

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

MOTION NO. 21-297

REFERRING PROPOSED CODE REVISIONS RELATING TO DETACHED ACCESSORY
DWELLING UNITS IN RURAL AND RESOURCE AREAS TO
THE DEPARTMENT OF PLANNING AND DEVELOPMENT SERVICES AND
SNOHOMISH COUNTY PLANNING COMMISSION

WHEREAS, the County Council wishes to obtain a recommendation from the Snohomish County Planning Commission regarding proposed code amendments that would revise regulations for Detached Accessory Dwelling Units (DADUs) in rural and resource areas; and

WHEREAS, the code revisions are Type 3 legislative actions pursuant to Chapter 30.73 SCC; and

WHEREAS, SCC 30.73.040 provides that the planning commission shall hold a public hearing on a Type 3 proposal referred to it by the county council within 90 days or within a time specified by the County Council; and

WHEREAS, the County Council requests a prompt review of the proposed code amendments by the planning commission, but wishes to provide flexibility in timing in recognition of the planning commission's existing workload and the challenges created by the COVID-19 pandemic;

NOW, THEREFORE ON MOTION, the County Council hereby refers the potential code revisions, attached as "Exhibit A", to the Department of Planning and Development Services (PDS) for action as follows:

1. Pursuant to chapters 2.08 and 30.73 SCC, the County Council refers the potential code revisions to the Director of PDS acting in the capacity of Secretary to the Snohomish County Planning Commission for its review, consideration, and a recommendation to the Council.
2. The County Council requests that a public hearing be held before the planning commission and a recommendation be provided to the County Council prior to December 31, 2021.

PASSED this 8th day of September, 2021.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington


Council Chair

ATTEST:


Asst. Clerk of the Council

**EXHIBIT A – PROPOSED CODE REVISIONS RELATED TO
ACCESSORY DWELLING UNITS**

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

ORDINANCE NO. 21-

RELATING TO GROWTH MANAGEMENT;
REVISING ACCESSORY DWELLING UNIT REGULATIONS;
AMENDING SECTION 30.28.010 OF THE SNOHOMISH COUNTY CODE

WHEREAS, accessory dwelling units (ADUs) can be in the same structure as a primary single-family dwelling (“attached”) or in a separate detached structure from the primary dwelling (“detached”); and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

NOW, THEREFORE, BE IT ORDAINED:

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

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

B. This ordinance will amend provisions in title 30 SCC to update regulations related to accessory dwelling units. In particular, the amendments will allow the establishment of

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detached ADUs on rural substandard lots and will eliminate the requirement that detached ADUs on rural lots be located within 100 feet of the primary dwelling.

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

1. Snohomish County is facing an affordable housing crisis and housing stock shortage. The purpose of the proposed amendments is to provide rural property owners a modest means to help diversify the County's rural housing stock and to provide rural property owners an opportunity equal to that of urban property owners to age in place, care for family members, and earn a modest supplemental income.
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. Current standards allow ADUs on lots that are smaller than 10 acres. 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 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 of 28 per year, illustrating that ADUs only nominally contribute to rural growth in Snohomish County.
3. All new ADU buildings must use exterior materials, roof form, window spacing, and proportions that approximate those of the primary residence, thus helping maintain the visual aspects of rural character.
4. Snohomish County Code does not allow subdivision of substandard lots.
5. Nearly all 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. The restrictions discussed above will help ensure that these units do not negatively affect rural character.
6. The existing requirement in SCC 30.28.010 that most detached ADUs maintain a close association with the primary dwelling by being within 100 feet is not necessary to maintain existing rural character in Snohomish County.

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

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

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.

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

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

3. 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 rely on existing 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. Existing provisions require all detached ADUs in the rural area to share a driveway with the primary dwelling and maintain architectural similarities with the

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primary dwelling. Rural character in Snohomish County includes many types of detached buildings, such as sheds, barns, shops, garages, and shelters. Detached ADUs do not create a noticeable difference in the structural intensity of such areas. The small historical contribution of ADUs to overall rural growth means that proposed rural ADU standards would still be 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. Snohomish County anticipates a small number of detached ADUs constructed in rural areas and that these will be mostly for family members of the existing residents. Rural character in Snohomish County does not merely consist of the physical appearance of rural community; it also 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 have 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.

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

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

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

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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 one exception. The amendments allow the construction of ADUs on rural lots that do not meet lot size standards set forth in SCC 30.23.030. Historic permitting data shows that 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.

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

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

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

8. 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 provides affordable and diverse housing to all segments of the

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population and protects property rights. It also recognizes that residents in rural areas may want to construct detached 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.

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

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

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

From 2012 to 2019, an average of 13 ADUs were permitted in the rural and resource zones per year. These zones cover approximately 270,000 acres of rural land. This works out to 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, permit records show an average of 28 ADUs 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

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per year. Over a 20-year planning period, that is approximately 1 ADU per 482 acres. 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. This expected negligible amount of development in the rural area is not anticipated to have any noticeable impact on public facilities and services.

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

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

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

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

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

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

G. In considering the proposed amendments, the county considered the goals, objectives, and policies of the Snohomish County GMA Comprehensive Plan (GMACP)

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– General Policy Plan (GPP). The proposed amendments will work to support, implement, and balance the following goals, objectives, and policies in the GPP:

1. 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. These changes may result in a slight increase in the number of ADUs 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.

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

Detached 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. Detached ADUs provide a unique opportunity for those families and represent a specific type of housing that other, traditional housing types in rural and resource areas do not provide. Additionally, detached 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

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primary cause. However, actions taken to address rural growth could be comprehensive in nature including actions not directly related to detached ADUs which might have a larger effect on overall rural growth patterns.

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

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

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

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

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

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

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

I. Procedural requirements.

1. State Environmental Policy Act (SEPA), chapter 43.21C RCW, requirements with respect to this non-project action have been satisfied through the completion of an environmental checklist and the issuance of threshold determination of [REDACTED] on [REDACTED], [REDACTED], 2021.
2. The proposal is a Type 3 legislative action pursuant to SCC 30.73.010.

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3. Pursuant to RCW 36.70A.106(1), a notice of intent to adopt this ordinance was transmitted to the Washington State Department of Commerce for distribution to state agencies on [REDACTED], [REDACTED] 2021.
4. The public participation process used in the adoption of this ordinance complies with all applicable requirements of the GMA and the SCC.
5. The Washington State Attorney General last issued an advisory memorandum, as required by RCW 36.70A.370, in September of 2018 entitled “Advisory Memorandum: Avoiding Unconstitutional Takings of Private Property” to help local governments avoid the unconstitutional taking of private property. The process outlined in the State Attorney General’s 2018 advisory memorandum was used by the County in objectively evaluating the regulatory changes proposed by this ordinance.

Section 2. The County Council makes the following conclusions:

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

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

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

30.28.010 Accessory dwelling units.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(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; and

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

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

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

~~((c))~~ (b) Accessory dwelling units shall utilize the same driveway as the primary single-family dwelling.

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

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ACCESSORY DWELLING UNITS**

PASSED this ____ day of ____, 2021.

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:

Deputy Prosecuting Attorney