definition of DADU in RCW 36.70A.696(5) now reads “Detached accessory dwelling unit’ means an accessory dwelling unit that consists partly or entirely of a building that is separate and detached from a single-family housing unit, duplex, triplex, townhome, or other housing unit and is on the same property”, and

WHEREAS, in 2023, the Legislature enacted House Bill 1337 (HB 1337) which, among other things, establishes a definition of “principal unit” in the context of ADUs, requires that a “county may not require the owner of a lot on which there is an accessory dwelling unit to reside in or occupy the accessory dwelling unit or another housing unit on the same lot”, and mandates that counties allow ADUs in certain configurations within urban zones that are not currently authorized by county code; and

WHEREAS, the County Council concurs with the findings of the Legislature that Snohomish County is experiencing a housing affordability crisis and that ADUs can be part of the solution; and

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

WHEREAS, County Council staff briefed the Planning Commission on [REDACTED], 2024, and

WHEREAS, on [REDACTED], 2024, the Planning Commission held a public hearing to receive public testimony concerning the code amendments contained in this ordinance; and

**EXHIBIT A – PROPOSED CODE REVISIONS
REGARDING ACCESSORY DWELLING UNITS**

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

WHEREAS, on _____, 2024, the County Council held a public hearing after proper notice, and considered public comment and the entire record related to the code amendments contained in this ordinance; and

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

NOW, THEREFORE, BE IT ORDAINED:

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

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

B. This ordinance will amend provisions in title 30 SCC to update regulations related to ADUs. In particular, the amendments will allow the establishment of detached ADUs on lots with urban zoning that contain duplexes. This ordinance will also update definitions county code related to ADUs to reflect recent changes in GMA.

C. In considering the proposed amendments, the county evaluated factors including historical development patterns reflective of the interaction of housing market conditions and regulations at various points in time, as well as current market conditions and GMA and other regulatory requirements.

1. Snohomish County is facing an affordable housing crisis and housing stock shortage. The purpose of the proposed amendments is to provide additional means to diversify the County’s urban housing stock.
2. Recent legislation to address state-wide housing affordability issues also create a mandate for Snohomish County to update its provisions for ADUs, which include:
 - a. Rephrasing to match new state definitions,
 - b. Allowing new configurations of ADUs, and

**EXHIBIT A – PROPOSED CODE REVISIONS
REGARDING ACCESSORY DWELLING UNITS**

- c. Removal of a requirement regarding owner-occupancy in Snohomish County’s definition of ADU.

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

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

This ordinance provides for infill development on sites with duplexes in urban areas, thereby increasing urban residential capacity and reducing pressure to convert rural lands to housing.

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

Construction of detached ADUs diversifies the housing stock. Rent for ADUs is often at below-market rates. Detached ADUs serve an important niche in the housing market, as they are uniquely suited to provide low-cost housing options for the County’s senior population, individuals with a disability, and younger adults. The expansion of opportunities to construct detached ADUs areas also encourages the preservation of existing housing stock by granting property owners the means to generate additional sources of income as a rental unit or through the sale of a detached condominium.

- 3. RCW 36.70A.070(4) – GMA implementation. GMA requires counties to adopt policies and development regulations to implement changes in GMA within four years of enactment. The changes proposed by this ordinance do not require any policy changes (see below) but revised definitions for consistency with ESSB 6617, ESSB 5235 and HB 1337 are necessary to compliance with GMA.

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

EXHIBIT A – PROPOSED CODE REVISIONS REGARDING ACCESSORY DWELLING UNITS

1. MPP Housing Goal – The region will preserve, improve, and expand its housing stock to provide a range of affordable, healthy, and safe housing choices to every resident. The region will continue to promote fair and equal access to housing for all people.

The proposed amendments will help to expand and improve the diversity of the housing stock by reducing regulatory barriers on the construction of ADUs. Allowing detached ADUs on lots containing duplexes in urban areas provides more access to housing for people of moderate means.

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

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

The proposed amendments will support MPP-H-1 and MPP-H-2 by allowing for the construction of detached accessory dwelling units in more urban locations. Construction of detached ADUs contributes to the County’s efforts to meet the necessary supply of housing units for low-income, moderate-income, middle-income, and special needs individuals.

