

AMENDMENT SHEET NO. 4

EXHIBIT # 3.6.5

ORDINANCE NO. 21-018

FILE ORD 21-018

Amendment Name: Detached accessory dwelling units on lots that do not meet minimum required lot area in rural, resource, and other zones

Brief Description: Amendment would remove the prohibition of establishing detached accessory dwelling units on lots that do not meet the minimum required lot area in the zone in which they are located and remove prohibitions from locating detached accessory dwelling units on lots in the R-5 zone less than 5 acres and on lots in the RC zone that are less than 1000,000 square feet.

Affected Ordinance Sections: Section 13

Affected Code Section: 30.28.010(3)

Existing Ordinance Recitals, Findings, Conclusions or Sections to Delete or Modify:

Beginning on page 3, beginning at line 5,

REPLACE

2. Amend SCC 30.23.235 to eliminate the prohibition on accessory dwelling units on substandard lots. A prohibition on detached ADUs on lots in rural areas that do not meet the minimum required lot area for the zone in which they are located is included in amendments to SCC 30.28.010.

WITH:

2. Amend SCC 30.23.235 to eliminate the prohibition on accessory dwelling units on substandard lots.

Beginning page 3, beginning at line 42,

REPLACE

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. Under the current standards, ADUs can be constructed on lots that are smaller than 10 acres, including those that were legally created through rural cluster subdivisions or lot size averaging, which are often smaller than 5 acres. Even under the current 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), illustrating that ADUs only nominally contribute to rural growth in Snohomish County.

3. The proposed amendments eliminate the existing general prohibition of ADUs on substandard lots and introduce new restrictions on the development of detached ADUs in rural areas. First, the amendments prohibit the construction of detached ADUs in rural areas on lots that do not meet the prescriptive lot size in the zone in which they are located. This reinstates the existing prohibition of detached ADUs on substandard lots in rural areas. However, it also adds a new prohibition on the construction of detached ADUs on lots that were created legally under rural cluster subdivision or lot size averaging standards but that do not meet the minimum required lot area under SCC 30.23.030. In essence, in rural areas, detached ADUs will be more limited under the proposed amendments. Second, new standards are proposed to ensure that detached units are closely associated with the primary dwelling, similar to attached units or existing detached structures converted to use as an ADU. For example, detached ADUs must utilize the same driveway as the primary dwelling and be located within 100 feet of the primary dwelling. Size limitations on detached ADUs ensure they will appear subordinate to the primary residence. Additionally, all ADUs must be designed such that exterior materials, roof form, window spacing, and proportions approximate those of the primary residence. These new 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 thus do not represent new urban growth.

4. The vast majority of 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, and the restrictions discussed above will help ensure that these units do not negatively affect rural character by requiring that detached units are only located on lots that meet the minimum lot size and ensuring that all detached ADUs have a close association with the primary residence.

WITH:

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. Under current standards, ADUs can be constructed on lots that are smaller than 10 acres, including those that were 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. The proposed amendments eliminate the existing general prohibition of ADUs on substandard lots. Standards are proposed to ensure that detached units are closely associated with the primary dwelling, similar to attached units or existing detached structures converted to use as an ADU. Size limitations on detached ADUs ensure they will be subordinate to the primary residence. Additionally, all ADUs must be designed such that exterior materials, roof form, window spacing, and proportions approximate those of the primary residence. These new 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. The vast majority of 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, and 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.

On page 5, beginning at line 4,

REPLACE

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

The proposed amendments will support GMA Goal 2 by facilitating the development of additional housing units in residential urban areas through reduction of permitting requirements and allowing up to two ADUs on urban properties. These changes will allow existing single-family areas in the urban areas to support additional population capacity. Further, standards are proposed on ADUs in the rural areas that are intended to ensure the ADU maintains a close association with the existing single-family dwelling. The proposed standards prohibit detached ADUs on lots that do not meet the prescriptive lot size in the zone they are located in, and further limit their construction by requiring that they are within 100 feet of the primary residence and share a driveway with the primary residence. Further, even though ADUs are allowed on rural lots when the lot is less than 10 acres in size under existing regulations, 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.

WITH:

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

The proposed amendments will support GMA Goal 2 by facilitating the development of additional housing units in residential urban areas through reduction of permitting requirements and allowing up to two ADUs on urban

properties. These changes will allow existing single-family areas in the urban areas to support additional population capacity. Further, standards are proposed on ADUs in the rural areas that are intended to ensure that detached ADUs maintain a close association with existing single-family dwellings. The proposed standards limit their construction by requiring that they are within 100 feet of the primary residence and share a driveway with the primary residence. Further, even though ADUs currently are allowed on rural lots when the lot is less than 10 acres in size under existing regulations, 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.

