

1 ADOPTED: _____
2 EFFECTIVE: _____

3 SNOHOMISH COUNTY COUNCIL
4 Snohomish County, Washington

5
6 ORDINANCE NO. 22-006

7
8 RELATING TO GROWTH MANAGEMENT;
9 REVISING 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, the Washington State Legislature enacted in 1990 chapter 36.70A
17 RCW, known as the Growth Management Act (GMA), which required counties to
18 distinguish between urban growth areas (UGAs) and rural and resource lands; and
19

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

26 WHEREAS, section 43.185A.215(3) of the Revised Code of Washington (RCW),
27 originally adopted in 1993 as Senate Bill 5584, requires that Snohomish County (the
28 “County”) incorporate ADU regulations into local development codes, zoning
29 regulations, or official controls, but defers to the local legislative authority for
30 establishment of regulations, conditions, procedures, and limitations related to ADUs;
31 and
32

33 WHEREAS, Amended Ordinance No. 94-029, approved by the County Council
34 on April 6, 1994, amended the SCC to allow detached ADUs as a permitted use in
35 single-family zoning districts, including rural and resource zoning districts; and
36

37 WHEREAS, in 1996, 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, on January 25, 2012, the County Council approved Amended
43 Ordinance No. 11-058, which added development standards for substandard lots to the
44 SCC and prohibited the construction of ADUs on substandard lots; and
45

1 WHEREAS, recent circumstances unique to the County and the Central Puget
2 Sound Region indicate that Snohomish County is facing a housing affordability crisis
3 and housing shortage, which necessitates action by local governments; and
4

5 WHEREAS, in May 2019, the County Executive created the Snohomish County
6 Housing Affordability Regional Taskforce (HART), consisting of a team of city and
7 county officials and community leaders, tasked to identify solutions to the regional
8 housing affordability crisis; and
9

10 WHEREAS, in January 2020, HART issued the Housing Affordability Regional
11 Taskforce Report and Five-Year Action Plan (“HART Report”), which characterizes the
12 housing crisis and provides short and long-term recommendations for local
13 governments to pursue to alleviate the crisis; and
14

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

19 WHEREAS, according to the HART Report, the housing supply in Snohomish
20 County is lagging behind population growth, which is illustrated by the fact that between
21 2016-2018, the number of new housing units was 61% less than the increase in the
22 number of households; and
23

24 WHEREAS, the U.S. Census Bureau estimates that in 2018, 33% of Snohomish
25 County households were housing cost burdened, meaning that they paid more than
26 30% of their income on housing; and
27

28 WHEREAS, according to the HART Report, housing construction would need to
29 slightly more than double the current rate to meet projected housing affordability needs;
30 and
31

32 WHEREAS, according to the HART Report, ADUs can help alleviate housing
33 affordability issues such as those described by the Census Bureau by providing
34 additional housing units in low-density areas, adding diversity to the housing stock,
35 providing affordable housing options for older adults and opportunities for aging in
36 place, and providing supplemental income to homeowners; and
37

38 WHEREAS, the County Council referred potential amendments on ADU
39 regulations to the Snohomish County Planning Commission (“Planning Commission”)
40 for its consideration and recommendation, and
41

42 WHEREAS, County Council staff briefed the Planning Commission on October
43 26, 2021, and
44

1 WHEREAS, on November 16, 2021, the Planning Commission held a public
2 hearing to receive public testimony concerning the code amendments contained in this
3 ordinance; and
4

5 WHEREAS, at the conclusion of the Planning Commission’s public hearing, the
6 Planning Commission recommended adoption of the code amendments contained in
7 this ordinance; and
8

9 WHEREAS, on [_____, 2022], the County Council held a public hearing after
10 proper notice, and considered public comment and the entire record related to the code
11 amendments contained in this ordinance; and
12

13 WHEREAS, following the public hearing, the County Council deliberated on the
14 code amendments contained in this ordinance;
15

