



Snohomish County Council

To: Snohomish County Planning Commission

From: Snohomish County Council
Ryan Countryman, Senior Legislative Analyst

Report Date: August 12, 2024

Briefing Date: August 27, 2024

Subject: Staff Report on Accessory Dwelling Units

Introduction

By [Motion 24-266](#), the Snohomish County Council is requesting review and recommendation by the Planning Commission on a proposed ordinance and possible amendment to the ordinance related to Accessory Dwelling Units (ADUs).

The proposed ordinance includes both mandatory and discretionary changes. Mandated changes include allowing single family residences in urban areas to have two attached or two detached ADUs. ([SCC 30.28.010](#) currently allows one attached and one detached ADU in urban zones). Legislation also requires allowing sale of ADUs as condominiums. Allowing condos requires changing Snohomish County's definition of ADU in [SCC 30.91A.035](#) to no longer specify that they be "under the same ownership" as the principal unit. Discretionary changes include allowing duplexes to have two ADUs (up to four total units on a lot). The ordinance also proposes discretionary bulk incentives to encourage more ADU development.

County Council staff is providing this staff report to the Planning Commission for a briefing on August 27, 2024. The Planning Commission could potentially hold its public hearing on September 24, 2024.

Background

Snohomish County faces a well-documented shortage of affordable housing options. ADUs are smaller units located on the same lot as a larger principal unit. Since 1992, Snohomish County has allowed ADUs (then called Accessory Apartments) as a tool to encourage market-based production of relatively affordable housing. Regulations have evolved over time. Current cost-advantages that ADUs have over other types of housing include the smaller size, reduced parking, and easier permitting. Recent legislation requires that Snohomish County do more to allow ADUs in urban areas by June 30, 2025 (and make some other changes by the same time). The legislation also created new discretionary ways to encourage urban ADU production.

Sponsored by Councilmember Megan Dunn, the proposed ordinance was prepared to make the mandated changes and would also to include discretionary changes to encourage more ADUs. This draft ordinance is an attachment to Motion 24-266 which the County Council passed on July 10, 2024. The motion transmits the proposed ordinance to the Planning Commission for review and recommendation back to the Council.

The County Council is also asking the Planning Commission to review a potential amendment for possible inclusion in its recommendation back to the Council. This amendment to the ordinance is based on a public comment received by the Council on July 2, 2024, when they were discussing the motion to refer the ordinance to the Planning Commission. The amendment would allow reduction in setbacks from road rights-of-way.

The next section summarizes the major changes in the proposed ordinance. After that, this report describes the recent legislation which mandates some of the changes. There is then a section-by-section analysis of the proposed ordinance which identifies those changes that would be discretionary and those which are mandatory. There is a description of the proposed setback amendment before the staff report provides its policy analysis and procedural closing.

Summary of Proposal

The major changes in the proposed ordinance involve changes to SCC 30.28.010. Currently, only single family residences may have ADUs. In the proposed ordinance, duplexes and attached single family dwellings could also have ADUs. There are no substantive changes proposed for rural, resource, or “Other” non-urban zones. As proposed for urban zones:

- Single family dwellings may have a maximum of two accessory units per lot, including:
 - One attached ADU (currently allowed)¹
 - One detached ADU (currently allowed)
 - One attached *and* one detached (currently allowed)
 - Two attached ADUs (mandated)²
 - Two detached ADUs, comprised of either one or two detached structures (mandated)

¹ A single family dwelling with an attached ADU is different than a duplex in several ways. ADUs have a maximum unit area of 1,200 square feet, no parking requirement in urban zones, and are exempt from current pay impact fees. Duplex units may be of any size, each unit requires two parking spaces, and impact fees are due for each unit.