Beginning on page 6, beginning at line 18,

REPLACE

6. 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 further the purpose of RCW 36.70A.070(5)(c)(i) as they include new 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 5% of the total dwellings sited in the rural area. In more recent years (2012-2019), ADUs accounted for only 3.3% of new dwellings in the rural and resource zones. The proposed amendments add a further restriction to the construction of ADUs in the rural area by prohibiting detached ADUs on rural lots that do not meet the prescriptive lot size set forth in SCC 30.23.030. Under current standards, the ADU prohibition applies only to substandard lots, which allows detached units much more freely throughout the rural area, including on many lots that are smaller than five acres such as in rural cluster subdivisions. Additionally, the proposed standards will require all detached ADUs in the rural area to remain physically close to the primary dwelling, share a driveway with the primary dwelling, and maintain architectural symmetry with the primary dwelling, ensuring there is a close association between the ADU and the primary dwelling. Rural character in Snohomish County includes many types of detached buildings, such as sheds, barns, shops, garages, and shelters. Clusters of buildings often occupy sites that include a residence. Allowing for the small historical number of ADUs already allowed by existing regulations, in addition to requiring more close association between the primary residence and a detached ADU, is consistent with rural character.

Rural Snohomish County does not experience the same pressure to construct ADUs for vacation rental as San Juan County or Island County. It is anticipated that, consistent with public testimony, the small number of ADUs constructed in rural Snohomish County will be for family members of the existing residents. Snohomish County residents in rural areas should be permitted the same opportunity as residents in urban areas to care for aging parents, to support adult children, or to earn additional income that allows them to stay in their existing homes.

WITH:

6. 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 further the purpose of RCW 36.70A.070(5)(c)(i) as they include new 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 5% of the total dwellings sited in the rural area. In more recent years (2012-2019), ADUs accounted for only 3.3% of new dwellings in the rural and resource zones. The proposed standards will require all detached ADUs in the rural area to remain physically close to the primary dwelling, share a driveway with the primary dwelling, and maintain architectural symmetry with the primary dwelling, ensuring there is a close association between the ADU and the primary dwelling. Rural character in Snohomish County includes many types of detached buildings, such as sheds, barns, shops, garages, and shelters. Clusters of buildings often occupy sites that include a residence. Given this existing pattern of building clusters throughout rural Snohomish County, detached ADUs do not create a noticeable difference in the structural intensity of such areas. Allowing for the small historical percentage of ADUs that contribute to rural growth, in addition to requiring more close association between the primary residence and a detached ADU, is consistent with rural character.

Rural Snohomish County does not experience the same pressure to construct ADUs for vacation rental as San Juan County or Island County. It is anticipated that, consistent with public testimony, the small number of ADUs constructed in rural Snohomish County will be for family members of the existing residents. Rural character in Snohomish County does not merely consist of the physical appearance of rural community, but includes the values of its residents. Rural residents often value strong community and family ties, and many have testified that they desire to care for both aging and younger members of their families. This sentiment is particularly true in this historical moment of dual crises –

affordable housing and the COVID-19 pandemic. Residents in rural areas should be permitted the same opportunity as residents in urban areas to care for aging parents, to support adult children, or to earn additional income that allows them to stay in their existing homes. Additionally, rural residents often express they chose to live in a rural area because they can live distant from their neighbors. ADUs must be constructed as attached to or within 100 feet of a single-family residence, and most rural property owners are unlikely to want to sacrifice their privacy interests in exchange for a development opportunity. Thus, the number of rural property owners likely to develop an ADU will be constrained by their desire for distance from neighbors in the first instance.

Beginning on page 7, beginning at line 31,

REPLACE

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

The proposed amendments are consistent with RCW 36.70A.070(5)(c)(iii) as they do not alter the existing density standards in the rural area, with two exceptions. First, the amendments prohibit the construction of ADUs on lots that meet standards for reduced lot size (such as lots created through lot size averaging or rural cluster subdivisions), but that do not meet lot size standards set forth in SCC 30.23.030. Second, the amendments would permit ADUs in the CRC zone. Under current SCC, the CRC zone is the only zone that allows single-family dwellings but not ADUs. This proposed amendment adds consistency to code, and because the CRC zone is geographically limited and about only 115 acres in size, it will at most result in a negligible increase in the number of ADUs permitted in the rural area. Historically, as is evidenced by permitting data, ADUs have not been a primary driver in the conversion of undeveloped land into sprawling, low-density development in the rural area. The proposed amendments add additional restrictions that limit construction of detached ADUs to only those lots that meet the minimum lot size. Additionally, the proposed amendments include new standards for all detached ADUs on rural lots that are intended to protect rural character and ensure that all ADUs maintain a close physical proximity and association with the primary dwelling.

