

1 ADOPTED: [REDACTED]
2 EFFECTIVE: [REDACTED]

3 SNOHOMISH COUNTY COUNCIL
4 Snohomish County, Washington

5
6 ***JULY 20, 2021 DISCUSSION DRAFT*** ORDINANCE NO. 21-[REDACTED]

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

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

16 WHEREAS, section 43.185A.215(3) of the Revised Code of Washington (RCW),
17 originally adopted in 1993 as Senate Bill 5584, requires that Snohomish County (the
18 “County”) incorporate ADU regulations into local development codes, zoning
19 regulations, or official controls, but defers to the local legislative authority for
20 establishment of regulations, conditions, procedures, and limitations related to ADUs;
21 and
22

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

29 WHEREAS, Amended Ordinance No. 94-029, approved by the County Council
30 on April 6, 1994, amended the SCC to allow detached ADUs as a permitted use in
31 single-family zoning districts; and
32

33 WHEREAS, on January 25, 2012, the County Council approved Amended
34 Ordinance No. 11-058, which added development standards for substandard lots to the
35 SCC and prohibited the construction of ADUs on substandard lots; and
36

37 WHEREAS, in 1994, the County downzoned a significant portion of the rural area
38 to densities of one dwelling per five acres or more, which resulted in the creation of
39 substandard lots that were legally established, but no longer met the standards of the
40 zoning district in which they were located; and
41

42 WHEREAS, recent circumstances unique to the County and the Central Puget
43 Sound Region indicate that Snohomish County is facing a housing affordability crisis
44 and housing shortage, which necessitates action by local governments; and
45

46 WHEREAS, in May 2019, the County Executive created the Snohomish County
47 Housing Affordability Regional Taskforce (“HART”), consisting of a team of city and

1 county officials and community leaders, tasked to identify solutions to the regional
2 housing affordability crisis; and
3

4 WHEREAS, in January 2020, HART issued the Housing Affordability Regional
5 Taskforce Report and Five-Year Action Plan ("HART Report"), which characterizes the
6 housing crisis and provides short and long-term recommendations for local
7 governments to pursue to alleviate the crisis; and
8

9 WHEREAS, according to the HART Report, the housing supply in Snohomish
10 County is lagging behind population growth, which is illustrated by the fact that between
11 2016-2018, the number of new housing units was 61% less than the increase in the
12 number of households; and
13

14 WHEREAS, according to the HART Report, housing construction would need to
15 slightly more than double the current rate to meet the projected housing affordability
16 needs; and
17

18 WHEREAS, between 2010 and 2017 the average cost of a two-bedroom
19 apartment in Snohomish County increased 49.5%, while the median household income
20 increased less than 18%; and
21

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

26 WHEREAS, ADUs can help alleviate housing affordability issues by providing
27 additional housing units in low-density areas, adding diversity to the housing stock,
28 providing affordable housing options for older adults and opportunities for aging in
29 place, and providing supplemental income to homeowners.
30

31 NOW, THEREFORE, BE IT ORDAINED:
32

33 Section 1. The County Council adopts the following findings in support of this
34 ordinance:
35

36 A. The foregoing recitals are adopted as findings as if set forth in full herein.
37

38 B. This ordinance will amend provisions in Title 30 SCC to update regulations related to
39 accessory dwelling units. In particular, the amendments will eliminate the prohibition on
40 accessory dwelling units on substandard lots in SCC 30.23.235.
41

42 C. In considering the proposed amendments, the county evaluated various factors,
43 including historical development patterns, existing housing market conditions, and legal
44 decisions interpreting relevant GMA provisions.
45

