



MEMORANDUM

To: Debbie Eco, Clerk of the Council

From: Mike McCrary, Director

Subject: Notice of Proposed Rule Making Action

Date: July 23, 2024

Dave Somers
County Executive

Proposed Rulemaking Action

Planning & Development Service proposes and is soliciting comments on:

Draft Rule 24-07– Accessory Dwelling Units in Rural Areas on Properties with Split Zoning

Background

SCC 30.28.010(3)(a)(i) prohibits detached accessory dwelling units (ADUs) in rural, resource, and other zones on lots that do not meet the minimum required lot area of the underlying zone. SCC 30.28.010(3) does not specifically address how to handle properties with split zoning.

(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.

Rule Summary

The intent of this rule is to provide more specificity to the existing code sections that permit detached ADUs in rural, resource, and other zones within unincorporated Snohomish County. This rule is necessary to remove an ambiguity with regards to split zoning and the allowance of detached ADUs.

Under SCC 30.28.010(3)(a)(i), if a parcel is split by a zoning classification line and one portion of said parcel meets the minimum lot area of the underlying zoning, then a detached ADU is permitted on that portion of the lot.

Process

Pursuant to SCC 30.82.030, the notice of proposed rulemaking action will be published in *The Herald* on July 19 2024, commencing the 21-day public comment period. Comments regarding the proposed rule must be submitted in writing by 5:00 p.m. on or before August 9, 2024.

Decision

After reviewing and considering the comments submitted in response to the notice of proposed rulemaking action, pursuant to SCC 30.82.040(1), the PDS Director may approve proposed Rule 24-07, with or without changes.

Council Review

Interested persons may request a review of an amended or repealed rule by the County Council upon request within 120 days of final rulemaking action. Pursuant to SCC 30.82.065, Council review shall determine whether the final rulemaking action is consistent with the scope of the department’s rulemaking authority. No other formal appeal opportunity is available.

Staff Contact

Please contact David Killingstad, Manager at 424-262-2215 or david.killingstad@snoco.org if you have any questions.

Attachments:

Notice of Proposed Rulemaking Action
Proposed Rule 24-07