

**Snohomish County Council**

Committee: Planning & Community Development **Analyst:** Ryan Countryman
ECAF: 2022-0073
Proposal: Ordinance 22-006 **Date:** February 1, 2022

Consideration

Proposed Ordinance 22-006 addresses regulations for Accessory Dwelling Units (ADUs). The ordinance would modify Snohomish County Code (SCC) 30.28.010 to allow detached ADUs on substandard lots and make other adjustments to ADU standards in rural and resource zones.

Amendment Sheet 1 has been prepared and recommended by the Executive branch. This amendment would remove extraneous and confusing code language.

Background and Analysis

The last change to regulations for ADUs took place on June 19, 2021 in Amended Ordinance 21-018. During that hearing process, the County Council received public comment and testimony that contributed to three amendments enacted in Amended Ordinance 21-018. These amendments were largely refinements of the recommendations made by the Planning Commission. The County Council also considered a fourth amendment. However, when discussing Amendment 4, the County Council did not see that the findings in the Planning Commission recommendation would support enactment of the amendment. Therefore, the County Council did not enact Amendment 4 although the County Council was interested in obtaining a recommendation from the Planning Commission on the substance of Amendment 4. The County Council referred Amendment 4 to the Planning Commission in the form of an ordinance attached to Motion 21-297.

Ordinance 22-006 is the resulting ordinance recommended by the Planning Commission following a public hearing on November 16, 2021. It includes provisions to

address potential concerns about maintaining rural character and would allow detached ADUs on substandard lots, consistent with the substance of Motion 21-297.¹

The Planning Commission recommended several provisions in Ordinance 22-006 to help maintain rural character. These would replace the “100-foot rule” which requires that most new detached ADUs be within 100 feet of the primary residence. The proposed provisions include prohibitions on detached ADUs in areas subject to the Shoreline Management Program (SMP) and a prohibition against detached ADUs on lots smaller than 25,000 square feet. The commission also recommends special setbacks from roads for detached units in new buildings.

In Amendment Sheet 1, PDS is recommending removal of several proposed provisions from the ordinance. This amendment is because the Commission’s recommendations on SMP and lot size prohibitions are largely redundant to existing provisions elsewhere in code. PDS believes that these do not need repeating in the section on ADUs. PDS describes the special setbacks as confusing because they would conflict with standard setbacks found elsewhere in code.

There is one potential concern associated with this ordinance. Allowing detached ADUs on substandard lots may slightly add to rural growth rates. These rates have been slowly declining but not as fast as called for in policy found in the General Policy Plan or the growth targets in the Countywide Planning Policies. The County Council received briefings that included discussion of the growth rate issue during the development of Motion 21-297 (and previously during the process leading to Amended Ordinance 21-018). Finding C-2 of Ordinance 22-006 discusses that ADUs accounted for only 3.3% of total housing units permitted in rural areas between January 1, 2012 and December 31, 2019 (100 ADUs out of 3,016 total units). Growth targets ultimately adopted in the 2024 Update to the Comprehensive Plan could require actions to dampen rural growth. If so, changes regarding ADUs would likely be a small fraction of the larger context. Other unrelated changes could do more to achieve the target growth rates in rural areas. Staff notes here that the County Council will likely be revisiting rural targets during the plan update process where a fuller discussion of rural character and growth is within scope.

Either version of the ordinance – whether the Planning Commission recommendation or as revised by Amendment Sheet 1 – would accomplish the objective of Motion 21-297 that referred ADU provisions to the Planning Commission for a recommendation. The

¹ Substandard lots are those that complied with earlier standards but would not be possible to create again today. For example, much of the rural area in Snohomish County currently has Rural 5-acre zoning. Many lots in these R-5 zoned areas are substandard. These substandard lots dated back to when zoning allowed 2.3-acre, 1-acre, ½-acre, or sometimes smaller sizes. R-5 became the standard zoning in many rural areas in 1996 in response to a remand order, thus making lots smaller than 5-acres substandard. County code already allows attached ADUs on substandard lots.

Commission's proposal reflects how they would interpret an undefined notion of "rural character" that appears in the Growth Management Act and the Snohomish County Comprehensive Plan. Amendment Sheet 1 would simplify SCC 30.28.010 and permit review.

Current Proposal

Scope and Summary: Ordinance 22-006 would amend ADU standards in SCC 30.28.010. Amendment Sheet 1 reflects PDS's preferred code language for clarity and implementation.

Fiscal Implications: None

Deadlines: None

Handling: Normal

Approved-as-to-form: Yes

Risk Management: Approve

Finance: Approve

Executive Recommendation: Approve along with Amendment Sheet 1

Request:

Move to General Legislative Session on February 9 to set time and date for a public hearing.