1. Snohomish County is facing an affordable housing crisis and housing stock shortage. The proposed amendments are to encourage the development of DADUs to help diversify and increase the housing stock.
2. The county does not expect that the proposed amendments will result in more than a de minimis increase in the amount of ADUs built in the rural area. Current standards allow the construction of attached or detached ADUs on all standard lots in rural and resource areas, regardless of lot size. Current standards allow ADUs on lots that are smaller than 10 acres, including those legally created through rural cluster subdivisions or lot size averaging, which are often smaller than 5 acres. Under these standards, since 2012 the County has permitted very few ADUs in the rural area. Between January 1, 2012, and December 31, 2019, the County issued permits for only 100 ADUs in the rural area (3 attached and 97 detached), an average of 13 per year. Over that time, ADUs accounted for only 3.3% of the total housing units permitted in the rural areas (100 ADUs out of 3,016 total units). Between 1994 and 2019, which includes a period of over 15 years when detached ADUs were allowed on all lots in the rural area regardless of lot size, the county only issued permits for ADUs in the rural area at an average 28 per year, illustrating that ADUs only nominally contribute to rural growth in Snohomish County.
3. Existing standards ensure that detached units are closely associated with the primary dwelling. Size limitations on detached ADUs ensure they will be subordinate to the primary residence. Additionally, all new ADU buildings must use exterior materials, roof form, window spacing, and proportions that approximate those of the primary residence. These existing standards for detached ADUs in rural and resource areas will work to ensure that detached ADUs maintain a close association with the primary dwelling and maintain existing rural character in Snohomish County, and thus do not represent new urban growth.
4. Nearly all permits for ADUs in rural and resource areas have been for detached ADUs (98% from 2012 and 2019, and 89% from 1994-2011). It is likely that this trend will continue. The restrictions discussed above will help ensure that these units do not negatively affect rural character by ensuring that all detached ADUs have a close association with and are subordinate to the primary residence.

D. In considering the proposed amendments, the county considered the goals and standards of the Growth Management Act (GMA), chapter 36.70A RCW. The proposed amendments are consistent with:

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

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

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 and increases housing density in existing single-family neighborhoods. 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 in rural areas also encourages the preservation of existing housing stock by granting property owners the means to generate additional sources of income, allowing them to continue to afford remaining in place.

3. GMA Goal 8 – Natural resource industries. Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forestlands and productive agricultural lands, and discourage incompatible uses.

Existing restrictions ensure ADUs maintain a close association with the primary dwelling apply to all detached ADUs in these zones. This includes a requirement that a detached ADU share a driveway with the primary residence and the requirement that an ADU be located no further than 100 feet from the primary residence.

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

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

- (i) Containing or otherwise controlling rural development.

The proposed amendments rely on existing requirements that control rural growth and protect rural character. ADUs are an accessory use and are not a driver for rural development. Historical development patterns show that between January 1, 1996, and December 31, 2019, ADUs accounted for approximately

1 5% of the total dwellings sited in the rural area. In more recent years (2012-
2 2019), ADUs accounted for only 3.3% of new dwellings in the rural and resource
3 zones. Existing provisions require all detached ADUs in the rural area to remain
4 physically close to the primary dwelling, share a driveway with the primary
5 dwelling, and maintain architectural symmetry with the primary dwelling, ensuring
6 there is a close association between the ADU and the primary dwelling. Rural
7 character in Snohomish County includes many types of detached buildings, such
8 as sheds, barns, shops, garages, and shelters. Clusters of buildings often occupy
9 sites that include a residence. Given this existing pattern of building clusters
10 throughout rural Snohomish County, detached ADUs do not create a noticeable
11 difference in the structural intensity of such areas. Allowing for the small historical
12 percentage of ADUs that contribute to rural growth, in addition to requiring more
13 close association between the primary residence and a detached ADU, is
14 consistent with rural character.

15
16 Rural Snohomish County does not experience the same pressure to construct
17 ADUs for vacation rental as San Juan County or Island County. Snohomish
18 County anticipates a small number of detached ADUs constructed in rural areas
19 and that these will be mostly for family members of the existing residents. Rural
20 character in Snohomish County does not merely consist of the physical
21 appearance of rural community; it also includes the values of its residents. Rural
22 residents often value strong community and family ties, and many have testified
23 that they desire to care for both aging and younger members of their families.
24 This sentiment is particularly true in this historical moment of dual crises –
25 affordable housing and the COVID-19 pandemic. Residents in rural areas should
26 have the same opportunity as residents in urban areas to care for aging parents,
27 to support adult children, or to earn additional income that allows them to stay in
28 their existing homes. Additionally, rural residents often express they chose to live
29 in a rural area because they can live distant from their neighbors. ADUs must be
30 attached to or within 100 feet of a single-family residence, and most rural
31 property owners are unlikely to want to sacrifice their privacy interests in
32 exchange for a development opportunity. Thus, desire of many property owners
33 to maintain distance from neighbors will likely limit the number who will likely
34 develop a detached ADU.