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

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

**EXHIBIT A – PROPOSED CODE REVISIONS
REGARDING ACCESSORY DWELLING UNITS**

1. Goal LU 1 – Establish and maintain compact, clearly defined, well designed UGAs.

Objective LU 1.A – Establish UGAs with sufficient capacity to accommodate the majority of the county’s projected population, employment, and housing growth over the next 20 years.

Policy LU 1.A.9 – Ensure the efficient use of urban land by adopting reasonable measures to increase residential, commercial and industrial capacity within urban growth areas prior to expanding urban growth boundaries. The County Council will use the list of reasonable measures in accordance with the guidelines for review contained in Appendix D of the Countywide Planning Policies to evaluate all UGA boundary expansions.

The amendments proposed by this ordinance would reduce regulatory barriers on the construction of detached accessory dwelling units in urban areas. This is a reasonable measure that increases residential capacity in UGAs thereby helping accommodate growth and the maintenance of compact UGAs.

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

The proposed amendments reduce regulatory barriers on the development of detached ADUs in urban areas, supporting the development of a broad range of housing types and affordability. The development of detached ADUs provides different housing types and affordability levels in areas with a lack of affordability.

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

I. Procedural requirements.

1. State Environmental Policy Act (SEPA), chapter 43.21C RCW, requirements with respect to this non-project action have been satisfied through the completion of an environmental checklist and the issuance on [REDACTED], 2024 of a Determination of Non-Significance (DNS) for this a non-project proposal to

**EXHIBIT A – PROPOSED CODE REVISIONS
REGARDING ACCESSORY DWELLING UNITS**

Amend Title 30 Snohomish County Code (SCC) Revising Standards for Accessory Dwelling Units (ADUs).

2. The proposal is a Type 3 legislative action pursuant to SCC 30.73.010.
3. Pursuant to RCW 36.70A.106(1), a notice of intent to adopt this ordinance was transmitted to the Washington State Department of Commerce for distribution to state agencies on [REDACTED], 2024, and assigned material number [REDACTED].
4. The public participation process used in the adoption of this ordinance complies with all applicable requirements of the GMA and the SCC.
5. The Washington State Attorney General last issued an advisory memorandum, as required by RCW 36.70A.370, in September of 2018 entitled “Advisory Memorandum: Avoiding Unconstitutional Takings of Private Property” to help local governments avoid the unconstitutional taking of private property. The process outlined in the State Attorney General’s 2018 advisory memorandum was used by the County in objectively evaluating the regulatory changes proposed by this ordinance.

Section 2. The County Council makes the following conclusions:

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

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

**EXHIBIT A – PROPOSED CODE REVISIONS
REGARDING ACCESSORY DWELLING UNITS**

Section 4. Snohomish County Code Section 30.28.010, last amended by Ordinance No. 23-133 on December 12, 2023, is amended to read:

30.28.010 Accessory dwelling units.

Accessory dwelling units are allowed (~~((subordinate to a single family dwelling in zones where single family dwellings are))~~) as permitted ((under)) in SCC 30.22.100, 30.22.110, and 30.22.120. An accessory dwelling unit, by definition, must be on the same lot as a principal unit. The principal unit must be legally established single family dwelling, attached single family dwelling, or duplex dwelling.

(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, unheated storage areas and unfinished basements;

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

(f) Attached accessory dwelling units shall share at least one common wall and be designed such that the architectural character of the ((primary dwelling)) principal unit is preserved. Exterior materials, roof form, window spacing, and proportions shall match that of ~~((primary dwelling))~~ principal unit; 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))~~ principal unit. 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))~~ principal unit. 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.

**EXHIBIT A – PROPOSED CODE REVISIONS
REGARDING ACCESSORY DWELLING UNITS**

(2) Urban zones. Accessory dwelling units are permitted uses in the urban zones on lots with a single-family, attached single-family or duplex dwelling pursuant to SCC 30.22.100.

(a) When the principal unit is a single-family dwelling, a maximum of two accessory dwelling units are permitted on the lot containing the principal unit in the following configurations:

(i) One attached accessory dwelling unit and one detached accessory dwelling unit ((may be established on lots that contain a legally established single-family dwelling-));

(ii) Two attached accessory dwelling units;

(iii) Two detached accessory dwelling units where such detached units may be comprised of either one or two detached structures; and

(b) When the principal unit is an attached single-family dwelling, a maximum of one accessory unit per lot is permitted in the following configurations:

(i) One attached accessory dwelling unit; or

(ii) One detached accessory dwelling unit. Detached accessory units may be a single unit in a detached structure or a detached structure containing two accessory dwelling units where each accessory unit is accessory to one of the attached single family dwellings.

