

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

3 SNOHOMISH COUNTY COUNCIL
4 Snohomish County, Washington

5
6 ORDINANCE NO. 21-[REDACTED]

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

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

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

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

37 WHEREAS, recent circumstances unique to the County and the Central Puget
38 Sound Region indicate that Snohomish County is facing a housing affordability crisis
39 and housing shortage, which necessitates action by local governments; and
40

41 WHEREAS, in May 2019, the County Executive created the Snohomish County
42 Housing Affordability Regional Taskforce (HART), consisting of a team of city and
43 county officials and community leaders, tasked to identify solutions to the regional
44 housing affordability crisis; and
45

46 WHEREAS, in January 2020, HART issued the Housing Affordability Regional
47 Taskforce Report and Five-Year Action Plan (“HART Report”), which characterizes the

1 housing crisis and provides short and long-term recommendations for local
2 governments to pursue to alleviate the crisis; and

3
4 WHEREAS, according to the HART Report, the housing supply in Snohomish
5 County is lagging behind population growth, which is illustrated by the fact that between
6 2016-2018, the number of new housing units was 61% less than the increase in the
7 number of households; and

8
9 WHEREAS, according to the HART Report, housing construction would need to
10 slightly more than double the current rate to meet the projected housing affordability
11 needs; and

12
13 WHEREAS, between 2010 and 2017 the average cost of a two-bedroom
14 apartment in Snohomish County increased 49.5%, while the median household income
15 increased less than 18%; and

16
17 WHEREAS, the U.S. Census Bureau estimates that in 2018, 33% of Snohomish
18 County households were housing cost burdened, meaning that they paid more than
19 30% of their income on housing; and

20
21 WHEREAS, ADUs can help alleviate housing affordability issues by providing
22 additional housing units in low-density areas, adding diversity to the housing stock,
23 providing affordable housing options for older adults and opportunities for aging in
24 place, and providing supplemental income to homeowners; and

25
26 WHEREAS, the Washington State Legislature enacted in 1990 chapter 36.70A
27 RCW, known as the Growth Management Act (GMA), which required counties to
28 distinguish between urban growth areas (UGAs) and rural and resource lands; and

29
30 WHEREAS, in 1996, the County downzoned a significant portion of the rural area
31 to densities of one dwelling per five acres or more, which resulted in the creation of
32 substandard lots that were legally established, but no longer met the standards of the
33 zoning district in which they were located; and

34
35 WHEREAS, under GMA, the rural character of Snohomish County includes a
36 geographic pattern of lots in a variety of sizes, including standard 5-acre lots and
37 substandard lots less than five acres; and

38
39 WHEREAS, RCW 36.70A.070(5)(b) requires counties to “provide for a variety of
40 rural densities [...] consistent with rural character”; and

41
42 WHEREAS, the amount of land under common control or ownership is a feature
43 that helps distinguish rural residential areas from urban residential areas; and
44

1 WHEREAS, subdivision of substandard lots in rural areas would result in less
2 land under common ownership, thereby blurring the distinction between rural and urban
3 residential areas; and
4

5 WHEREAS, land with both a primary residence and a detached ADU is still under
6 single ownership and control; and
7

8 WHEREAS, allowing for detached ADUs would not alter the established
9 character of rural lot sizes; and
10

11 WHEREAS, SCC 30.28.010 requires detached ADUs to be within 100 feet of the
12 primary dwelling in rural zones; and
13

14 WHEREAS, title 30 SCC does not require other types of buildings on rural zone-
15 property to be near a primary dwelling; and
16

17 WHEREAS, throughout the rural areas of Snohomish County there are a variety
18 of parcel sizes and there is wide variation in how many buildings are on those parcels;
19 and
20

21 WHEREAS, there is not an established pattern of where buildings are located on
22 parcels relative to other buildings in the rural areas of Snohomish County; and
23

24 WHEREAS, the existing provision that detached ADUs in rural parts of
25 Snohomish County must generally be within 100 feet of the primary dwelling was both
26 recently adopted and modeled after a similar requirement of San Juan County code;
27 and
28