16 NOW, THEREFORE, BE IT ORDAINED:
17

18 Section 1. The County Council adopts the following findings in support of this
19 ordinance:
20

21 A. The foregoing recitals are adopted as findings as if set forth in full herein.
22

23 B. This ordinance will amend provisions in title 30 SCC to update regulations related to
24 ADUs. In particular, the amendments will allow the establishment of detached ADUs on
25 rural substandard lots and will eliminate the requirement that detached ADUs on rural
26 lots be located within 100 feet of the primary dwelling.
27

28 C. In considering the proposed amendments, the county evaluated various factors,
29 including historical development patterns, existing housing market conditions, and legal
30 decisions interpreting relevant GMA provisions.
31

32 1. Snohomish County is facing an affordable housing crisis and housing stock
33 shortage. The purpose of the proposed amendments is to provide rural property
34 owners a modest means to help diversify the County’s rural housing stock and to
35 provide rural property owners an opportunity equal to that of urban property
36 owners to age in place, care for family members, and earn a modest
37 supplemental income.
38

39 2. The County does not expect that the proposed amendments will result in more
40 than a de minimis increase in the amount of ADUs built in the rural area. Current
41 standards allow the construction of attached or detached ADUs on all standard
42 lots in rural and resource areas, regardless of lot size. Current standards allow
43 ADUs on lots that are smaller than 10 acres. Since 2012, the County has
44 permitted very few ADUs in the rural area. Between January 1, 2012, and
45 December 31, 2019, the County issued permits for only 100 ADUs in the rural
46 area (3 attached and 97 detached), an average of 13 per year. Over that time,

1 ADUs accounted for only 3.3% of the total housing units permitted in rural areas
2 (100 ADUs out of 3,016 total units). Between 1994 and 2019, which includes a
3 period of over 15 years when detached ADUs were allowed on all lots in the rural
4 area regardless of lot size, the County only issued permits for ADUs in the rural
5 area at an average of 28 per year, illustrating that ADUs only nominally
6 contribute to rural growth in Snohomish County.
7

- 8 3. Nearly all permits for ADUs in rural and resource areas have been for detached
9 ADUs (98% from 2012 and 2019, and 89% from 1994-2011). It is likely that this
10 trend will continue. The restrictions discussed in Findings 4 and 5 below will help
11 ensure that these units do not negatively affect rural character and density.
12
- 13 4. RCW 36.70A.070(5)(b) requires counties to “provide for a variety of rural
14 densities [...] consistent with rural character.” The proposed amendments are
15 consistent with rural character in Snohomish County for reasons that include the
16 following:
17
- 18 a. All detached ADUs in new buildings must maintain visual aspects of
19 existing rural structures. Regulations require use of exterior materials, roof
20 form, window spacing, and proportions that approximate those of the
21 primary residence. Detached ADUs in new buildings must use the same
22 driveway access to the road as the primary residence.
23
 - 24 b. Throughout the rural areas of Snohomish County there are a variety of
25 parcel sizes. Following the 1996 downzoning under GMA, the rural
26 character of Snohomish County includes a geographic pattern of lots that
27 include standard 5-acre lots and substandard lots less than five acres.
28
 - 29 c. Snohomish County Code does not allow subdivision of substandard lots.
30 The amount of land under common control or ownership is a feature that
31 helps distinguish rural residential areas from urban residential areas.
32 Subdivision of substandard lots in rural areas would result in less land
33 under common ownership, thereby blurring the distinction between rural
34 and urban residential areas. Hence, the allowance for detached ADUs on
35 substandard lots would help provide a variety of rural densities without
36 impacting other aspects of rural character such as overall lot sizes.
37
 - 38 d. Throughout the rural area, many parcels have a residence and one or
39 more outbuildings. There is wide variation in how many buildings are on
40 rural parcels and placement of those buildings. There is not an established
41 pattern of where buildings are located relative to other buildings in rural
42 and resource areas of Snohomish County. Title 30 SCC does not require
43 most types of outbuildings to be near a primary dwelling. However, SCC
44 30.28.010 currently requires most new detached ADUs to be within 100
45 feet of the primary dwelling in rural and resource zones. The existing
46 provision that detached ADUs in rural parts of Snohomish County must