(c) When the principal unit is a duplex dwelling, a maximum of two accessory units per lot are permitted in the following configurations:

(i) One attached accessory dwelling unit and one detached accessory dwelling unit,

(ii) Two detached accessory dwelling units, where such detached units may be comprised of either one or two detached structures.

(d) Bulk requirements of the underlying zone may be modified as follows:

(i) The maximum lot coverage allowance may be increased by 5% for lots with accessory dwelling units;

(ii) Setbacks for residential structures and covered parking structures may be reduced to five feet from a private road easement that is internal to the parcel on which the buildings are located; and

(iii) Pursuant to RCW 36.70A.681(1)(j), existing structures, including but not limited to detached garages, may be converted into accessory dwelling units even if they do not meet current setback or lot coverage requirements; however, in such situations the director may impose additional conditions on approval as necessary to ensure public health, safety, and welfare.

**EXHIBIT A – PROPOSED CODE REVISIONS
REGARDING ACCESSORY DWELLING UNITS**

(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.

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

Section 5. Snohomish County Code Section 30.28.070, last amended by Amended Ordinance 02-064 on December 9, 2002, is amended to read:

30.28.070 Nonconforming structures.

The following requirements apply to nonconforming structures:

(1) Continuanace. Any legally established nonconforming structure is permitted to remain in the form and location in which it existed on the effective date of the nonconformance;

(2) Improvements. Nonconforming structures may be structurally altered or enlarged only if the setback, height, lot coverage, and open space requirements of the zone in which the structure is located are met; except when to:

(a) ~~((that repair to))~~ Repair the existing structure including ordinary maintenance or replacement of walls, fixtures, or plumbing shall be permitted so long as the exterior dimensions of the structure, as it existed on the effective date of the nonconformance, are not increased; or

(b) Convert an existing nonconforming structure into an accessory dwelling unit pursuant to RCW 36.70A.681(1)(j) and SCC 30.28.010(2)(d)(ii).

(3) Restoration. A structure that is accidentally destroyed may be fully restored only if the setback and yard requirements of chapter 30.23 SCC are met unless the structure is listed on the National Register of Historic Places, Washington State Cultural

**EXHIBIT A – PROPOSED CODE REVISIONS
REGARDING ACCESSORY DWELLING UNITS**

Resource Inventory, or Snohomish County Cultural Resource Inventory, in which case, the structure may be restored and located in its former location despite noncompliance with the bulk regulations:

(a) To restore a destroyed nonconforming structure, a building permit must be submitted to the department within one year of the destruction; and

(b) A structure shall be considered destroyed for purposes of this section if the restoration costs exceed 75 percent of assessed value of record when the damage occurred.

Section 6. Snohomish County Code Section 30.66B.057, last amended by Amended Ordinance 02-064 on December 9, 2002, is repealed.

Section 7. Snohomish County Code Section 30.91A.035, last amended by Amended Ordinance No. 21-008 on June 9, 2021, is amended to read:

30.91A.035 Accessory dwelling unit.

"Accessory dwelling unit" means a dwelling unit that is located on the same lot as ~~((, under the same ownership as, and subordinate to a single-family dwelling unit))~~ a principal unit. An accessory dwelling unit must include facilities for living, sleeping, eating, cooking, and sanitation for not more than one family.

Section 8. Snohomish County Code Section 30.91A.040, last amended by Amended Ordinance No. 21-008 on June 9, 2021, is amended to read:

30.91A.040 Accessory dwelling unit, attached.

"Accessory dwelling unit, attached" ("Attached accessory dwelling unit") means an accessory dwelling unit that is located in the same structure as the ~~((primary dwelling))~~ principal unit.

Section 9. Snohomish County Code Section 30.91A.045, last amended by Amended Ordinance No. 21-008 on June 9, 2021, is amended to read:

30.91A.050 Accessory dwelling unit, detached.

"Accessory dwelling unit, detached" ("Detached accessory dwelling unit") means an accessory dwelling unit that is physically separated from and located in a different structure than the ~~((primary dwelling))~~ principal unit on the same lot.