² A single family dwelling with two attached ADUs is an entirely new concept mandated by the Legislature. In the proposed zoning changes, this differs from a three unit multifamily dwelling. The accessory units each have a 1,200 square foot size limitation, no parking requirement, and are exempt impact fees and making road frontage improvements. Three unit multifamily dwellings have no size limitations, must provide two parking spaces per unit, impact fees are due for each unit, and building permit approval may require making road frontage improvements. Under the building code, a single-family dwelling with two attached ADUs may be subject to commercial building standards if designed as three stacked flats or the building may be subject to residential building standards if the designed to meet the building code definition on townhomes.

- Duplex dwellings may have a maximum of two accessory units per lot, including:
 - One attached ADU (discretionary)
 - One detached ADU (discretionary)
 - One attached *and* one detached (discretionary)
 - Two attached ADUs (discretionary)
 - Two detached ADUs, comprised of either one or two detached structures (discretionary)
- Attached single family dwellings may have a maximum of one accessory unit per lot, including:
 - One attached ADU (discretionary)
 - One detached ADU (discretionary)

The proposed ordinance also includes new exceptions to bulk standards. These would apply to sites with urban zoning proposing ADUs. One is mandatory and the others are incentives to develop ADUs.³

- Exemptions for converting existing structures to ADUs (mandated)
- Maximum lot coverage increases by 5% (discretionary)
- Reduced setbacks from private road easements (discretionary)

Recent Legislation

In 2020, the Washington State Legislature enacted Engrossed Substitute Senate Bill 6617 (ESSB 6617). This established new definitions for Accessory Dwelling Unit (ADU), Attached Accessory Dwelling Unit (AADU), and Detached Accessory Dwelling Unit (DADU). These are now parts of the Growth Management Act (GMA) at RCW 36.70A.696(1), (2), and (5), respectively. The proposed ordinance includes many minor rephrasing changes for consistency with these new GMA definitions.

Regarding the discretionary changes in the proposed ordinance, it is important to note that ESSB 6617 defines ADUs as meaning a “dwelling unit located on the same lot as a single-family housing unit, duplex, [...] or other housing unit.” The proposed ordinance relies on this change to allow duplexes and attached single family dwellings (i.e., subdivided duplexes)⁴ to have ADUs.

³ The proposed amendment discussed later in this report would add another discretionary bulk standard incentive to develop more ADUs.

⁴ The process of subdividing to add a lot line through a duplex is what makes the difference between a duplex and two attached single family residences. Subdivisions are subject to [RCW Chapter 58.17](#), duplexes are not. This procedural difference means that ADUs associated with attached single family dwellings may be subject to different requirements than ADUs associated with a duplex even though the physical layout is identical. For example, [RCW 58.17.060](#) requires “sidewalk and other planning features that assure safe walking conditions” which results in frontage improvement requirements for the subdivision to create the attached single family dwelling. A duplex with ADUs is exempt from frontage improvements because both types of housing are exempt from [SCC 30.66B](#). Further, the county may not begin requiring frontage improvements solely to permit the ADU

ADUs associated with duplexes and attached single family dwellings are discretionary options enabled by ESSB 6617.

In 2021, the Legislature enacted Engrossed Substitute Senate Bill 5235 (ESSB 5235). Among other changes this added a clarification that detached ADUs must be on the same property as other units. The definition of detached ADU in RCW 36.70A.696(5) now reads “‘Detached accessory dwelling unit’ means an accessory dwelling unit that consists partly or entirely of a building that is separate and detached from a single-family housing unit, duplex, triplex, townhome, or other housing unit and is on the same property”. Being on the same property means that someone cannot subdivide a detached ADU onto a new lot. If this happens, the detached unit would no longer be an ADU.⁵

In 2023, the Legislature enacted House Bill 1337 (HB 1337). Among other things, HB 1337 established a definition of “principal unit” in the context of ADUs (RCW 36.70A.696(10)). This requires updated terminology in county code applicable to all ADUs for consistency.