1 generally be within 100 feet of the primary dwelling was both recently
2 adopted and modeled after a similar requirement of San Juan County
3 code. The rural character of Snohomish County differs from the rural
4 character of San Juan County. Therefore, the existing requirement in SCC
5 30.28.010 that most detached ADUs maintain a close association with the
6 primary dwelling by being within 100 feet is not necessary to maintain
7 existing rural character in Snohomish County.
8

9 e. In Snohomish County, creation of most parcels subject to Snohomish
10 County's Shoreline Management Program, chapter 30.67 SCC, took place
11 before enactment of the Shoreline Management Act and the GMA. Many
12 such parcels are in environmentally sensitive areas particularly affected by
13 the impacts of development. Parcels located along shorelines are more
14 prone to experience pressure to develop with vacation residences or
15 short-term rentals than parcels not within shoreline jurisdiction. Although
16 existing shoreline (and critical area) regulations would preclude most, if
17 not all, new detached ADUs in shoreline areas as a practical matter, a
18 clear prohibition in shoreline areas may be of service to prospective
19 applicants.
20

21 5. RCW 36.70A.070(5)(c) requires that the variety of rural densities in (5)(b) contain
22 measures to reduce "sprawling, low-density development in the rural areas".
23 Such sprawl might otherwise be described as urban development. Since
24 development of parcels in rural and resource areas took place at different times
25 under differing regulatory environments, there is no single standard that defines
26 rural density in Snohomish County. Absent a clear definition of rural density,
27 there are several measures already in effect to prevent urban densities, including
28

- 29 a. GMA and Snohomish County Code generally prohibit extension of urban
30 public facilities, including sanitary sewer, outside UGAs.
- 31
- 32 b. Snohomish Health District Code 5.05.010 and Washington Administrative
33 Code 246-272A-0320 establish minimum land area requirements for the
34 purpose of siting on-site residential septic systems, which under the most
35 ideal soil types require at least 12,500 square feet of land for a septic
36 system designed for one unit, thus creating a practical minimum of 25,000
37 square feet for a primary dwelling with a detached accessory unit.
- 38
- 39 c. To the extent that lot sizes rather than number of units per acre are a
40 measure of density, land with both a primary residence and a detached
41 ADU is still under single ownership and control. Therefore, allowing for
42 detached ADUs would not alter this aspect of established character of
43 rural lot sizes.
44

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

- 1
2 1. GMA Goal 2 – Reduce sprawl. Reduce the inappropriate conversion of
3 undeveloped land into sprawling, low-density development.
4

5 ADUs accounted for only 3.3% of the housing units permitted in the rural areas
6 between January 1, 2012, and December 31, 2019. This demonstrates that
7 ADUs do not inappropriately convert undeveloped land into sprawling, low-
8 density development.
9

- 10 2. GMA Goal 4 – Housing. Encourage the availability of affordable housing to all
11 economic segments of the population of this state, promote a variety of
12 residential densities and housing types, and encourage preservation of existing
13 housing stock.
14

15 Construction of detached ADUs diversifies the housing stock in rural areas. Rent
16 for ADUs is often at below-market rates. Detached ADUs serve an important
17 niche in the housing market, as they are uniquely suited to provide low-cost
18 housing options for the County’s senior population, individuals with a disability,
19 and younger adults. The expansion of opportunities to construct detached ADUs
20 in rural areas also encourages the preservation of existing housing stock by
21 granting property owners the means to generate additional sources of income,
22 allowing them to continue to afford remaining in place.
23

- 24 3. RCW 36.70A.070(5) – Rural element. Counties shall include a rural element
25 including lands that are not designated for urban growth, agriculture, forest, or
26 mineral resources. The following provisions shall apply to the rural element:
27

28 (c) Measures governing rural development. The rural element shall include
29 measures that apply to rural development and protect the rural character of the
30 area, as established by the county, by:
31

