

ADDENDUM NUMBER 1 TO THE DETERMINATION OF NON-SIGNIFICANCE ISSUED MARCH 29, 2021

**Adoption of Amendments to
Title 30 Snohomish County Code
Revising Standards for Accessory Dwelling Units**

Prepared Consistent with

The Washington State Environmental Policy Act of 1971
Chapter 43.21C Revised Code of Washington
Chapter 197-11, Washington Administrative Code
Snohomish County Code Title 30



Snohomish County Planning and Development Services

Date of Issuance: May 28, 2021

FACT SHEET

Project Title: Relating to growth management; revising accessory apartment regulations; Amending sections in Chapters 30.22, 30.23, 30.24, 30.25, 30.26, 30.28, 30.31A, 30.35A, 30.41G, 30.66C and Subtitle 30.9 of the Snohomish County Code.

Proposed Non-Project Action: This is a non-project proposal to update Snohomish County Code (SCC) Title 30 to amend standards regulating the development of accessory dwelling units by allowing ADUs as a permitted use in all zoning districts that also allow single-family dwellings, permitting up to two ADUs on lots within the urban growth area, and eliminating superfluous regulations, while maintaining protections on rural growth and character. Specifically, this non-project proposal will:

1. Amend SCC 30.22.100, SCC 30.22.110, and SCC 30.22.120 to change accessory dwelling units from an administrative conditional use to a permitted use in all districts that also allow a single-family dwelling.
2. Amend SCC 30.23.235 to eliminate the prohibition on accessory dwelling units on substandard lots and replace it with a prohibition on detached ADUs on rural lots that do not meet the minimum required lot area for the zone in which they are located.
3. Amend SCC 30.25.020 and SCC 30.25.028 to eliminate perimeter landscaping requirements and buffer requirements for accessory dwelling units located in zones categorized as residential, multi-family, or commercial.
4. Amend SCC 30.26.030 to update the number of parking spaces required for accessory dwelling units located in the urban zones.
5. Amend SCC 30.28.010 to update the development standards for accessory dwelling units including adding standards for ADUs in the rural areas to protect rural character and limit sprawl.
6. Amend chapter 30.91A SCC to add a definition for the term “accessory dwelling unit” and update the definitions of “accessory apartment, attached” and “accessory apartment, detached.”
7. Amend chapters 30.22, 30.24, 30.31A, 30.35A, 30.41G, 30.66C, and 30.91D SCC to replace the term “accessory apartments” with the term “accessory dwelling units.”

Purpose of the DNS Addendum: This addendum addresses the environmental impacts of code amendments for the development of attached and detached accessory dwelling units (ADUs). This addendum updates and supplements a Determination of Non-Significance (DNS) issued on March 29, 2021, for the adoption of Ordinance No. 21-018 concerning amendments to Title 30 SCC to revise standards regulating the development of ADUs. The information contained in this addendum does not change the environmental analysis.

This addendum is being issued in accordance with WAC 197-11-625 and WAC 197-11-630. The adopted environmental documents listed herein, together with this addendum, meet Snohomish County's environmental review needs for the current proposed amendments.

Description of Proposal:

The Snohomish County Council may consider the following amendments to Ordinance No. 21-018:

- Amendment 1. Changes the maximum floor area for ADUs from the Planning Commission recommended 1,600 square feet to 1,200 square feet.
- Amendment 2. Authorizes the director to approve an ADU that is over 100' from a primary dwelling unit upon a showing that physical characteristics exist that would limit an ADU from being constructed within 100' of a primary dwelling unit. Physical characteristics include, but are not limited to: critical areas, sewage and septic systems, water systems, topographical features, and related setbacks or buffers.
- Amendment 3 and 3A. Removes the existing requirement that there be one parking space required for an ADU (both attached and detached) in urban areas.
- Amendment 4. In rural areas, removes the prohibition on establishing detached ADUs on lots that do not meet the minimum required lot area in the zone in which they are located (known as "substandard lots") and removes prohibitions from locating detached ADUs on lots in the R-5 zone less than 5 acres and on lots in the RC zone that are less than 100,000 square feet.