HB 1337 also enacted RCW 36.70A.680 and .681. Section .680 says that cities and counties planning under GMA must update development regulations for ADUs to implement Section .681 within “six months after the jurisdiction’s next periodic plan update” (RCW 36.70A.680(1)(a)). Since Snohomish County’s next periodic plan update must be complete by December 31, 2024, this requirement means that the County must adopt provisions compliant with Section .681 by June 30, 2025. Section .681 applies just urban growth areas per Subsection .680(2). Therefore, within UGAs, HB 1337 requires the following changes by June 30, 2025:

1. A “county may not require the owner of a lot on which there is an accessory dwelling unit to reside in or occupy the accessory dwelling unit or another housing unit on the same lot” (RCW 36.70A.681(1)(b)).⁶ This requires updating Snohomish County’s definition of ADU to remove the “under the same ownership” phrasing in SCC 30.91A.035.
2. Counties must allow ADUs in certain configurations within urban zones (RCW 36.70A.681(1)(c)). County code does not yet allow some of the mandated configurations. These are the “mandated” configurations listed on page A-1.
3. A “city or county may not prohibit the sale or other conveyance of a condominium unit independently of a principal unit solely on the grounds that the condominium unit was

per [RCW 36.70A.681\(1\)\(l\)](#) which says that a “county may not require public street improvements as a condition of permitting accessory dwelling units”.

⁵ A detached ADU could receive a conversion permit as part of a subdivision to make it a single family unit on its own lot. However, that process also involves meeting other requirements applicable to single family dwellings in subdivisions such as paying impact fees, providing parking, and making any necessary frontage improvements.

⁶ This requirement is one of several examples where HB 1337 creates differences in the meaning of ADU under GMA, county codes adopted under GMA, and the International Residential Code (IRC). The IRC requires that the “owner of a property containing an ADU shall reside either in the primary dwelling unit or the ADU as of the date of permit approval” ([2024 IRC Appendix BC Condition BC101.2\(3\)](#)). Some buildings that meet GMA and local definitions of ADU would have other residential or commercial classifications under IRC.

originally built as an accessory dwelling unit” (RCW 36.70A.681(1)(k)). This also requires removal of the “under the same ownership” phrasing in SCC 30.91A.035.

4. A “county must allow accessory dwelling units to be converted from existing structures, including but not limited to detached garages, even if they violate current code requirements for setbacks or lot coverage” (RCW 36.70A.681(1)(j)). This is the origin of the bulk exception described on page A-1 as “mandatory”.

Proposed Ordinance

Sections 1 to 3 of the proposed ordinance provide findings and conclusions to support the substantive changes in later sections.

Section 4 amends SCC 30.28.010 which contains many of the provisions for ADUs. This is a lengthy code section, so this analysis addresses it one part at a time.

Edits to the main section reflect that ADUs are no longer a subordinate use. Duplexes and attached single family dwellings will now be able to have ADUs. The new principal unit phrasing is for consistency with HB 1337 and appears throughout the ordinance. The ordinance moves the phrase “legally established” here since it is a basic requirement for all ADUs that appears multiple places as the code is currently written.⁷

30.28.010 Accessory dwelling units.

Accessory dwelling units are allowed (~~((subordinate to a single family dwelling in zones where single family dwellings are))~~ as permitted ((under)) in SCC 30.22.100, 30.22.110, and 30.22.120. An accessory dwelling unit, by definition, must be on the same lot as a principal unit. The principal unit must be a legally established single family dwelling, attached single family dwelling, or duplex dwelling.

The addition of language about unheated storage areas in (1)(d) addresses attics and other unoccupied space. In (1)(f), the addition of a common wall requirement is to address scenarios where applicants who were unable to apply for a detached ADU instead submitted plans where a breezeway attached the ADU to the principal unit by some distance. A breezeway connection may make things one structure under some definitions, but this design does not meet the common understanding where attached units must share a common wall.