- 32 (i) Containing or otherwise controlling rural development.
33

34 The proposed amendments rely on existing requirements that control rural
35 growth and protect rural character. ADUs are an accessory use and are not a
36 driver for rural development. Historical development patterns show that between
37 January 1, 1996, and December 31, 2019, ADUs accounted for approximately
38 5% of the total dwellings sited in the rural area. In more recent years (2012-
39 2019), ADUs accounted for only 3.3% of new dwellings in the rural and resource
40 zones. Existing provisions require that all detached ADUs in the rural area share
41 a driveway with the primary dwelling and maintain architectural similarities with
42 the primary dwelling. Rural character in Snohomish County includes many types
43 of detached buildings, such as sheds, barns, shops, garages, and shelters.
44 Detached ADUs do not create a noticeable difference in the structural intensity of
45 such areas. The small historical contribution of ADUs to overall rural growth

1 means that proposed rural ADU standards would still be consistent with rural
2 character.

3
4 Rural Snohomish County does not experience the same pressure to construct
5 ADUs for vacation rental as San Juan County or Island County. Snohomish
6 County anticipates a small number of detached ADUs constructed in rural areas
7 and that these will be mostly for family members of the existing residents. Rural
8 character in Snohomish County does not merely consist of the physical
9 appearance of rural community; it also includes the values of its residents. Rural
10 residents often value strong community and family ties, and many have testified
11 that they desire to care for both aging and younger members of their families.
12 This sentiment is particularly true in this historical moment of dual crises –
13 affordable housing and the COVID-19 pandemic. Residents in rural areas should
14 have the same opportunity as residents in urban areas to care for aging parents,
15 to support adult children, or to earn additional income that allows them to stay in
16 their existing homes.

- 17
18 4. RCW 36.70A.070(5)(c)(ii) – Assuring visual compatibility of rural development
19 with the surrounding rural area.

20
21 The proposed amendments rely on existing architectural and design standards to
22 ensure that detached ADUs are compatible with the existing rural development
23 on the property. In general, detached ADUs are limited in size and do not have a
24 significant effect on the visual aspects of a property. However, the proposed
25 amendments rely on existing standards to ensure that detached ADUs are
26 visually compatible with the surrounding rural area. Existing requirements call for
27 new detached ADUs to have features such as exterior materials, roof form,
28 window spacing, and proportions that approximate that of the primary dwelling.
29 These standards for detached ADUs are more stringent than design standards
30 that apply to the construction of other accessory structures in the rural area.
31 Alternatively, an existing accessory structure that is already part of the rural
32 character may be converted into an ADU.

- 33
34 5. RCW 36.70A.070(5)(c)(iii) – Reducing the inappropriate conversion of
35 undeveloped land into sprawling, low-density development in the rural area.

36
37 The proposed amendments are consistent with RCW 36.70A.070(5)(c)(iii) as
38 they do not alter zoning density standards in the rural area, however, they do
39 allow the construction of ADUs on rural lots that do not meet lot size standards
40 set forth in SCC 30.23.030. Historic permitting data shows that ADUs have not
41 been a primary driver in the conversion of undeveloped land into sprawling, low-
42 density development in the rural area. This ordinance does not alter underlying
43 zoning criteria. To the extent allowing additional detached ADUs in rural areas

1 contributes to density, this is within the scope of what Snohomish County
2 considers its rural character, which includes clusters of buildings that constitute a
3 rural residence and the ability to care for aging parents, adult children, and other
4 family members.

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

8
9 The proposed amendments are consistent with RCW 36.70A.070(5)(c)(iv) and
10 will not reduce protections on critical areas, surface water, or ground water. The
11 proposed amendments will not alter the application of critical areas and storm
12 water standards.

- 13
14 7. RCW 36.70A.110(1) – Each county that is required or chooses to plan under
15 RCW 36.70A.040 shall designate an urban growth area or areas within which
16 urban growth shall be encouraged and outside of which growth can occur only if
17 it is not urban in nature.