- 35
36 5. RCW 36.70A.070(5)(c)(ii) – Assuring visual compatibility of rural development
37 with the surrounding rural area.

38
39 The proposed amendments rely on existing architectural and design standards to
40 ensure that detached ADUs developed are compatible with the existing rural
41 development on the property. In general, detached ADUs are limited in size and
42 do not have a significant effect on the visual aspects of a property. However, the
43 proposed amendments rely on existing standards to ensure that detached ADUs

1 are visually compatible with the surrounding rural area. Existing requirements call
2 for new detached ADUs to have features such as exterior materials, roof form,
3 window spacing and proportions, that approximate that of the single family
4 dwelling. These standards for detached ADUs are more stringent than design
5 standards that apply to the construction of other accessory structures in the rural
6 area. Alternatively, detached ADUs may in an existing accessory structure that is
7 already part of the rural character.
8

- 9 6. RCW 36.70A.070(5)(c)(iii) – Reducing the inappropriate conversion of
10 undeveloped land into sprawling, low-density development in the rural area.
11

12 The proposed amendments are consistent with RCW 36.70A.070(5)(c)(iii) as
13 they do not alter the existing density standards in the rural area, with one
14 exception. The amendments allow the construction of ADUs on rural lots that do
15 not meet lot size standards set forth in SCC 30.23.030. Historic permitting data
16 shows that ADUs have not been a primary driver in the conversion of
17 undeveloped land into sprawling, low-density development in the rural area. This
18 ordinance does not alter underlying zoning criteria. To the extent allowing
19 additional detached ADUs in rural areas contributes to density, this is within the
20 scope of what Snohomish County considers its rural character, which includes
21 clusters of buildings that constitute a rural residence and the ability to care for
22 aging parents, adult children, and other family members.
23

- 24 7. RCW 36.70A.070(5)(c)(iv) – Protecting critical areas, as provided in RCW
25 36.70A.060, and surface water and groundwater resources.
26

27 The proposed amendments are consistent with RCW 36.70A.070(5)(c)(iv) and
28 will not reduce protections on critical areas, surface water, or ground water. The
29 proposed amendments will not alter the application of critical areas and storm
30 water standards.
31

- 32
33 8. RCW 36.70A.110(1) – Each county that is required or chooses to plan under
34 RCW 36.70A.040 shall designate an urban growth area or areas within which
35 urban growth shall be encouraged and outside of which growth can occur only if
36 it is not urban in nature.
37

38 The amendments rely on existing design requirements that detached ADUs have
39 a close association to the primary single-family dwelling to protect against urban
40 growth outside the UGA.
41

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

1
2 The county must harmonize the GMA's planning goals in its rural element. This
3 ordinance provides affordable and diverse housing to all segments of the
4 population and protects property rights. It also recognizes that residents in rural
5 areas may want to construct detached ADUs for the same reasons as those in
6 urban areas – to provide affordable housing for family members or to generate a
7 source of income to enable them to age in place. The ordinance does not permit
8 additional subdivision in rural areas to generate additional housing stock. Rather,
9 it creates an opportunity for a small but diverse type of housing that appeals only
10 to a small segment of the population.

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

27
28 E. The proposed amendments will better achieve, comply with, and implement the goals
29 and policies of the Puget Sound Regional Council's Multicounty Planning Policies
30 (MPPs), including the following goals and policies:

- 31
32 1. MPP-DP-22 – Do not allow urban net densities in rural and resource areas.

33
34 The proposed amendments rely on existing standards for all detached ADUs in
35 the rural and resource zones. These standards help ensure that a close
36 connection is maintained between the single-family dwelling and the ADU and to
37 keep the ADU subordinate to the single-family dwelling. Those standards include
38 a maximum separation distance between the single-family dwelling and ADU of
39 100 feet. There is also a requirement to share the driveway between the primary
40 and accessory dwellings, ensuring that in rural areas there will be no functional
41 difference between an attached and detached ADU.