- (1) General standards. All accessory dwelling units shall comply with the following standards:
 - (a) to (c) *[No changes]*

⁷ This proposed rephrasing also address potential confusion about differences in permitting of ADUs and of single-family dwellings in the use matrices of SCC 30.22.100, 30.22.110, and 30.22.120. For instance, SCC 30.22.110 allows ADUs but not new single family dwellings in Rural Business zoning. This means that pre-existing single family dwellings that do not conform to RB zoning may have an ADU. This has been the case since at least 2002 when Ordinance 02-064 consolidated previous requirements into Title 30 SCC. Conversely, SCC 30.22.100 currently allows duplexes in Business Park zoning some situations, but the new provisions allowing urban duplexes in general to have ADUs would not mean that duplexes in BP zoning could have ADUs.

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

(e) *[No changes]*

(f) Attached accessory dwelling units shall share at least one common wall and be designed such that the architectural character of the ~~((primary dwelling))~~ principal unit is preserved. Exterior materials, roof form, window spacing, and proportions shall match that of ~~((primary dwelling))~~ principal unit; 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))~~ principal unit. 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))~~ principal unit. 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.

The addition of “attached single-family or duplex” dwelling in subsection (2) means that these dwelling types may now have ADUs in urban zones. The rest of subsection (2) is then reformatted. (2)(a) addresses ADU configurations associated with single family dwellings. (2)(b) addresses ADUs with attached single family dwellings. (2)(c) ADUs with duplexes. (2)(d) has new bulk requirements for ADUs associated with any type of principal unit in an urban zone.

(2) Urban zones. Accessory dwelling units are permitted uses in the urban zones on lots with a legally-established single-family, attached single-family or duplex dwelling pursuant to SCC 30.22.100.

Changes to (2)(a) and (2)(a)(i) are part of the reformatting and rephrasing described above. The additions of (2)(a)(ii) and (iii) are both to allow new configurations mandated by HB 1337.

[2](a) When the principal unit is a single-family dwelling, a maximum of two accessory dwelling units are permitted on the lot containing the principal unit in the following configurations:

(i) One attached accessory dwelling unit and one detached accessory dwelling unit ((may be established on lots that contain a legally-established single-family dwelling));

(ii) Two attached accessory dwelling units;

(iii) Two detached accessory dwelling units where such detached units may be comprised of either one or two detached structures; and

The addition of (2)(b) is discretionary and will allow attached single-family dwellings to have ADUs. Each attached single family unit may only have one ADU. Since attached single family dwellings are otherwise a duplex with a lot line through the middle, the configurations in (2)(b) allow the same physical arrangement as proposed in (2)(c) to have a lot line through the middle.

[2](b) When the principal unit is an attached single-family dwelling, a maximum of one accessory unit per lot is permitted in the following configurations:

(i) One attached accessory dwelling unit; or

(ii) One detached accessory dwelling unit. Detached accessory units may be a single unit in a detached structure or a detached structure containing two accessory dwelling units where each accessory unit is accessory to one of the attached single family dwellings.

The addition of (2)(c) is discretionary and will allow duplexes to have up to two accessory units, or a maximum of four total units on a lot.

[2](c) When the principal unit is a duplex dwelling, a maximum of two accessory units per lot are permitted in the following configurations:

- (i) One attached accessory dwelling unit and one detached accessory dwelling unit.
- (ii) Two detached accessory dwelling units, where such detached units may be comprised of either one or two detached structures.

The addition of (2)(d) adds two discretionary bulk regulation incentives to construct ADUs in (2)(d)(i) and (ii). Subsection (2)(d)(iii) provides mandated language to comply with and exemption created by HB 1337, and it clarifies that the conversion of non-conforming buildings into ADUs must still meet other requirements.