WITH:

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

The proposed amendments are consistent with RCW 36.70A.070(5)(c)(iii) as they do not alter the existing density standards in the rural area, with two exceptions. First, the amendments allow the construction of ADUs on rural lots that do not meet lot size standards set forth in SCC 30.23.030. Second, the amendments would permit ADUs in the CRC zone. Under current SCC, the CRC zone is the only zone that allows single-family dwellings but not ADUs. This proposed amendment adds consistency to code, and because the CRC zone is geographically limited and about only 115 acres in size, it will at most result in a

negligible increase in the number of ADUs permitted in the rural area. Historically, as is evidenced by permitting data, ADUs have not been a primary driver in the conversion of undeveloped land into sprawling, low-density development in the rural area. This ordinance does not alter underlying zoning criteria. To the extent allowing additional detached ADUs in rural areas contributes to density, this is within the scope of what Snohomish County considers its rural character, which includes clusters of buildings that constitute a rural residence and the ability to care for aging parents, adult children, and other family members. Additionally, the proposed amendments include new standards for all detached ADUs on rural lots that are intended to protect rural character and ensure that all ADUs maintain a close physical proximity and association with the primary dwelling.

Beginning on page 8, beginning at line 22,

REPLACE

10. RCW 36.70A.070(5)(c)(v) – Protecting against conflicts with the use of agriculture, forest, and mineral resource lands designated under RCW 36.70A.170.

The proposed amendments are consistent with RCW 36.70A.070(5)(c)(v) because they do not amend the underlying restrictions on development in the forestry or agricultural zones. The proposed amendments will only affect ADUs, which are a use that is allowed only as accessory to a primary single-family dwelling. Maintaining the restrictions on primary residential uses in these areas will protect against any conflicts with agricultural, forestry, and mineral resource uses. Further, under the proposed amendments, detached ADUs are only allowed on lots that meet or exceed the prescriptive lot size in all rural and resource zones. Additional restrictions requiring close physical proximity and shared infrastructure are also included.

WITH:

10. RCW 36.70A.070(5)(c)(v) – Protecting against conflicts with the use of agriculture, forest, and mineral resource lands designated under RCW 36.70A.170.

The proposed amendments are consistent with RCW 36.70A.070(5)(c)(v) because they do not amend the underlying restrictions on development in the forestry or agricultural zones. The proposed amendments will only affect ADUs, which are a use that is allowed only as accessory to a primary single-family dwelling. Maintaining the restrictions on primary residential uses in these areas will protect against any conflicts with agricultural, forestry, and mineral resource uses. Further, restrictions requiring close physical proximity and shared infrastructure are also included.

Beginning on page 8, beginning at line 35,

REPLACE

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

The proposed amendments are consistent with the requirements included in RCW 36.70A.110(1). The amendments will allow additional development of ADUs within the UGA by reducing the regulatory and application barriers, and by allowing up to two ADUs per lot. Further, the amendments will protect against urban growth outside the UGA by allowing detached ADUs only on lots that meet the prescriptive minimum lot area and by including additional standards intended to ensure that detached ADUs have a close association to the primary single-family dwelling.

WITH:

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

The proposed amendments are consistent with the requirements included in RCW 36.70A.110(1). The amendments will allow additional development of ADUs within the UGA by reducing the regulatory and application barriers, and by allowing up to two ADUs per lot. Further, the amendments will protect against urban growth outside the UGA by including additional standards intended to ensure that detached ADUs have a close association to the primary single-family dwelling.