29 WHEREAS, the rural character of Snohomish County differs from the rural
30 character of San Juan County.
31

32 NOW, THEREFORE, BE IT ORDAINED:
33

34 Section 1. The County Council adopts the following findings in support of this
35 ordinance:
36

37 A. The foregoing recitals are adopted as findings as if set forth in full herein.
38

39 B. This ordinance will amend provisions in title 30 SCC to update regulations related to
40 accessory dwelling units. In particular, the amendments will allow the establishment of
41 detached ADUs on rural substandard lots and will eliminate the requirement that
42 detached ADUs on rural lots be located within 100 feet of the primary dwelling.
43

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

- 1
2 1. Snohomish County is facing an affordable housing crisis and housing stock
3 shortage. The purpose of the proposed amendments is to provide rural property
4 owners a modest means to help diversify the County's rural housing stock and to
5 provide rural property owners an opportunity equal to that of urban property
6 owners to age in place, care for family members, and earn a modest
7 supplemental income.
8
- 9 2. The County does not expect that the proposed amendments will result in more
10 than a de minimis increase in the amount of ADUs built in the rural area. Current
11 standards allow the construction of attached or detached ADUs on all standard
12 lots in rural and resource areas, regardless of lot size. Current standards allow
13 ADUs on lots that are smaller than 10 acres. Since 2012, the County has
14 permitted very few ADUs in the rural area. Between January 1, 2012, and
15 December 31, 2019, the County issued permits for only 100 ADUs in the rural
16 area (3 attached and 97 detached), an average of 13 per year. Over that time,
17 ADUs accounted for only 3.3% of the total housing units permitted in rural areas
18 (100 ADUs out of 3,016 total units). Between 1994 and 2019, which includes a
19 period of over 15 years when detached ADUs were allowed on all lots in the rural
20 area regardless of lot size, the County only issued permits for ADUs in the rural
21 area at an average of 28 per year, illustrating that ADUs only nominally
22 contribute to rural growth in Snohomish County.
23
- 24 3. All new ADU buildings must use exterior materials, roof form, window spacing,
25 and proportions that approximate those of the primary residence, thus helping
26 maintain the visual aspects of rural character.
27
- 28 4. Snohomish County Code does not allow subdivision of substandard lots.
29
- 30 5. Nearly all permits for ADUs in rural and resource areas have been for detached
31 ADUs (98% from 2012 and 2019, and 89% from 1994-2011). It is likely that this
32 trend will continue. The restrictions discussed above will help ensure that these
33 units do not negatively affect rural character.
34
- 35 6. The existing requirement in SCC 30.28.010 that most detached ADUs maintain a
36 close association with the primary dwelling by being within 100 feet is not
37 necessary to maintain existing rural character in Snohomish County.
38

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

- 41
42 1. GMA Goal 2 – Reduce sprawl. Reduce the inappropriate conversion of
43 undeveloped land into sprawling, low-density development.
44

45 ADUs accounted for only 3.3% of the housing units permitted in the rural areas
46 between January 1, 2012, and December 31, 2019. This demonstrates that

1 ADUs do not inappropriately convert undeveloped land into sprawling, low-
2 density development.

- 3
4 2. GMA Goal 4 – Housing. Encourage the availability of affordable housing to all
5 economic segments of the population of this state, promote a variety of
6 residential densities and housing types, and encourage preservation of existing
7 housing stock.
8

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

- 18 3. RCW 36.70A.070(5) – Rural element. Counties shall include a rural element
19 including lands that are not designated for urban growth, agriculture, forest, or
20 mineral resources. The following provisions shall apply to the rural element:
21

22 (c) Measures governing rural development. The rural element shall include
23 measures that apply to rural development and protect the rural character of the
24 area, as established by the county, by:
25

- 26 (i) Containing or otherwise controlling rural development.
27

28 The proposed amendments rely on existing requirements that control rural
29 growth and protect rural character. ADUs are an accessory use and are not a
30 driver for rural development. Historical development patterns show that between
31 January 1, 1996, and December 31, 2019, ADUs accounted for approximately
32 5% of the total dwellings sited in the rural area. In more recent years (2012-
33 2019), ADUs accounted for only 3.3% of new dwellings in the rural and resource
34 zones. Existing provisions require all detached ADUs in the rural area to share a
35 driveway with the primary dwelling and maintain architectural similarities with the
36 primary dwelling. Rural character in Snohomish County includes many types of
37 detached buildings, such as sheds, barns, shops, garages, and shelters.
38 Detached ADUs do not create a noticeable difference in the structural intensity of
39 such areas. The small historical contribution of ADUs to overall rural growth
40 means that proposed rural ADU standards would still be consistent with rural
41 character.
42