18
19 The amendments rely on existing provisions to prevent development of urban-
20 sized lots and urban-appearing homes in rural areas. First, subdivision of
21 substandard lots is prohibited, preventing urban lot sizes. Second, existing code
22 requires that detached ADUs in new buildings have similar architecture to the
23 primary dwelling which helps to maintain rural character because urban
24 development must follow the Urban Residential Design Standards (URDS) in
25 chapter 30.23A SCC and URDS does not apply in rural areas. Conversion of
26 existing rural outbuildings to detached ADUs would have no effect on the visual
27 character of rural areas, thus also avoiding development that is visually designed
28 to appear urban in nature.

- 29
30 8. RCW 36.70A.070(5)(a) and (b) – Snohomish County is required to provide a
31 “variety of rural densities” and may consider “local circumstances” in doing so.

32
33 The County must harmonize the GMA’s planning goals in its rural element. This
34 ordinance provides affordable and diverse housing to all segments of the
35 population and protects property rights. It also recognizes that residents in rural
36 areas may want to construct detached ADUs for the same reasons as those in
37 urban areas – to provide affordable housing for family members or to generate a
38 source of income to enable them to age in place. The ordinance does not permit
39 additional subdivision in rural areas to generate additional housing stock. Rather,
40 it creates an opportunity for a small but diverse type of housing that appeals only
41 to a small segment of the population.

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

17 E. The proposed amendments will better achieve, comply with, and implement the goals
18 and policies of the Puget Sound Regional Council's Multicounty Planning Policies
19 (MPPs), including the following goals and policies:
20

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

23 The proposed amendments rely on existing standards for all detached ADUs in
24 the rural and resource zones such as a requirement to share the driveway
25 between the primary and accessory dwellings. This helps ensure that in rural
26 areas there will be little functional difference between an attached and detached
27 ADU.
28

29 From 2012 to 2019, an average of 13 ADUs were permitted in the rural and
30 resource zones per year. These zones cover approximately 270,000 acres of
31 rural land. This works out to an average of 1 unit for every 20,000 acres per year.
32 Over a 20-year planning period, that is approximately 1 ADU per 1,000 acres.
33 Between the years 1994 and 2019, permit records show an average of 28 ADUs
34 in the rural and resources zones per year. Again, spread over approximately
35 270,000 acres of rural land, this is an average of 1 ADU for every 9,643 acres
36 per year. Over a 20-year planning period, that is approximately 1 ADU per 482
37 acres. Even if the proposed amendments result in a minor increase in the
38 number of permitted ADUs per year, it will not result in urban net densities in the
39 rural and resource areas. This expected negligible amount of development in the
40 rural area is not anticipated to have any noticeable impact on public facilities and
41 services.
42

- 43 2. MPP Housing Goal – The region will preserve, improve, and expand its housing
44 stock to provide a range of affordable, healthy, and safe housing choices to every

1 resident. The region will continue to promote fair and equal access to housing for
2 all people.

3
4 The proposed amendments will help to expand and improve the diversity of the
5 housing stock by reducing regulatory barriers on the construction of ADUs.
6 Allowing detached ADUs in the rural area provides equal opportunity for rural
7 property owners to age in place, care for family members, and earn a modest
8 supplemental income, and provides equal access to people of moderate means
9 to live in a rural environment.

- 10
11 3. MPP-H-1 – Provide a range of housing types and choices to meet the housing
12 needs of all income levels and demographic groups within the region.

13
14 MPP-H-2 – Achieve and sustain — through preservation, rehabilitation, and new
15 development — a sufficient supply of housing to meet the needs of low-income,
16 moderate-income, middle-income, and special needs individuals and households
17 that is equitably and rationally distributed throughout the region.

18
19 The proposed amendments will support MPP-H-1 and MPP-H-2 by allowing for
20 the construction of detached accessory dwelling units in more locations.
21 Construction of detached ADUs in rural and resources areas will contribute to the
22 County’s efforts to meet the necessary supply of housing units for low-income,
23 moderate-income, middle-income, and special needs individuals.

24
25 F. The proposed amendments will better achieve, comply with, and implement the
26 Housing Goal of the Countywide Planning Policies (CPPs), which provides:
27 “Snohomish County and its cities will promote an affordable lifestyle where residents
28 have access to safe, affordable, and diverse housing options near their jobs and
29 transportation options.” The proposed amendments will support the housing goal in the
30 CPPs by reducing the regulatory barriers on the construction of detached ADUs, which
31 will help to diversify the housing options in rural and resource areas that are close to
32 resource-based employment.