Location of Proposal:

The amendment would affect properties located in the RD, RRT-10, R-5, CRC, F, F&R, A-10, MC, SA-1, RC, R-20,000, R-12,500, and WFB zones.

**Action Sponsor
Lead Agency:**

Snohomish County Department of Planning and Development Services
3000 Rockefeller Avenue, M/S #604
Everett, Washington 98201-4066

**Required Approval
Review:**

- Snohomish County Planning Commission – Has made recommendation on Ordinance No. 21-018.
- Snohomish County Council – adoption of ordinances
- Washington State Department of Community Trade and Economic Development (CTED) – coordination of state comments

**Circulation and
Comment:**

This addendum, or notice of availability, is being sent to all recipients of the previously issued Determination of Non-Significance as required by WAC 197-11-625. No comment period is required for this addendum under WAC 197-11-502(8)(c).

The Addendum is available by contacting:

Mitchell Brouse, Senior Planner
Snohomish County Planning and Development Services
3000 Rockefeller Ave., M/S #604
Everett, Washington 98201
Phone: (425) 388-5127
E-Mail: mitchell.brouse@snoco.org

The Addendum is available for viewing at the Snohomish County Council (Robert J Drewell Building, 8th Floor) and on the county's website at: <https://snohomishcountywa.gov/1603/Environmental-SEPADocuments>

Date of Issuance:

May 28, 2021

Responsible Official:

David Killingstad
Snohomish County Planning and Development Services
3000 Rockefeller Avenue, M/S #604
Everett, Washington 98201-4066

Signature *David Killingstad*
David Killingstad, Long Range Planning Manager

ENVIRONMENTAL REVIEW

Overview:

The adoption of amendments to the GMA Comprehensive Plan and development regulations is a non-project action under the Washington State Environmental Policy Act (SEPA). This Addendum is not intended to satisfy individual project action SEPA requirements (the review needed for a future site-specific land use or building permit application). This Addendum does not significantly change the analysis of impacts and alternatives contained in the Environmental Impact Statement (EIS) that was prepared in 2015 for the GMA Comprehensive Plan, nor does it identify new or significantly different impacts.

Prior Environmental Review

A SEPA checklist addressing the proposed amendments to Title 30 SCC to revise accessory dwelling unit development standards was issued on March 29, 2021, along with a Determination of Non-Significance (DNS).

DNS Addendum

According to the SEPA Rules, an Addendum to a DNS provides additional analysis and/or information about a proposal or alternatives where their significant environmental impacts have been disclosed and identified in a previous environmental document (WAC 197-11-600(3)(b)(ii)).

An Addendum is appropriate when the impacts of the new proposal are the same general types as those identified in the prior document, and when the new analysis does not substantially change the analysis of significant impacts and alternatives identified in the prior environmental documents (WAC 197-11-600(4)(e), WAC 197-11-706).

This Addendum to the March 29, 2021, DNS is being issued pursuant to WAC 197-11-625 to meet the County's SEPA responsibility. No additional significant impacts beyond those identified in the county's EIS for the 10-Year Update.

Background Information and Analysis for Addendum Number 1 to the Determination of Non-Significance Issued March 29, 2021

Reason for the Addendum:

Amendment Number 4 to Ordinance No. 21-018 removes the prohibition on establishing detached ADUs on lots that do not meet the minimum required lot area in the zone in which they are located (known as “substandard lots”) and removes prohibitions from locating detached ADUs on lots in the R-5 zone less than 5 acres and on lots in the RC zone that are less than 100,000 square feet.

This proposal was not included in the DNS for proposed Ordinance No. 21-018 issued on March 29, 2021.

Analysis:

Between January 1, 1996, and December 31, 2011, the County did not have any restrictions on the construction of ADUs on substandard lots in the rural areas. During that time, approximately 38 permits for ADUs were issued annually. Those permits accounted for approximately 5.6% of new dwellings in the rural area.