[2](d) Bulk requirements of the underlying zone may be modified as follows:

- (i) The maximum lot coverage allowance may be increased by 5% for lots with accessory dwelling units;
- (ii) Setbacks for residential structures and covered parking structures may be reduced to five feet from a private road easement that is internal to the parcel on which the buildings are located; and
- (iii) Pursuant to RCW 36.70A.681(1)(j), existing structures, including but not limited to detached garages, may be converted into accessory dwelling units even if they do not meet current setback or lot coverage requirements; however, in such situations the director may impose additional conditions on approval as necessary to ensure public health, safety, and welfare.

Subsection (3) leaves ADU standards outside urban zones effectively unchanged. The phrasing “legally-established” would move to the main section so that it only needs to appear once.

(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:

(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 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.

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

Section 5 responds to the HB 1337’s mandatory allowance for converting non-conforming structures into ADUs by making secondary amendments to SCC 30.28.070.

30.28.070 Nonconforming structures.

The following requirements apply to nonconforming structures:

- (1) Continuance. Any legally established nonconforming structure is permitted to remain in the form and location in which it existed on the effective date of the nonconformance;
- (2) Improvements. Nonconforming structures may be structurally altered or enlarged only if the setback, height, lot coverage, and open space requirements of the zone in which the structure is located are met; except when to:
 - (a) ~~((that repair to))~~Repair the existing structure including ordinary maintenance or replacement of walls, fixtures, or plumbing shall be permitted so long as the exterior dimensions of the structure, as it existed on the effective date of the nonconformance, are not increased; or
 - (b) Convert an existing nonconforming structure into an accessory dwelling unit pursuant to RCW 36.70A.681(1)(i) and SCC 30.28.010(2)(d)(ii).
- (3) Restoration. *[No changes]*

Section 6 repeals SCC 30.66B.057. This section is obsolete under current code provisions. It includes pre-GMA language for determining road impact mitigation for duplexes. This language predates Title 30 and became part of it when adoption of Title 30 moved several then-codified requirements from other chapters into their present locations in 2002. However, continuing to retain SCC 30.66B.057 would create a potential conflict with SCC 30.62B.020(1), 30.91D.210, and the proposed allowance for duplexes to have two ADUs.

SCC 30.62B.020(1) requires development as defined in SCC 30.91D.210 and that will generate three or more peak hour trips to have a traffic pre-submittal conference to determine mitigation of impacts to the road system. SCC 30.91D.210 specifically exempts ADUs and duplexes from the requirements of Chapter 30.66B. Ordinance 16-010 updated and clarified these exemptions in 2016. Since that clarification, the provisions regarding review of duplex permits in SCC 30.66B.057 would clearly never apply because a duplex generates less than three peak hour trips. However, a duplex with two ADUs as proposed by the present ordinance may generate more than three peak hour trips.⁸ This configuration might then potentially activate SCC 30.66B.057. However, that possible activation is uncertain because of the exemptions for duplexes and ADUs in SCC 30.91D.210. Discussion between council staff and the Department of

⁸ Peak hour trips rely on standard assumptions and estimates provided by the Institute of Transportation Engineers (ITE). For single-family units, ITE estimates 0.94 peak hour trips. ITE does not provide estimates of peak hour vehicle trips generated by ADUs or duplexes. Review of peak hour trips for purposes of Chapter 30.66B SCC assumes that duplexes generate 1.88 peak hour trips (twice the single family rate). Similarly, permit review assumes an ADU unit would have the same traffic as a single family unit. Based on this, under the proposed ordinance:

- A single family dwelling with two ADUs would generate 2.82 peak hour trips and still be below the three or more peak hour trip threshold in SCC 30.62B.020(1).
- A duplex with two ADUs would generate 3.76 peak hour trips, making that configuration potentially subject to a pre-submittal conference under SCC 30.62B.020(1).

The calculation that a duplex with two ADUs would generate 3.76 peak hour trips means that this new configuration would meet the threshold for requiring a pre-submittal conference process. However, the result of that process would be a determination of no mitigation required. This is because of the specific exemptions for duplexes and ADUs in SCC 30.91D.210. In other words, SCC 30.66B.057 would create a process to determine mitigation for duplexes with two ADUs where the result would be an automatic finding that the project requires no mitigation. Avoiding this unnecessary circular process is why the repeal of SCC 30.66B.057 is part of the proposed ordinance.