42
43 From 2012 to 2019, an average of 13 ADUs were permitted in the rural and
44 resource zones per year. These zones cover approximately 270,000 acres of

1 rural land. This works out to an average of 1 unit for every 20,000 acres per year.
2 Over a 20-year planning period, that is approximately 1 ADU per 1,000 acres.
3 Between the years 1994 and 2019, permit records show an average of 28 ADUs
4 in the rural and resources zones per year. Again, spread over approximately
5 270,000 acres of rural land, this is an average of 1 ADU for every 9,643 acres
6 per year. Over a 20-year planning period, that is approximately 1 ADU per 482
7 acres. Even if the proposed amendments result in a minor increase in the
8 number of permitted ADUs per year, it will not result in urban net densities in the
9 rural and resource areas. This expected negligible amount of development in the
10 rural area is not anticipated to have any noticeable impact on public facilities and
11 services.
12

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

18 The proposed amendments will help to expand and improve the diversity of the
19 housing stock by reducing regulatory barriers on the construction of ADUs. The
20 reduction should facilitate increased construction of ADUs in the urban areas.
21

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

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

30 The proposed amendments will support MPP-H-1 and MPP-H-2 by allowing for
31 the construction of detached accessory dwelling units in more locations.
32 Construction of detached ADUs in rural and resources areas will contribute to the
33 County's efforts to meet the necessary supply of housing units for low-income,
34 moderate-income, middle-income, and special needs individuals.
35
36

37 F. The proposed amendments will better achieve, comply with, and implement the
38 following goal and policies contained within the Countywide Planning Policies (CPPs):
39

- 40 1. Housing Goal – Snohomish County and its cities will promote an affordable
41 lifestyle where residents have access to safe, affordable, and diverse housing
42 options near their jobs and transportation options.
43

44 The proposed amendments will support the housing goal in the CPPs by
45 reducing the regulatory barriers on the construction of detached ADUs, which will

1 help to diversify the housing options in rural and resource areas that are close to
2 resource-based employment.
3
4

5 G. In considering the proposed amendments, the county considered the goals,
6 objectives, and policies of the Snohomish County GMA Comprehensive Plan (GMACP)
7 – General Policy Plan (GPP). The proposed amendments will work to support,
8 implement, and balance the following goals, objectives, and policies in the GPP:
9

- 10 1. Goal LU 6 – Protect and enhance the character, quality, and identity of rural
11 areas.
12

13 Objective LU 6.A – Reduce the rate of growth that results in sprawl in rural and
14 resource areas.
15

16 Policy LU 6.A.1 – To help ensure that the rural population target is not exceeded,
17 rural growth trends shall be monitored using the process and criteria established
18 under Objective PE 2.B. If rural growth trends indicate that the rural population
19 target may be exceeded, the county shall evaluate whether incentive programs
20 or adjustments to planned densities or land uses are necessary to bring rural
21 growth trends back into alignment with the adopted target.
22

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

32 To continue the preservation of rural character, the proposed amendments rely
33 on existing restrictions on the development of accessory apartments in the rural
34 and resource areas. Those restrictions ensure that all new ADUs in rural areas
35 are in close association with, and subordinate to, the primary dwelling. Detached
36 ADUs on rural lots, regardless of the origin of the structure, will function with a
37 close association between the ADU and the primary dwelling.
38

39 Detached ADUs fill an important niche in the housing market, such as providing
40 options for older adults to age in place and allowing families to continue to live
41 together as they expand. As housing costs continue to rise in Snohomish County,
42 many property owners are looking for opportunities to provide housing for young
43 adult children, a caretaker, or to move into as they age. Detached ADUs provide
44 a unique opportunity for those families and represent a specific type of housing
45 that other, traditional housing types in rural and resource areas do not provide.

1 Additionally, detached ADUs can provide supplemental income to homeowners
2 while providing affordable housing.
3

4 Finally, Policy LU 6.A.1 requires the county to complete annual monitoring of
5 rural growth trends. If monitoring shows that Snohomish County could exceed its
6 rural population target, it is unlikely that accessory apartments would be the
7 primary cause. However, actions taken to address rural growth could be
8 comprehensive in nature including actions not directly related to detached ADUs
9 which might have a larger effect on overall rural growth patterns.
10

- 11 2. Objective HO 1.B – Ensure that a broad range of housing types and affordability
12 levels is available in urban and rural areas.
13