**EXHIBIT A – PROPOSED CODE REVISIONS
REGARDING ACCESSORY DWELLING UNITS**

Section 10. Snohomish County Code Section 30.91D.210, last amended by Amended Ordinance 21-018 on June 9, 2021, is amended to read:

30.91D.210 Development

"Development" means all applications for development activity that will generate vehicular traffic except for:

- (1) Single-family dwellings;
- (2) Structures accessory to a single family use that are not used for commercial purposes;
- (3) Attached or detached accessory dwelling units;
- (4) Duplex ~~((conversions))~~dwellings;
- (5) Temporary dwellings; or
- (6) Portable classrooms for public k-12 schools utilizing existing access.

This definition applies only to the concurrency and road impact mitigation regulations in chapter 30.66B SCC.

Section 11. Snohomish County Code Section 30.91D.460, last amended by Amended Ordinance 12-049 on October 3, 2012, is amended to read:

30.91D.460 Driveway.

"Driveway" means a road network element that provides a single access for vehicles and pedestrians to one lot serving a maximum of ~~((two))~~ four dwelling units. Any portion of a driveway providing access to three or more dwelling units shall be designated as a fire lane and meet the fire lane requirements in SCC 30.24.100 and 30.53A.512.

Section 12. Snohomish County Code Section 30.91D.465, last amended by Amended Ordinance 12-049, on October 3, 2012, is amended to read:

30.91D.465, Driveway, shared.

"Driveway, shared" ("shared driveway") means a road network element that provides a single vehicle and pedestrian access in a private tract or easement for two lots that have no more than ~~((two))~~ four dwelling units or two Group U occupancies per lot.

Section 13. Snohomish County Code Section 30.91D.480, last amended by Amended Ordinance 21-018 on June 9, 2021, is amended to read:

**EXHIBIT A – PROPOSED CODE REVISIONS
REGARDING ACCESSORY DWELLING UNITS**

30.91D.480 Duplex.

"Duplex" means a residential structure containing two (~~(dwelling)~~) principal units that have a contiguous wall, which structure is located on one lot. (~~The term does not include a mobile home, or a structure containing an attached or detached accessory dwelling unit.~~) A duplex may include attached or detached accessory dwelling units.

Section 14. Snohomish County Code Section 30.91D.500, last amended by Amended Ordinance 02-064 on December 9, 2002, is amended to read:

30.91D.500 Dwelling, multiple family.

"Dwelling, multiple family" ("Multiple family dwelling") means a dwelling containing three or more dwelling units, but excluding accessory dwelling units, townhouses and mobile homes.

Section 15. Snohomish County Code Section 30.91D.510, last amended by Amended Ord. 21-018 on June 9, 2021, is amended to read:

30.91D.510 Dwelling, single family.

"Dwelling, single family" ("Single family dwelling") means a dwelling containing one dwelling unit, or the dwelling unit and (~~an~~) any attached or detached accessory dwelling units. This term shall also include factory built housing constructed pursuant to the standards delineated in RCW 43.22.455, as amended, and rules and regulations promulgated pursuant thereto.

Section 16. Snohomish County Code Section 30.91D.515, last amended by Amended Ordinance 08-101 on January 21, 2009, is amended to read:

30.91D.515 Dwelling, single family attached.

"Dwelling, single family attached" ("Single family attached dwelling") means a single-family dwelling unit constructed in a group of two attached principal units in which each principal unit extends from foundation to roof and with open space on at least two sides and which is developed as a zero lot line development. Single family attached dwellings may include an attached or detached accessory dwelling unit. This term does not include duplex.

Section 17. A new section is added to Chapter 30.91P of the Snohomish County Code to read:

**EXHIBIT A – PROPOSED CODE REVISIONS
REGARDING ACCESSORY DWELLING UNITS**

30.91P.307 Principal unit.

“Principal unit” means a single-family dwelling, single family attached dwelling, or a duplex located on the same lot as any attached or detached accessory dwelling units, where the term principal unit distinguishes such unit from any accessory units.

Section 18. Severability and Savings. If any section, sentence, clause or phrase of this ordinance shall be held to be invalid by the Growth Management Hearings Board (Board), or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance. Provided, however, that if any section, sentence, clause or phrase of this ordinance is held to be invalid by the Board or court of competent jurisdiction, then the section, sentence, clause or phrase in effect prior to the effective date of this ordinance shall be in full force and effect for that individual section, sentence, clause or phrase as if this ordinance had never been adopted.