33
34 G. In considering the proposed amendments, the county considered the goals,
35 objectives, and policies of the Snohomish County GMA Comprehensive Plan (GMACP)
36 – General Policy Plan (GPP). The proposed amendments will work to support,
37 implement, and balance the following goals, objectives, and policies in the GPP:

- 38
39 1. Goal LU 6 – Protect and enhance the character, quality, and identity of rural
40 areas.

41
42 Objective LU 6.A – Reduce the rate of growth that results in sprawl in rural and
43 resource areas.

44
45 Policy LU 6.A.1 – To help ensure that the rural population target is not exceeded,
46 rural growth trends shall be monitored using the process and criteria established

1 under Objective PE 2.B. If rural growth trends indicate that the rural population
2 target may be exceeded, the county shall evaluate whether incentive programs
3 or adjustments to planned densities or land uses are necessary to bring rural
4 growth trends back into alignment with the adopted target.
5

6 The amendments proposed by this ordinance would reduce regulatory barriers
7 on the construction of accessory apartments in the rural and resource areas.
8 These changes may result in a slight increase in the number of ADUs in these
9 areas. However, between January 1, 1996, and December 31, 2011, when there
10 were no restrictions on constructing ADUs on substandard lots in the rural areas,
11 ADUs accounted for approximately 5.6% of new dwellings in the rural area. The
12 county has no reason to expect that the proposed amendments will result in ADU
13 development that exceeds historical maximums.
14

15 To continue the preservation of rural character, the proposed amendments rely in
16 part on existing restrictions on the development of ADUs in the rural and
17 resource areas. This includes a requirement that ADUs share a driveway and
18 architectural design features with the primary dwelling, thereby reducing the
19 number of driveway accesses to roads compared to the same number of units on
20 land that has been subdivided and maintaining visual continuity with the existing
21 residence. The proposed amendments also incorporate the following provisions
22 to help ensure rural character:

- 23 a. Prohibition on new detached ADUs on lots that are too small to support two
24 septic drainfields, even under the best possible soil conditions.
- 25 b. Prohibition on new detached ADUs in areas subject to the Snohomish County
26 Shoreline Management Program.
- 27 c. Setbacks from roads modeled after similar setbacks in the Rural Cluster
28 Subdivision code.

29
30 Detached ADUs fill an important niche in the housing market, such as providing
31 options for older adults to age in place and allowing families to continue to live
32 together as they expand. As housing costs continue to rise in Snohomish County,
33 many property owners are looking for opportunities to provide housing for young
34 adult children, a caretaker, or to move into as they age. Detached ADUs provide
35 a unique opportunity for those families and represent a specific type of housing
36 that other, traditional housing types in rural and resource areas do not provide.
37 Additionally, detached ADUs can provide supplemental income to homeowners
38 while providing affordable housing.
39

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

- 1
2 2. Objective HO 1.B – Ensure that a broad range of housing types and affordability
3 levels is available in urban and rural areas.
4

5 The proposed amendments reduce regulatory barriers on the development of
6 detached ADUs in rural and resource areas, supporting the development of a
7 broad range of housing types and affordability in these areas. Detached ADUs
8 serve as one of the only options for supporting this objective in the rural areas.
9 Snohomish County Code does not allow most other low-cost and diverse types of
10 housing in rural and resource areas. The development of detached ADUs
11 provides different housing types and affordability levels in areas with
12 predominantly uniform housing types and levels of affordability.
13

14 H. The proposed amendments implement action item 1.B.2 of the HART Report, which
15 provides: “Revise local zoning to encourage Accessory Dwelling Units (ADU).” The
16 proposed amendments will comply with action item 1.B.2 by revising Snohomish County
17 regulations to facilitate the construction of detached ADUs in rural areas.
18