14 The proposed amendments reduce regulatory barriers on the development of
15 detached ADUs in rural and resource areas, supporting the development of a
16 broad range of housing types and affordability in these areas. Detached ADUs
17 serve as one of the only options for supporting this objective in the rural areas.
18 Snohomish County Code does not allow most other low-cost and diverse types of
19 housing in rural and resource areas. The development of detached ADUs
20 provides different housing types and affordability levels in areas with
21 predominantly uniform housing types and levels of affordability.
22

- 23 3. Objective HO 2.B – Encourage the use of innovative urban design techniques
24 and development standards to foster broad community acceptance of a variety of
25 housing types affordable to all economic segments of the population.
26

27 Policy HO 2.B.1 – The county shall encourage a variety of housing types and
28 densities in residential neighborhoods.
29

30 Policy HO 2.B.4 – The county shall encourage the integration of a variety of
31 dwelling types and intensities in residential neighborhoods.
32

33 The amendments would encourage integration of detached ADUs into rural
34 residential neighborhoods that do not have a variety of dwelling types.
35

36 H. The proposed amendments implement the following Five-Year Action Items from the
37 Snohomish County Housing Affordability Regional Taskforce Report and Five-Year
38 Action Plan:
39
40
41

- 42 1. 1.B.2 – Revise local zoning to encourage Accessory Dwelling Units (ADU).
43

44 The proposed amendments will comply with action item 1.B.2 by revising
45 Snohomish County regulations to facilitate the construction of detached ADUs in
46 rural areas.

1
2 I. Procedural requirements.
3

- 4 1. State Environmental Policy Act (SEPA), chapter 43.21C RCW, requirements with
5 respect to this non-project action have been satisfied through the completion of
6 an environmental checklist and the issuance of a determination of non-
7 significance on [REDACTED], 2021.
8
9 2. The proposal is a Type 3 legislative action pursuant to SCC 30.73.010.
10
11 3. Pursuant to RCW 36.70A.106(1), a notice of intent to adopt this ordinance was
12 transmitted to the Washington State Department of Commerce for distribution to
13 state agencies on [REDACTED], 2021.
14
15 4. The public participation process used in the adoption of this ordinance complies
16 with all applicable requirements of the GMA and the SCC.
17
18 5. The Washington State Attorney General last issued an advisory memorandum,
19 as required by RCW 36.70A.370, in September of 2018 entitled "Advisory
20 Memorandum: Avoiding Unconstitutional Takings of Private Property" to help
21 local governments avoid the unconstitutional taking of private property. The
22 process outlined in the State Attorney General's 2018 advisory memorandum
23 was used by the County in objectively evaluating the regulatory changes
24 proposed by this ordinance.
25

26 Section 2. The County Council makes the following conclusions:
27

- 28 1. The proposed amendments are consistent with the goals, policies, and objectives
29 of the MPPs, CPPs, and GPPs.
30
31 2. The proposed amendments are consistent with applicable federal, state, and
32 local laws and regulations.
33
34 3. The County has complied with all SEPA requirements with respect to this non-
35 project action.
36
37 4. The regulations proposed by this ordinance do not result in an unconstitutional
38 taking of private property for a public purpose.
39

40 Section 3. The County Council bases its findings and conclusions on the entire
41 legislative record, including all testimony and exhibits. Any finding which should be
42 deemed a conclusion, and any conclusion that should be a finding, is hereby adopted
43 as such.
44

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

1
2 **30.28.010 Accessory dwelling units.**
3

4 Accessory dwelling units are allowed subordinate to a single-family dwelling in zones
5 where single-family dwellings are permitted under SCC 30.22.100, 30.22.110, and
6 30.22.120.
7

8 (1) General standards. All accessory dwelling units shall comply with the following
9 standards:
10

11 (a) Development of accessory dwelling units shall be subject to compliance with all
12 other applicable provisions of this title;
13

14 (b) Development of accessory dwelling units shall be subject to physical and legal
15 availability of water and the applicant providing documentation that the water supply is
16 potable and of adequate flow;
17

18 (c) Applicants must provide documentation that the existing or proposed sewage or
19 septic system is capable of handling the additional demand placed upon it by the
20 attached or detached accessory dwelling unit;
21

22 (d) The floor area of an accessory dwelling unit shall not exceed 1,200 square feet.
23 Floor areas shall be exclusive of garages, porches, and unfinished basements;
24

25 (e) Accessory dwelling units shall meet the off-street parking requirements in
26 chapter 30.26 SCC;
27