Public Works (DPW) led to a request from DPW that the proposed ordinance simply repeal SCC 30.66B.057. This repeal removes obsolete language that might otherwise seem applicable to duplexes with ADUs under this ordinance.

Sections 7 to 9. Amends how Snohomish County defines Accessory Dwelling Units in SCC 30.91A.035, attached ADUs in SCC 30.91A.040, and detached ADUs in SCC 30.91A.050, respectively for compliance with recent legislation. ADUs no longer need to be under the same ownership as a single family dwelling or a subordinate use. Other types of dwellings are now eligible to serve as a principal unit on the same lot.

[Section 7] 30.91A.035 Accessory dwelling unit.

"Accessory dwelling unit" means a dwelling unit that is located on the same lot as ~~((, under the same ownership as, and subordinate to a single family dwelling unit))~~ a principal unit. An accessory dwelling unit must include facilities for living, sleeping, eating, cooking, and sanitation for not more than one family.

[Section 8] 30.91A.040 Accessory dwelling unit, attached.

"Accessory dwelling unit, attached" ("Attached accessory dwelling unit") means an accessory dwelling unit that is located in the same structure as the ~~((primary dwelling))~~ principal unit.

[Section 9] 30.91A.050 Accessory dwelling unit, detached.

"Accessory dwelling unit, detached" ("Detached accessory dwelling unit") means an accessory dwelling unit that is physically separated from and located in a different structure than the ~~((primary dwelling))~~ principal unit on the same lot.

Section 10 clarifies phrasing in SCC 30.91D.210. This section defines "Development" for the purpose of determining concurrency and road impact mitigation under Chapter 30.66B. Existing phrasing for duplex *conversion* is undefined and appears to predate the advent of attached ADUs at which time adding a second unit would have meant converting a house into a duplex. The word *conversion* in this context is confusing and potentially in conflict with the proposed allowance to allow duplexes to have ADUs. Use of the word dwelling instead of conversion would remove potential conflict between this section and the changes proposed by this ordinance.

30.91D.210 Development

"Development" means all applications for development activity that will generate vehicular traffic except for:

- (1) Single-family dwellings;
- (2) Structures accessory to a single family use that are not used for commercial purposes;
- (3) Attached or detached accessory dwelling units;
- (4) Duplex ~~((conversions))~~ dwellings;
- (5) Temporary dwellings; or
- (6) Portable classrooms for public k-12 schools utilizing existing access.

This definition applies only to the concurrency and road impact mitigation regulations in chapter 30.66B SCC.

Section 11 amends the definition of “Driveway” in SCC 30.91D.460. Driveways provide access to a single lot. Changes would allow a single driveway to serve the proposed configuration of a duplex with two ADUs (or four units on one lot). The addition of phrasing regarding fire lanes is because any access to three or more units must meet fire lane standards. Driveways may be 10 feet wide or as much as 30 feet wide. Fire lanes must be at least 20 feet wide. Driveways and portions of driveways may double as fire lanes.

30.91D.460 Driveway.

"Driveway" means a road network element that provides a single access for vehicles and pedestrians to one lot serving a maximum of ~~((two))~~ four dwelling units. Any portion of a driveway providing access to three or more dwelling units shall be designated as a fire lane and meet the fire lane requirements in SCC 30.24.100 and 30.53A.512.

Section 12 amends the definition of “Shared Driveway” in SCC 30.91D.465. Shared driveways provide access to two lots. Change would allow a shared driveway to serve lots where each lot has a duplex and two ADUs. No addition of language regarding fire lane is necessary here because SCC 30.24.130 already addresses the issue by spelling out shared driveway requirements, including the sometimes need for part of a shared driveway to be a fire lane (there is no similar section of requirements for driveways serving just one lot).