19 I. Procedural requirements.
20

- 21 1. State Environmental Policy Act (SEPA), chapter 43.21C RCW, requirements with
22 respect to this non-project action have been satisfied through the completion of
23 an environmental checklist and the issuance on January 13, 2022 of Addendum
24 #2 to the Determination of Non-Significance (DNS) issued March 29, 2021, on a
25 non-project proposal to Amend Title 30 Snohomish County Code (SCC) Revising
26 Standards for Accessory Dwelling Units (ADUs).
27
- 28 2. The proposal is a Type 3 legislative action pursuant to SCC 30.73.010.
29
- 30 3. Pursuant to RCW 36.70A.106(1), a notice of intent to adopt this ordinance was
31 transmitted to the Washington State Department of Commerce for distribution to
32 state agencies on December 27, 2021 and assigned material number 2021-S-
33 3546.
34
- 35 4. The public participation process used in the adoption of this ordinance complies
36 with all applicable requirements of the GMA and the SCC.
37
- 38 5. The Washington State Attorney General last issued an advisory memorandum,
39 as required by RCW 36.70A.370, in September of 2018 entitled “Advisory
40 Memorandum: Avoiding Unconstitutional Takings of Private Property” to help
41 local governments avoid the unconstitutional taking of private property. The
42 process outlined in the State Attorney General’s 2018 advisory memorandum
43 was used by the County in objectively evaluating the regulatory changes
44 proposed by this ordinance.
45

46 Section 2. The County Council makes the following conclusions:

- 1
- 2 1. The proposed amendments are consistent with the goals, policies, and objectives
- 3 of the MPPs, CPPs, and GPPs.
- 4
- 5 2. The proposed amendments are consistent with applicable federal, state, and
- 6 local laws and regulations.
- 7
- 8 3. The County has complied with all SEPA requirements with respect to this non-
- 9 project action.
- 10
- 11 4. The regulations proposed by this ordinance do not result in an unconstitutional
- 12 taking of private property for a public purpose.
- 13

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

18
19 Section 4. Snohomish County Code Section 30.28.010, last amended by
20 Amended Ordinance No. 21-018 on June 9, 2021, is amended to read:

21
22 **30.28.010 Accessory dwelling units.**

23
24 Accessory dwelling units are allowed subordinate to a single-family dwelling in zones
25 where single-family dwellings are permitted under SCC 30.22.100, 30.22.110, and
26 30.22.120.

27
28 (1) *General standards.* All accessory dwelling units shall comply with the following
29 standards:

30
31 (a) Development of accessory dwelling units shall be subject to compliance with all
32 other applicable provisions of this title;

33
34 (b) Development of accessory dwelling units shall be subject to physical and legal
35 availability of water and the applicant providing documentation that the water supply is
36 potable and of adequate flow;

37
38 (c) Applicants must provide documentation that the existing or proposed sewage or
39 septic system is capable of handling the additional demand placed upon it by the
40 attached or detached accessory dwelling unit;

41
42 (d) The floor area of an accessory dwelling unit shall not exceed 1,200 square feet.
43 Floor areas shall be exclusive of garages, porches, and unfinished basements;

44
45 (e) Accessory dwelling units shall meet the off-street parking requirements in
46 chapter 30.26 SCC;

1
2 (f) Attached accessory dwelling units shall be designed such that the architectural
3 character of the primary dwelling is preserved. Exterior materials, roof form, window
4 spacing, and proportions shall match that of the primary dwelling; and
5

6 (g) Detached accessory dwelling units shall be constructed such that exterior
7 materials, roof form, window spacing, and proportions approximate those of the single-
8 family dwelling. A detached accessory dwelling unit proposed for location within an
9 existing accessory structure is not required to approximate the exterior features of the
10 existing single family dwelling. A mobile home, where allowed as a detached accessory
11 dwelling unit pursuant to subsection (3)(a)(ii) of this section, is not required to
12 approximate the exterior features of the existing single-family dwelling.
13

14 (2) *Urban zones.* Accessory dwelling units are permitted uses in the urban zones on
15 lots with a single-family dwelling pursuant to SCC 30.22.100. One attached accessory
16 dwelling unit and one detached accessory dwelling unit may be established on lots that
17 contain a legally-established single-family dwelling.
18