43 Rural Snohomish County does not experience the same pressure to construct
44 ADUs for vacation rental as San Juan County or Island County. Snohomish

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

- 12
13 4. RCW 36.70A.070(5)(c)(ii) – Assuring visual compatibility of rural development
14 with the surrounding rural area.

15
16 The proposed amendments rely on existing architectural and design standards to
17 ensure that detached ADUs are compatible with the existing rural development
18 on the property. In general, detached ADUs are limited in size and do not have a
19 significant effect on the visual aspects of a property. However, the proposed
20 amendments rely on existing standards to ensure that detached ADUs are
21 visually compatible with the surrounding rural area. Existing requirements call for
22 new detached ADUs to have features such as exterior materials, roof form,
23 window spacing, and proportions that approximate that of the primary dwelling.
24 These standards for detached ADUs are more stringent than design standards
25 that apply to the construction of other accessory structures in the rural area.
26 Alternatively, an existing accessory structure that is already part of the rural
27 character may be converted into an ADU.

- 28
29 5. RCW 36.70A.070(5)(c)(iii) – Reducing the inappropriate conversion of
30 undeveloped land into sprawling, low-density development in the rural area.

31
32 The proposed amendments are consistent with RCW 36.70A.070(5)(c)(iii) as
33 they do not alter the existing density standards in the rural area, with one
34 exception. The amendments allow the construction of ADUs on rural lots that do
35 not meet lot size standards set forth in SCC 30.23.030. Historic permitting data
36 shows that ADUs have not been a primary driver in the conversion of
37 undeveloped land into sprawling, low-density development in the rural area. This
38 ordinance does not alter underlying zoning criteria. To the extent allowing
39 additional detached ADUs in rural areas contributes to density, this is within the
40 scope of what Snohomish County considers its rural character, which includes
41 clusters of buildings that constitute a rural residence and the ability to care for
42 aging parents, adult children, and other family members.

- 1 6. RCW 36.70A.070(5)(c)(iv) – Protecting critical areas, as provided in RCW
2 36.70A.060, and surface water and groundwater resources.

3
4 The proposed amendments are consistent with RCW 36.70A.070(5)(c)(iv) and
5 will not reduce protections on critical areas, surface water, or ground water. The
6 proposed amendments will not alter the application of critical areas and storm
7 water standards.

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

13
14 The amendments rely on existing provisions to prevent development of urban-
15 sized lots and urban appearing homes in rural areas. First, subdivision of
16 substandard lots is prohibited, preventing urban lot sizes. Second, existing code
17 requires that detached ADUs in new buildings have similar architecture to the
18 primary dwelling which helps to maintain rural character because urban
19 development must follow the Urban Residential Design Standards (URDS) in
20 chapter 30.23A SCC and URDS does not apply in rural areas. Conversion of
21 existing rural outbuildings to detached ADUs would have no affect on the visual
22 character or rural areas, thus also avoiding development that is visually designed
23 to appear urban in nature.

- 24
25 8. RCW 36.70A.070(5)(a) and (b) – Snohomish County is required to provide a
26 “variety of rural densities” and may consider “local circumstances” in doing so.

27
28 The County must harmonize the GMA’s planning goals in its rural element. This
29 ordinance provides affordable and diverse housing to all segments of the
30 population and protects property rights. It also recognizes that residents in rural
31 areas may want to construct detached ADUs for the same reasons as those in
32 urban areas – to provide affordable housing for family members or to generate a
33 source of income to enable them to age in place. The ordinance does not permit
34 additional subdivision in rural areas to generate additional housing stock. Rather,
35 it creates an opportunity for a small but diverse type of housing that appeals only
36 to a small segment of the population.

