

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:

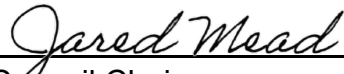
1. Pursuant to chapters 2.08 and 30.73 SCC, the County Council refers the potential code revisions to the Director of PDS acting in the capacity of

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

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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

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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

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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

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- 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:

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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:

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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

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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.

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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.

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(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.

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(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

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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.

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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:

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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:

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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:

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Approved as to form only:

Deputy Prosecuting Attorney