19 (3) *Rural, resource, and other zones.* Accessory dwelling units are permitted uses in
20 the rural, resource, and other zones on lots with a single-family dwelling pursuant to
21 SCC 30.22.110 and 30.22.120 and the following standards:
22

23 (a) One accessory dwelling unit may be established on lots that contain a legally-
24 established single-family dwelling; ~~((pursuant to the following:~~
25

26 ~~(i) Detached accessory dwelling units are prohibited on lots that do not meet the~~
27 ~~minimum required lot area, pursuant to SCC 30.23.030, in the zone in which they are~~
28 ~~located. The following prohibitions also apply:~~
29

30 ~~(A) Detached accessory dwelling units are prohibited on lots in the R-5 zone~~
31 ~~that are less than five acres in size; and~~
32

33 ~~(B) Detached accessory dwelling units are prohibited on lots in the RC zone~~
34 ~~that are less than 100,000 square feet in size.~~
35

36 ~~(ii) A mobile home that is subordinate to the single-family dwelling may be~~
37 ~~allowed as a detached accessory dwelling unit on lots equal to or greater than 10~~
38 ~~acres.))~~
39

40 ~~((b) The distance between the nearest walls of the primary dwelling and a~~
41 ~~proposed detached accessory dwelling unit shall not exceed 100 feet except when:~~
42

43 ~~(i) The accessory dwelling unit is proposed to be located in an existing structure~~
44 ~~that was legally constructed before June 19, 2021; or~~
45

1 ~~(ii) The applicant demonstrates that the physical characteristics of the property,~~
2 ~~including, but not limited to, critical areas, topography, sewage, septic, and water~~
3 ~~systems, and their associated buffers or setbacks, limit the siting of an accessory~~
4 ~~dwelling unit within 100 feet of the primary dwelling. In these circumstances the~~
5 ~~accessory dwelling unit shall be located as close as reasonably possible to the primary~~
6 ~~dwelling unit.)~~

7
8 ~~((e))~~ (b) Accessory dwelling units shall utilize the same driveway as the primary
9 single-family dwelling~~((-))~~;

10
11 (c) Detached accessory dwelling units are prohibited on lots less than 25,000
12 square feet and in areas subject to chapter 30.67 SCC;

13
14 (d) A mobile home is allowed as a detached accessory dwelling unit only on lots
15 equal to or greater than 10 acres and only when the mobile home is subordinate to the
16 existing single-family dwelling;

17
18 (e) The minimum setback from road right-of-way for detached accessory dwelling
19 units in new buildings shall be the smaller of:

20
21 (i) The distance of the existing house to the road plus 10 feet; or

22
23 (ii) 60 feet when a sight obscuring topographic variation or physical condition
24 such as forest or proposed landscape screening will serve as a visual buffer; or

25
26 (iii) 100 feet when no visual buffer is present or proposed; and

27
28 (f) A detached accessory dwelling unit proposed to be located in an existing
29 structure legally constructed before June 19, 2021, does not need to comply with
30 subsection (e) of this subsection (3).

31
32 Section 5. Severability and Savings. If any section, sentence, clause or phrase of
33 this ordinance shall be held to be invalid by the Growth Management Hearings Board
34 (Board), or unconstitutional by a court of competent jurisdiction, such invalidity or
35 unconstitutionality shall not affect the validity or constitutionality of any other section,
36 sentence, clause or phrase of this ordinance. Provided, however, that if any section,
37 sentence, clause or phrase of this ordinance is held to be invalid by the Board or court
38 of competent jurisdiction, then the section, sentence, clause or phrase in effect prior to
39 the effective date of this ordinance shall be in full force and effect for that individual
40 section, sentence, clause or phrase as if this ordinance had never been adopted.
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PASSED this ____ day of ____, 2022.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

Council Chair

ATTEST:

Clerk of the Council

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

DATE: _____

County Executive

ATTEST:

Approved as to form only:

Laura Hinkley 1/10/22

Deputy Prosecuting Attorney