30.91D.465, Driveway, shared.

"Driveway, shared" ("shared driveway") means a road network element that provides a single vehicle and pedestrian access in a private tract or easement for two lots that have no more than ~~((two))~~ four dwelling units or two Group U occupancies per lot.

Section 13 amends the definition of “Duplex” in SCC 30.91D.480 for consistency with other changes in the proposed ordinance. Deletion of the sentence excluding mobile homes and ADUs is consistent the definitions for those dwelling types. The proposed clarifying language that a “duplex may include attached or detached accessory dwelling units” is because the vernacular meaning of a duplex as a two unit building does not include the newly authorized uses of ADUs along with a principal unit that is a duplex.

30.91D.480 Duplex.

"Duplex" means a residential structure containing two ~~((dwelling))~~ principal units that have a contiguous wall, which structure is located on one lot. ~~((The term does not include a mobile home, or a structure containing an attached or detached accessory dwelling unit.))~~ A duplex may include attached or detached accessory dwelling units.

Section 14 amends the definition of “Multiple Family Dwelling” in SCC 30.91D.500 to clarify that ADUs are not part of what makes a building multiple family in the zoning code.

30.91D.500 Dwelling, multiple family.

"Dwelling, multiple family" ("Multiple family dwelling") means a dwelling containing three or more dwelling units, but excluding accessory dwelling units, townhouses and mobile homes.

Section 15 amends the definition of Single Family Dwelling in SCC 30.91D.510 to reflect that such units may have two ADUs in urban zones.

30.91D.510 Dwelling, single family.

"Dwelling, single family ("Single family dwelling") means a dwelling containing one dwelling unit, or the dwelling unit and ~~((an))~~ any attached or detached accessory dwelling units. This term shall also include factory built housing constructed pursuant to the standards delineated in RCW 43.22.455, as amended, and rules and regulations promulgated pursuant thereto.

Section 16 amends the definition of Attached Single Family Dwelling in SCC 30.91D.515 so that these may include ADUs.

30.91D.515 Dwelling, single family attached.

"Dwelling, single family attached" ("Single family attached dwelling") means a single-family dwelling unit constructed in a group of two attached principal units in which each principal unit extends from foundation to roof and with open space on at least two sides and which is developed as a zero lot line development. Single family attached dwellings may include an attached or detached accessory dwelling unit. This term does not include duplex.

Section 17 adds a new section SCC 30.91P.307 to define "Principal Unit".⁹ This definition is consistent with HB 1337 but only includes those types of principal units that would be authorized to have ADUs under this ordinance.¹⁰

30.91P.307 Principal unit.

"Principal unit" means a single-family dwelling, single family attached dwelling, or a duplex located on the same lot as any attached or detached accessory dwelling units, where the term principal unit distinguishes such unit from any accessory units.

Section 18 is a standard severability and savings clause.

⁹ This would normally go to 30.91P.305 but the proposal is for it to be .307. This is because there is a currently a non-alphabetical definition for principal party at 30.91P.123. Council staff has asked PDS staff to consider moving that definition as part of a code correction ordinance. If principal party became something like to be SCC 30.91P.303, that would leave room for other terms starting with principal in this Chapter.

¹⁰ If future ordinances were to authorize other types of principal units to have ADUs, then this definition may need further revision. For example, HB 1337 allows townhomes to have ADUs but that is not a mandated configuration, and this ordinance does not propose it.

Proposed Amendment

The County Council discussed the proposed ordinance during their July 2, 2024, Planning and Community Development Committee (PCDC).¹¹ A public comment in that meeting requested that the ordinance allow ADUs to have a reduced setback from road rights-of-way. If included in the final ordinance, this setback would be an additional discretionary incentive to encourage ADU development. Snohomish County provides a similar incentives for building townhomes, which have a smaller setbacks than houses or duplexes. The proposed amendment matches the townhouse setback incentive in practice, but the phrasing is different because townhouse and ADU development go through different processes.