37
38 The same number of individuals can live in an attached ADU as a small detached
39 ADU, making the distinction between population density and structural density
40 meaningless. The only distinction then is whether a detached ADU fits with the
41 rural character of Snohomish County. Rural Snohomish County is not a
42 monolithic vision of bucolic countryside behind a picturesque farmhouse and
43 barn. While this scene certainly exists in Snohomish County, there are an equal if

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

10
11 E. The proposed amendments will better achieve, comply with, and implement the goals
12 and policies of the Puget Sound Regional Council's Multicounty Planning Policies
13 (MPPs), including the following goals and policies:

- 14
15 1. MPP-DP-22 – Do not allow urban net densities in rural and resource areas.

16
17 The proposed amendments rely on existing standards for all detached ADUs in
18 the rural and resource zones such as a requirement to share the driveway
19 between the primary and accessory dwellings. This helps ensure that in rural
20 areas there will be little functional difference between an attached and detached
21 ADU.

22
23 From 2012 to 2019, an average of 13 ADUs were permitted in the rural and
24 resource zones per year. These zones cover approximately 270,000 acres of
25 rural land. This works out to an average of 1 unit for every 20,000 acres per year.
26 Over a 20-year planning period, that is approximately 1 ADU per 1,000 acres.
27 Between the years 1994 and 2019, permit records show an average of 28 ADUs
28 in the rural and resources zones per year. Again, spread over approximately
29 270,000 acres of rural land, this is an average of 1 ADU for every 9,643 acres
30 per year. Over a 20-year planning period, that is approximately 1 ADU per 482
31 acres. Even if the proposed amendments result in a minor increase in the
32 number of permitted ADUs per year, it will not result in urban net densities in the
33 rural and resource areas. This expected negligible amount of development in the
34 rural area is not anticipated to have any noticeable impact on public facilities and
35 services.

- 36
37 2. MPP Housing Goal – The region will preserve, improve, and expand its housing
38 stock to provide a range of affordable, healthy, and safe housing choices to every
39 resident. The region will continue to promote fair and equal access to housing for
40 all people.

41
42 The proposed amendments will help to expand and improve the diversity of the
43 housing stock by reducing regulatory barriers on the construction of ADUs.
44 Allowing detached ADUs in the rural area provides equal opportunity for rural
45 property owners to age in place, care for family members, and earn a modest

1 supplemental income, and provides equal access to people of moderate means
2 to live in a rural environment.

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

6
7 MPP-H-2 – Achieve and sustain — through preservation, rehabilitation, and new
8 development — a sufficient supply of housing to meet the needs of low-income,
9 moderate-income, middle-income, and special needs individuals and households
10 that is equitably and rationally distributed throughout the region.

11
12 The proposed amendments will support MPP-H-1 and MPP-H-2 by allowing for
13 the construction of detached accessory dwelling units in more locations.
14 Construction of detached ADUs in rural and resources areas will contribute to the
15 County’s efforts to meet the necessary supply of housing units for low-income,
16 moderate-income, middle-income, and special needs individuals.

17
18 F. The proposed amendments will better achieve, comply with, and implement the
19 following goal and policies contained within the Countywide Planning Policies (CPPs),
20 particularly the Housing Goal, which provides: “Snohomish County and its cities will
21 promote an affordable lifestyle where residents have access to safe, affordable, and
22 diverse housing options near their jobs and transportation options.” The proposed
23 amendments will support the housing goal in the CPPs by reducing the regulatory
24 barriers on the construction of detached ADUs, which will help to diversify the housing
25 options in rural and resource areas that are close to resource-based employment.

26
27 G. In considering the proposed amendments, the county considered the goals,
28 objectives, and policies of the Snohomish County GMA Comprehensive Plan (GMACP)
29 – General Policy Plan (GPP). The proposed amendments will work to support,
30 implement, and balance the following goals, objectives, and policies in the GPP:

- 31
32 1. Goal LU 6 – Protect and enhance the character, quality, and identity of rural
33 areas.

34
35 Objective LU 6.A – Reduce the rate of growth that results in sprawl in rural and
36 resource areas.

37
38 Policy LU 6.A.1 – To help ensure that the rural population target is not exceeded,
39 rural growth trends shall be monitored using the process and criteria established
40 under Objective PE 2.B. If rural growth trends indicate that the rural population
41 target may be exceeded, the county shall evaluate whether incentive programs
42 or adjustments to planned densities or land uses are necessary to bring rural
43 growth trends back into alignment with the adopted target.