Beginning on page 9, at line 5, add a new finding number 12 to read:

12. RCW 36.70A.070(5)(a) and (b) – Snohomish County is required to provide a “variety of rural densities” and may consider “local circumstances” in doing so. The county must harmonize the GMA’s planning goals in its rural element. This ordinance balances goals of encouraging urban growth, not promoting sprawl, providing affordable and diverse housing to all segments of the population, and protecting property rights. The ordinance encourages the development of ADUs in urban areas by allowing two ADUs per lot, reducing regulatory hurdles, and easing standards such as the owner-occupancy requirement. The ordinance also recognizes that residents in rural areas may want to construct ADUs for the same reasons as those in urban areas – to provide affordable housing for family members or to generate a source of income to enable them to age in place. The ordinance does not permit additional subdivision in rural areas to generate additional housing stock. Rather, it creates an opportunity for a small but diverse type of housing that appeals only to a small segment of the population.

The same number of individuals can live in an attached ADU as a small detached ADU, making the distinction between population density and structural density meaningless. The only distinction then is whether a detached ADU fits with the rural character of Snohomish County. Rural Snohomish County is not a monolithic vision of bucolic countryside behind a picturesque farmhouse and barn. While this scene certainly exists

in Snohomish County, there are an equal if not greater number of properties that contain a collection of structures in various stages of maintenance. Allowing detached ADUs at an anticipated low level of historic development in rural Snohomish County is consistent with rural character. Additionally, allowing the expanded use of detached ADUs in rural areas provides a diverse type of affordable housing to those who may wish to live with family or outside of increasingly dense urban areas, and permits existing property owners to make reasonable use of their property without allowing additional subdivision of land. All GMA goals have been considered in developing this ordinance and have been balanced consistent with local circumstances.

Beginning on page 9, beginning at line 19,

REPLACE

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

The proposed amendments will eliminate the prohibition of ADUs on substandard lots, but, consistent with MPP-DP-22, will place restrictions on the development of ADUs outside the urban growth areas (UGA) that will ensure that urban densities are not allowed. First, the amendments do not allow detached ADUs on lots that are smaller than the minimum lot size. This restriction includes substandard lots and standard lots that were created by a rural cluster subdivision or through lot size averaging. Under current standards, lots created through rural cluster subdivisions or through lot size averaging are often smaller than the minimum lot size, but currently allowed to have a detached ADU. Under the standards included in this proposal, only attached ADUs are allowed on those lots. Per SCC 30.23.030, the minimum lot area in the rural and resource zones is 200,000 square feet, or approximately 5 acres, while many zones require larger lots.

Second, the proposal introduces new standards for all detached ADUs in the rural and resource zones that are intended to help ensure that a close connection is maintained between the single-family dwelling and the ADU and keep the ADU subordinate to the single-family dwelling. Those standards include a maximum separation distance between the single-family dwelling and ADU of 100 feet and a requirement that the driveway is shared between the primary and accessory dwellings, ensuring that in rural areas there will be no functional difference between an attached and detached ADU.

Additionally, historical data shows that from 2012 to 2019, an average of 13 ADUs were permitted in the rural and resource zones per year. These units are spread over approximately 270,000 acres of rural land, which is an average of 1 unit for every 20,000 acres per year. Over a 20-year planning period, that is approximately 1 ADU per 1,000 acres. While it is not expected, even if the proposed amendments result in a minor increase in the number of permitted ADUs per year, it will not result in urban net densities in the rural and resource areas. Similarly, such a negligible amount of development in the rural area is not anticipated to have any noticeable impact on public facilities and services.

WITH:

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

The proposed amendments will eliminate the prohibition of ADUs on substandard lots, but, consistent with MPP-DP-22, will place restrictions on the development of ADUs outside the urban growth areas (UGA). The proposal introduces new standards for all detached ADUs in the rural and resource zones that are intended to help ensure that a close connection is maintained between the single-family dwelling and the ADU and to keep the ADU subordinate to the single-family dwelling. Those standards include a maximum separation distance between the single-family dwelling and ADU of 100 feet and a requirement that the driveway is shared between the primary and accessory dwellings, ensuring that in rural areas there will be no functional difference between an attached and detached ADU.

Historical data shows that from 2012 to 2019, an average of 13 ADUs were permitted in the rural and resource zones per year. These units are spread over approximately 270,000 acres of rural land, which is an average of 1 unit for every 20,000 acres per year. Over a 20-year planning period, that is approximately 1 ADU per 1,000 acres. Between the years 1994 and 2019, an average of 28 ADUs were permitted in the rural and resources zones per year. Again, spread over approximately 270,000 acres of rural land, this is an average of 1 ADU for every 9,643 acres per year. Over a 20-year planning period, that is approximately 1 ADU per 482 acres. While it is not expected, even if the proposed amendments result in a minor increase in the number of permitted ADUs per year, it will not result in urban net densities in the rural and resource areas. Similarly, such a negligible amount of development in the rural area is not anticipated to have any noticeable impact on public facilities and services.