Further, between January 1, 2012 and December 31, 2019, when ADUs were prohibited on substandard lots, the county issued permits for 100 ADUs, an average of 12.5 per year. During that timeframe, ADUs accounted for only 3.3% of the total housing units permitted in the rural area (100 ADUs out of 3,016 total units). Attachment A includes annual ADU permitting data.

There is approximately 270,000 acres of rural land in unincorporated Snohomish County. If ADU permitting were to increase to and maintain historical maximums (which is not expected by the County), 38 ADUs per year would be an approximate average of 1 unit per 7,000 acres per year. Over a 20 year planning period, that is 1 ADU per approximately 355 acres.

The proposed amendments contained in Ordinance No. 21-018 and Amendments 1-4, include standards regulating the development of ADUs that limit impacts from the construction of attached and detached ADUs in the rural area:

- Detached ADUs shall share a driveway with the primary dwelling unit;
- The distance between a detached ADU and the primary dwelling shall not exceed 100 ft, except in circumstances where the existing features of the property necessitate a larger distance;
- One off street parking space shall be provided per ADU;
- The ADU shall have physical and legal access to water and the applicant shall provide documentation that the water supply is potable and of adequate flow;
- Applicants shall provide documentation that the sewage or septic system is capable of handling additional demand created by the ADU;
- Limits on maximum floor area of the ADU (either 1,200 square feet or 1,600 square feet); and
- Design standards requiring that both attached and detached ADUs are compatible with the existing property and area.

These standards, primary requiring close physical proximity and sharing a driveway with the primary dwelling, will ensure that detached ADUs in the rural area maintain a close association with the primary dwelling unit. Maintaining a close association will ensure that the detached ADU maintains is subordinate

and secondary nature to the primary dwelling, similar to attached ADUs. Further, these standards protect water resources but requiring legal access to water and ensuring that the sewage or septic system is sufficient to handle the additional demand created by an ADU. Finally, the amendments require that detached ADUs have either features, such as exterior materials, roof form, window spacing and proportions, that approximate that of the single family dwelling, or be located in an existing accessory structure. These standards for ADUs are more stringent than design standards that apply to the construction of other accessory structures in the rural area.

Determination:

While it is not expected that approval of Ordinance No. 21-018 and associated Amendments will result in a substantial increase in permits for ADUs over time, even if ADU permitting increases to the historical maximum (approximately 38 ADUs per year), it will not result in environmental impacts that significantly extend beyond the analysis of impacts and alternatives contained in the Environmental Impact Statement (EIS) that was prepared in 2015 for the GMA Comprehensive Plan. Further, it is the impacts will expand beyond those that were evaluated by the initial Determination of Non-Significance that was issued on March 29, 2021.

Attachment A: Historical ADU Permitting Data

Attached ADUs

	ADU Attached Total	ADU Attached in UGA	ADU Attached in Rural Area
1994	14	4	10
1995	5	1	4
1996	3	2	1
1997	3	0	3
1998	2	2	0
1999	6	4	2
2000	2	1	1
2001	3	0	3
2002	3	1	2
2003	9	5	4
2004	11	3	8
2005	7	2	5
2006	2	0	2
2007	10	2	8
2008	6	2	4
2009	5	5	0
2010	18	10	8
2011	5	4	1
2012	3	3	0
2013	0	0	0
2014	2	1	1
2015	1	1	0
2016	1	0	1
2017	3	2	1
2018	4	4	0
2019	4	4	0
Total	132	63	69

Detached ADUs

	ADU Detached Total	ADU Detached in UGA	ADU Detached in Rural Area
1994	3	2	1
1995	18	6	12
1996	22	5	17
1997	26	4	22
1998	22	1	21
1999	16	4	12
2000	29	7	22
2001	22	4	18
2002	29	3	26
2003	31	7	24
2004	63	9	54
2005	94	12	82
2006	73	10	63
2007	48	6	42
2008	54	3	51
2009	49	6	43
2010	39	7	32
2011	33	8	25
2012	22	0	22
2013	8	3	5
2014	13	5	8
2015	14	2	12
2016	10	2	8
2017	17	5	12
2018	23	8	15
2019	22	7	15
Total	800	136	664