44
45 The amendments proposed by this ordinance would reduce regulatory barriers
46 on the construction of accessory apartments in the rural and resource areas.

1 These changes may result in a slight increase in the number of ADUs in these
2 areas. However, between January 1, 1996, and December 31, 2011, when there
3 were no restrictions on constructing ADUs on substandard lots in the rural areas,
4 ADUs accounted for approximately 5.6% of new dwellings in the rural area. The
5 county has no reason to expect that the proposed amendments will result in ADU
6 development that exceeds historical maximums.
7

8 To continue the preservation of rural character, the proposed amendments rely
9 on existing restrictions on the development of accessory apartments in the rural
10 and resource areas. This includes a requirement that ADUs share a driveway
11 with the primary dwelling, thereby reducing the number of driveway accesses to
12 roads compared to the same number of units on land that has been subdivided.
13

14 Detached ADUs fill an important niche in the housing market, such as providing
15 options for older adults to age in place and allowing families to continue to live
16 together as they expand. As housing costs continue to rise in Snohomish County,
17 many property owners are looking for opportunities to provide housing for young
18 adult children, a caretaker, or to move into as they age. Detached ADUs provide
19 a unique opportunity for those families and represent a specific type of housing
20 that other, traditional housing types in rural and resource areas do not provide.
21 Additionally, detached ADUs can provide supplemental income to homeowners
22 while providing affordable housing.
23

24 Finally, Policy LU 6.A.1 requires the county to complete annual monitoring of
25 rural growth trends. If monitoring shows that Snohomish County could exceed its
26 rural population target, it is unlikely that accessory apartments would be the
27 primary cause. However, actions taken to address rural growth could be
28 comprehensive in nature including actions not directly related to detached ADUs
29 which might have a larger effect on overall rural growth patterns.
30

- 31 2. Objective HO 1.B – Ensure that a broad range of housing types and affordability
32 levels is available in urban and rural areas.
33

34 The proposed amendments reduce regulatory barriers on the development of
35 detached ADUs in rural and resource areas, supporting the development of a
36 broad range of housing types and affordability in these areas. Detached ADUs
37 serve as one of the only options for supporting this objective in the rural areas.
38 Snohomish County Code does not allow most other low-cost and diverse types of
39 housing in rural and resource areas. The development of detached ADUs
40 provides different housing types and affordability levels in areas with
41 predominantly uniform housing types and levels of affordability.
42

- 43 3. Objective HO 2.B – Encourage the use of innovative urban design techniques
44 and development standards to foster broad community acceptance of a variety of
45 housing types affordable to all economic segments of the population.
46

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

3
4 Policy HO 2.B.4 – The county shall encourage the integration of a variety of
5 dwelling types and intensities in residential neighborhoods.

6
7 The amendments would encourage integration of detached ADUs into rural
8 residential neighborhoods that do not have a variety of dwelling types.

9
10 H. The proposed amendments implement action item 1.B.2 of the Snohomish County
11 Housing Affordability Regional Taskforce Report and Five-Year Action Plan, which
12 provides: “Revise local zoning to encourage Accessory Dwelling Units (ADU).” The
13 proposed amendments will comply with action item 1.B.2 by revising Snohomish County
14 regulations to facilitate the construction of detached ADUs in rural areas.

15
16 I. Procedural requirements.

- 17
18 1. State Environmental Policy Act (SEPA), chapter 43.21C RCW, requirements with
19 respect to this non-project action have been satisfied through the completion of
20 an environmental checklist and the issuance of threshold determination of
21 [REDACTED] on [REDACTED], [REDACTED], 2021.
22
23 2. The proposal is a Type 3 legislative action pursuant to SCC 30.73.010.
24
25 3. Pursuant to RCW 36.70A.106(1), a notice of intent to adopt this ordinance was
26 transmitted to the Washington State Department of Commerce for distribution to
27 state agencies on [REDACTED], [REDACTED] 2021.
28
29 4. The public participation process used in the adoption of this ordinance complies
30 with all applicable requirements of the GMA and the SCC.
31
32 5. The Washington State Attorney General last issued an advisory memorandum,
33 as required by RCW 36.70A.370, in September of 2018 entitled “Advisory
34 Memorandum: Avoiding Unconstitutional Takings of Private Property” to help
35 local governments avoid the unconstitutional taking of private property. The
36 process outlined in the State Attorney General’s 2018 advisory memorandum
37 was used by the County in objectively evaluating the regulatory changes
38 proposed by this ordinance.

