Planning and Community Development

Ryan Countryman

Council Initiated:
☒Yes
☐No

ECAF: 2024-1363
Motion: 24-266

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: Motion 24-266 would refer an ordinance sponsored by Councilmember Dunn regarding Accessory Dwelling Units to county departments and the Planning Commission for review and recommendation.

Duration: Recommendation(s) requested by December 2, 2024.

Fiscal Impact: ☐Current Year ☐Multi-Year ☒**N/A**

Authority Granted: None

Background: Snohomish County faces a well-documented shortage of affordable housing options. Accessory Dwelling Units (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.

Motion 24-266 would refer an ordinance revising Snohomish County's ADU regulations for review and recommendation from county departments and the Planning Commission. This 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. To provide flexibility in scheduling a briefings and hearings, the motion requests recommendation back to the County Council by December 2, 2024.

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. Appendix D identifies some proposed definitional changes to Snohomish County Code that the County Engineer might consider mirroring by adopting minor changes to the Engineering Design and Development Standards (EDDS).

Request: Move the proposed motion to GLS on July 9, 2024, for consideration.

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:

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)
- 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.

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

[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.

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)[3] 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.[4]

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

[3] 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".

[4] 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.

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)).[5] 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".

[5] 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. 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.[6]

> **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]*
> (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

[6] This proposed rephasing 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.

(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) Continuance. 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.[7] 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 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.

[7] 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.

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.

[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".[8] 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.[9]

> **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.

[8] 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.

[9] 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.

Appendix D: Changes Affecting EDDS

This appendix identifies some minor inconsistencies that the proposed ordinance would create between county code and the Engineering Design and Development Standards (EDDS) regarding driveways and shared driveways. The motion transmitting the proposed ordinance to asks the Department of Public Works (DPW) for review and input on the proposed code amendments. The motion also asks DPW consider whether any changes to EDDS would be appropriate. The County Engineer is part of DPW is responsible for maintaining and adopting EDDS. This Appendix is informational to the County Council and Planning Commission because those bodies have no direct authority to recommend or change the EDDS.

EDDS incorporates the definitions of driveway and shared driveway in code by reference. The proposed ordinance would amend those definitions as below. With respect to EDDS, the important change is the potential increase on dwelling units that each might serve (bolded for emphasis).

> **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.
>
> **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**.**

EDDS 3-05.D.3 and D.4 discuss driveways and shared driveways. The assume driveways as having the current maximum number of units per lot. This would become out of step with the number of units proposed in the ordinance. With bolding added, these standards read:

> 3. Shared Driveways
>
>   A shared driveway is 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** or two Group U occupancies per lot. A shared driveway that provides access to no more than two dwelling units or two Group U occupancies may have a minimum 10-foot wide driving surface and easement width. More intensive use will require that the shared driveway meet fire lane standards. The maximum driving surface width of a shared driveway is 30 feet. Construction shall be in accordance with Chapter 2 and Standard Drawing 3-068.
>
> 4. Driveways
>
>   A driveway is a road network element that provides a single vehicle access for one lot, serving a maximum of **two dwelling units**. A driveway shall have minimum/maximum widths of 10 feet/30 feet and be constructed in accordance with EDDS Chapter 2.

In both cases, changing the phrasing in EDDS to read four dwelling units rather than two would appear to resolve inconsistencies created by the proposed ordinance.