PASSED this ____ day of ____, 2024.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

Council Chair

ATTEST:

Clerk of the Council

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

DATE: _____

County Executive

ATTEST:

**EXHIBIT A – PROPOSED CODE REVISIONS
REGARDING ACCESSORY DWELLING UNITS**

Approved as to form only:

Deputy Prosecuting Attorney

ECAF:
RECEIVED:

ORDINANCE INTRODUCTION SLIP

SNOHOMISH COUNTY COUNCIL

EXHIBIT # 3.1.004


FILE ORD 25-014

TO: Clerk of the Council

TITLE OF PROPOSED ORDINANCE:

Initiated By:

Councilmember

Introduced By:

Councilmember Date

~~~~~  
Clerk's Action: Proposed Ordinance No. \_\_\_\_\_

Assigned to: \_\_\_\_\_ Date: \_\_\_\_\_

## STANDING COMMITTEE RECOMMENDATION FORM

On \_\_\_\_\_, the Committee considered the Ordinance by \_\_\_ Consensus /  
\_\_\_ Yeas and \_\_\_ Nays and made the following recommendation:

\_\_\_\_\_ Move to Council to schedule public hearing on: \_\_\_\_\_

\_\_\_\_\_ Other \_\_\_\_\_

Regular Agenda \_\_\_\_\_ Administrative Matters \_\_\_\_\_

Public Hearing Date **3/19/2025** at **10:30 a.m.**


  
Committee Chair

EXHIBIT 3.2.002

General Legislative Session – 02/26/25

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

**From:** Mat Johnson <mjohnson@sccar.org>  
**Sent:** Monday, March 10, 2025 4:06 PM  
**To:** Contact Council  
**Subject:** Ordinance 25-014  
**Attachments:** Letter to County Council - ADU Update 2025.pdf

Snohomish County Councilmembers,

I hope this letter finds you all well. On behalf of the approximately 1,400 REALTORS® of the Snohomish County-Camano Association of REALTORS® (SCCAR), I am writing to express my organization's strong support for proposed Ordinance 25-014, the Snohomish County Accessory Dwelling Unit (ADU) code amendments.

The proposed amendments, particularly the expansion of ADU allowances to include duplexes and attached single-family dwellings in urban zones, represent a significant step forward in promoting affordable and available housing options within Snohomish County. SCCAR believes that, by removing restrictive architectural standards and introducing new configurations and incentives, Ordinance 25-014 will not only facilitate increased ADU development but also enhance flexibility in housing choices.

Specifically, SCCAR would like to commend the Council for adopting changes which are in line with the spirit of the law (HB 1337) mandated by the legislature's 2023 law. We appreciate the discretionary incentives aimed at encouraging ADU construction, such as exemptions for converting existing structures and adjustments to lot coverage and setback requirements.

These amendments most definitely align with the County's goals of fostering sustainable growth and addressing housing affordability challenges effectively. I believe they will contribute positively to our community by providing more housing options while maintaining the integrity of our neighborhoods.

Thank you for your attention to this matter and for considering the input of stakeholders like the Association of REALTORS®. We look forward to the County Council's favorable decision on the proposed Ordinance and its subsequent implementation for the benefit of both current and future Snohomish County residents.

Thank you again for your careful consideration of these important matters.

Sincerely,

**Mat Johnson**

Director of Government and Public Affairs

Snohomish County/Camano

Association of REALTORS

(425) 339-1388

[mjohnson@sccar.org](mailto:mjohnson@sccar.org)



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**SNOHOMISH COUNTY-CAMANO ASSOCIATION OF REALTORS®**

3201 Broadway, Suite E, Everett, WA 98201 • (425) 339-1388

Website: [www.sccar.org](http://www.sccar.org) • Email: [info@sccar.org](mailto:info@sccar.org)

*"The voice for real estate in Snohomish County."*

10 March 2025

Snohomish County Council  
Robert J. Drewel Building  
Eighth floor  
3000 Rockefeller Ave., M/S 609  
Everett, WA 98201

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Sincerely,

**Mat Johnson**

Director of Government and Public Affairs

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