Beginning on page 11, beginning at line 27,

REPLACE

2. Goal LU 6 – Protect and enhance the character, quality, and identity of rural areas.

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

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

The amendments proposed by this ordinance would reduce regulatory barriers on the construction of accessory apartments in the rural and resource areas by eliminating superfluous development and permitting standards. These changes may result in a slight increase in the number of accessory apartments that are sited in these areas. However, between January 1, 1996, and December 31, 2011, when there were no restrictions on constructing ADUs on substandard lots

in the rural areas, ADUs accounted for approximately 5.6 % of new dwellings in the rural area. More recently (2012-2019), after constructing ADUs on substandard lots was prohibited, ADUs accounted for only 3.3% of new dwellings in the rural areas. The county expects that ADU development will remain close to that of 2012-2019 and has no reason to expect that the proposed amendments will result in ADU development that exceeds historical maximums.

However, to further enhance the preservation of rural character, the proposed amendments place more restrictions on the development of accessory apartments in the rural and resource areas than in urban areas. Those restrictions are intended to ensure that all new ADUs in rural areas are in close association with, and subordinate to, the primary dwelling. As established in decisions of the Growth Management Hearings Board, attached ADUs and detached ADUs in existing structures that have a close association to the primary dwelling are not considered additional units of density. Following that logic, detached ADUs on rural lots, regardless of the origin of the structure, will function the same way if restrictions, such as those included in the proposed amendments, ensure a close association between the ADU and the primary dwelling. The proposed amendments, which require close proximity between the structures, shared facilities, and symmetrical architectural features, create that relationship.

ADUs fill an important niche in the housing market, such as providing options for older adults to age in place and allowing families to continue to live together as they expand. As housing costs continue to rise in Snohomish County, many property owners are looking for opportunities to provide housing for young adult children, a caretaker, or to move into as they age. ADUs provide a unique opportunity for those families and represent a specific type of housing that is not provided through other, traditional housing types. Additionally, ADUs can provide supplemental income to homeowners while providing affordable housing.

Finally, Policy LU 6.A.1 requires the county to complete annual monitoring of rural growth trends. If monitoring shows that Snohomish County could exceed its rural population target, it is unlikely that accessory apartments would be the cause. However, actions taken to address rural growth would be comprehensive in nature.

WITH:

2. Goal LU 6 – Protect and enhance the character, quality, and identity of rural areas.

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

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

growth trends back into alignment with the adopted target.

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

However, to further enhance the preservation of rural character, the proposed amendments place more restrictions on the development of accessory apartments in the rural and resource areas than in urban areas. Those restrictions are intended to ensure that all new ADUs in rural areas are in close association with, and subordinate to, the primary dwelling. As established in decisions of the Growth Management Hearings Board, attached ADUs and detached ADUs in existing structures that have a close association to the primary dwelling are not considered additional units of density. Following that logic, detached ADUs on rural lots, regardless of the origin of the structure, will function the same way if restrictions, such as those included in the proposed amendments, ensure a close association between the ADU and the primary dwelling. The proposed amendments, which require close proximity between the structures, shared facilities, and symmetrical architectural features, create that relationship.

ADUs fill an important niche in the housing market, such as providing options for older adults to age in place and allowing families to continue to live together as they expand. As housing costs continue to rise in Snohomish County, many property owners are looking for opportunities to provide housing for young adult children, a caretaker, or to move into as they age. ADUs provide a unique opportunity for those families and represent a specific type of housing that is not provided through other, traditional housing types. Additionally, ADUs can provide supplemental income to homeowners while providing affordable housing.

Finally, Policy LU 6.A.1 requires the county to complete annual monitoring of rural growth trends. If monitoring shows that Snohomish County could exceed its rural population target, it is unlikely that accessory apartments would be the cause. However, actions taken to address rural growth would be comprehensive in nature.

On page 73, beginning at line 10,

REPLACE:

(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 5 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.

WITH:

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

Council Disposition: not considered, no action taken **Date:** 06/09/21

06/09/21 public hearing - Councilmember Nehring made a motion at the public hearing for Council staff to prepare an ordinance that encompasses the code amendments proposed in Amendment Sheet #4 to be referred to the Planning Commission for its recommendation, Chair Wright seconded the motion and it carried unanimously. Further discussion will take place at Planning & Community Development Committee.