28 (f) Attached accessory dwelling units shall be designed such that the architectural
29 character of the primary dwelling is preserved. Exterior materials, roof form, window
30 spacing, and proportions shall match that of the primary dwelling; and
31

32 (g) Detached accessory dwelling units shall be constructed such that exterior
33 materials, roof form, window spacing, and proportions approximate those of the single-
34 family dwelling. A detached accessory dwelling unit proposed for location within an
35 existing accessory structure is not required to approximate the exterior features of the
36 existing single family dwelling. A mobile home, where allowed as a detached accessory
37 dwelling unit pursuant to subsection (3)(a)(ii) of this section, is not required to
38 approximate the exterior features of the existing single-family dwelling.
39

40 (2) Urban zones. Accessory dwelling units are permitted uses in the urban zones on
41 lots with a single-family dwelling pursuant to SCC 30.22.100. One attached accessory
42 dwelling unit and one detached accessory dwelling unit may be established on lots that
43 contain a legally-established single-family dwelling.
44

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

4
5 ~~((a) One accessory dwelling unit may be established on lots that contain a legally-~~
6 ~~established single-family dwelling pursuant to the following:~~

7
8 ~~(i) Detached accessory dwelling units are prohibited on lots that do not meet the~~
9 ~~minimum required lot area, pursuant to SCC 30.23.030, in the zone in which they are~~
10 ~~located. The following prohibitions also apply:~~

11
12 ~~(A) Detached accessory dwelling units are prohibited on lots in the R-5 zone~~
13 ~~that are less than five acres in size; and~~

14
15 ~~(B) Detached accessory dwelling units are prohibited on lots in the RC zone~~
16 ~~that are less than 100,000 square feet in size.~~

17
18 ~~(ii) A mobile home that is subordinate to the single-family dwelling may be~~
19 ~~allowed as a detached accessory dwelling unit on lots equal to or greater than 10~~
20 ~~acres.))~~

21
22 (a) One accessory dwelling unit may be established on lots that contain a legally-
23 established single-family dwelling with the exception that a mobile home is allowed as a
24 detached accessory dwelling unit only on lots equal to or greater than 10 acres and only
25 when the mobile home is subordinate to the existing single-family dwelling.

26
27 (b) The distance between the nearest walls of the primary dwelling and a proposed
28 detached accessory dwelling unit shall not exceed 100 feet except when:

29
30 (i) The accessory dwelling unit is proposed to be located in an existing structure
31 that was legally constructed before June 19, 2021; or

32
33 (ii) The applicant demonstrates that the physical characteristics of the property,
34 including, but not limited to, critical areas, topography, sewage, septic, and water
35 systems, and their associated buffers or setbacks, limit the siting of an accessory
36 dwelling unit within 100 feet of the primary dwelling. In these circumstances the
37 accessory dwelling unit shall be located as close as reasonably possible to the primary
38 dwelling unit.

39
40 (c) Accessory dwelling units shall utilize the same driveway as the primary single-
41 family dwelling.

42
43
44 Section 5. Severability and Savings. If any section, sentence, clause or phrase of
45 this ordinance shall be held to be invalid by the Growth Management Hearings Board
46 (Board), or unconstitutional by a court of competent jurisdiction, such invalidity or

1 unconstitutionality shall not affect the validity or constitutionality of any other section,
2 sentence, clause or phrase of this ordinance. Provided, however, that if any section,
3 sentence, clause or phrase of this ordinance is held to be invalid by the Board or court
4 of competent jurisdiction, then the section, sentence, clause or phrase in effect prior to
5 the effective date of this ordinance shall be in full force and effect for that individual
6 section, sentence, clause or phrase as if this ordinance had never been adopted.

7
8 PASSED this ____ day of ____, 2021.
9

10
11 SNOHOMISH COUNTY COUNCIL
12 Snohomish County, Washington
13

14
15
16 _____
17 Council Chair

18 ATTEST:
19

20 _____
21 Clerk of the Council
22

23
24 () APPROVED

25
26 () EMERGENCY

27
28 () VETOED

29 DATE: _____
30

31 _____
32 County Executive
33

34 ATTEST:
35

36
37 _____
38

39
40 Approved as to form only:
41

42 _____
43 Deputy Prosecuting Attorney