Amendment: Add a fourth bulk regulation incentive at SCC 30.28.010(2)(d)(iv) to read:

Setbacks for Accessory Dwelling Units from public and private road rights-of-way may be reduced as follows. Five feet from rights-of-way that are at least 60 feet wide. For rights-of-way under 60 feet wide, the smaller of (1) 35 feet from the road centerline or (2) an amount authorized by an approved variance.

[SCC 30.23.041](#) provides the standard setbacks from rights-of-way in urban zones. Setbacks vary depending on the width of the road. Current road standards call for 60-feet of right-of-way.¹² For roads wide enough to meet current engineering standards, the standard setback for most housing is 15 feet from the edge of right-of-way. For roads that do not meet the current engineering width, the setback is from the centerline of right-of-way and is an amount that would result in the buildings being 15 feet from the edge of right-of-way if the county were to widen the road to current standards.

For townhomes, [SCC 30.23.049\(13\)](#) allows reduction of the setback to only 5 feet from the edge of right-of-way. If an applicant proposes townhomes on a road that is narrower than current engineering standards, the approval process requires that applicant to first widen and construct their portion of the road to current standards. “Frontage improvements” is the term for widening the road and installing improvements. Since townhomes must always install frontage improvements if they are not already present, townhouse setbacks are never from the centerline of a road. Townhouse setbacks are always from the edge of an improved right-of-way.

Accessory dwelling units, single family homes, and duplexes on existing lots are exempt from making frontage improvements. If the road is already 60 feet or wider, then a 5-foot setback from edge of right-of-way would match the townhouse incentive. For roads narrower than 60 feet, a setback of 35 feet from the centerline of the road would place the building in the same physical location but the ADU process would not require construction of any frontage improvements. If a property owner built an ADU first and the County later improved the road to current standards, the

¹¹ The recording of the July 2 PCDC meeting is available at: https://snohomish.granicus.com/MediaPlayer.php?view_id=18&clip_id=8992. The comment making the request for setback relief is at 2:30 in the recording. Council discussion of Motion 24-266 referring the ADU ordinance to the Planning Commission begins at 37:00 in the recording.

¹² A 60 foot right-of-way has room enough for travel lanes, drainage, planter strips, and sidewalks.

ADU would then be 5-feet from the edge of right-of-way. In some specific situations, the county might never widen an existing road to full current standards due to topography, low traffic volume or similar reasons. The proposal to allow a variance to reduce the setback for roads narrower than 60 feet would create a process for setback relief when there is an unusual circumstance to justify allowing an ADU to be just 5 feet from the edge of a narrow road.

Policy Analysis

The proposed changes would increase development of ADUs in urban zones to help address housing affordability challenges. They would also update ADU-related terminology for all unincorporated areas for consistency with recent legislation. By going beyond mandated changes to allow duplexes and attached single family dwellings to also have ADUs, the proposed ordinance would allow up to four units on an existing lot with urban zoning. Additional incentives for increased lot coverage and the proposed amendment to allow reduced setbacks from rights-of-way would help encourage construction of more ADUs.

Procedural

Environmental Review

A State Environmental Policy Act Checklist and a threshold determination will be issued prior to County Council consideration.

Notification of State Agencies

Pursuant to RCW 36.70A.106, county staff will transmit a draft of the proposed ordinance to the Washington State Department of Commerce at least 60 days prior to adoption by the County Council.

Action Requested

Council Motion 24-266 requests that Planning Commission hold a public hearing, consider the proposed code amendments, and provide a recommendation to the County Council by December 2, 2024. The Planning Commission can recommend approval of the proposed ordinance with supporting findings of fact as proposed or modified, deny the proposal with findings, or amend the proposal with appropriate findings.

cc: Ken Klein, Executive Director
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David Killingstad, PDS Manager
Michael Dobesh, PDS Manager