39
40 Section 2. The County Council makes the following conclusions:

- 41
42 1. The proposed amendments are consistent with the goals, policies, and objectives
43 of the MPPs, CPPs, and GPPs.
44
45 2. The proposed amendments are consistent with applicable federal, state, and
46 local laws and regulations.

- 1
2 3. The County has complied with all SEPA requirements with respect to this non-
3 project action.
4
5 4. The regulations proposed by this ordinance do not result in an unconstitutional
6 taking of private property for a public purpose.
7

8 Section 3. The County Council bases its findings and conclusions on the entire
9 legislative record, including all testimony and exhibits. Any finding which should be
10 deemed a conclusion, and any conclusion that should be a finding, is hereby adopted
11 as such.
12

13 Section 4. Snohomish County Code Section 30.28.010, last amended by
14 Amended Ordinance No. 21-018 on June 9, 2021, is amended to read:
15

16 **30.28.010 Accessory dwelling units.**
17

18 Accessory dwelling units are allowed subordinate to a single-family dwelling in zones
19 where single-family dwellings are permitted under SCC 30.22.100, 30.22.110, and
20 30.22.120.
21

22 (1) *General standards.* All accessory dwelling units shall comply with the following
23 standards:
24

25 (a) Development of accessory dwelling units shall be subject to compliance with all
26 other applicable provisions of this title;
27

28 (b) Development of accessory dwelling units shall be subject to physical and legal
29 availability of water and the applicant providing documentation that the water supply is
30 potable and of adequate flow;
31

32 (c) Applicants must provide documentation that the existing or proposed sewage or
33 septic system is capable of handling the additional demand placed upon it by the
34 attached or detached accessory dwelling unit;
35

36 (d) The floor area of an accessory dwelling unit shall not exceed 1,200 square feet.
37 Floor areas shall be exclusive of garages, porches, and unfinished basements;
38

39 (e) Accessory dwelling units shall meet the off-street parking requirements in
40 chapter 30.26 SCC;
41

42 (f) Attached accessory dwelling units shall be designed such that the architectural
43 character of the primary dwelling is preserved. Exterior materials, roof form, window
44 spacing, and proportions shall match that of the primary dwelling; and
45

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

9 (2) *Urban zones.* Accessory dwelling units are permitted uses in the urban zones on
10 lots with a single-family dwelling pursuant to SCC 30.22.100. One attached accessory
11 dwelling unit and one detached accessory dwelling unit may be established on lots that
12 contain a legally-established single-family dwelling.
13

14 (3) *Rural, resource, and other zones.* Accessory dwelling units are permitted uses in
15 the rural, resource, and other zones on lots with a single-family dwelling pursuant to
16 SCC 30.22.110 and 30.22.120 and the following standards:
17

18 ~~((a) One accessory dwelling unit may be established on lots that contain a legally-~~
19 ~~established single-family dwelling pursuant to the following:~~
20

21 ~~(i) Detached accessory dwelling units are prohibited on lots that do not meet the~~
22 ~~minimum required lot area, pursuant to SCC 30.23.030, in the zone in which they are~~
23 ~~located. The following prohibitions also apply:~~
24

25 ~~(A) Detached accessory dwelling units are prohibited on lots in the R-5 zone~~
26 ~~that are less than five acres in size; and~~
27

28 ~~(B) Detached accessory dwelling units are prohibited on lots in the RC zone~~
29 ~~that are less than 100,000 square feet in size.~~
30

31 ~~(ii) A mobile home that is subordinate to the single-family dwelling may be~~
32 ~~allowed as a detached accessory dwelling unit on lots equal to or greater than 10~~
33 ~~acres.))~~
34

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

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4 _____

5

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7 Approved as to form only:

8

9 _____

10 Deputy Prosecuting Attorney

DRAFT