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SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON

ORDINANCE NO. 04-021

RELATING TO ACCESSORY APARTMENT
DEVELOPMENT STANDARDS, AMENDING CHAPTERS 30.28, 30.91A, AND 30.25
OF THE SNOHOMISH COUNTY CODE

WHEREAS, pursuant to the Snohomish County Charter and the Growth Management Act (GMA), chapter 36.70A RCW, the County Council has adopted the Snohomish County GMA Comprehensive Plan – General Policy Plan for the unincorporated area of Snohomish County; and

WHEREAS, pursuant to the Snohomish County Charter and GMA, the County Council has adopted development regulations, including zoning, that are consistent with its GMA Comprehensive Plan; and

WHEREAS, a need exists to amend the accessory apartment regulations to make clarifications, provide greater flexibility, encourage affordable housing, and to improve implementation of the code; and

WHEREAS, the Snohomish County Planning Commission held a public hearing on November 18, 2003; and

WHEREAS, the Snohomish County Council held public hearing on March 31, 2004; and

WHEREAS, the County Council considered the entire hearing record, including the Planning Commission's recommendation, and written and oral testimony submitted during the council hearing;

NOW THEREFORE, BE IT ORDAINED:

Section 1. Snohomish County Code section 30.28.010, adopted by Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

30.28.010 Accessory apartments.

(1) An owner-occupant of a single family dwelling unit may establish only one accessory apartment, which may be either attached to, or detached from, the single

family dwelling. A detached accessory apartment may not be located on a lot on which a temporary dwelling is located.

(2) The single family dwelling unit to which an attached accessory apartment is to be added, or which is located on the same lot as the detached accessory apartment, must be owner-occupied ~~((on the date of application))~~ and remain owner-occupied for as long as the attached or detached accessory apartment exists.

(3) The minimum floor area for an attached or detached accessory apartment shall be 360 square feet, but in no case shall the original single family dwelling unit be reduced below 900 square feet. These floor areas shall be exclusive of garages, porches, or unfinished basements. The floor area of an attached accessory apartment shall not exceed the following percentage of floor area of the single family dwelling unit to which it is accessory, or the following fixed amount, whichever is applicable:

**Table 30.28.010(1)
ACCESSORY APARTMENTS-MAXIMUM FLOOR AREA**

If the floor area of the single family dwelling unit is:	The floor area of the attached accessory apartment shall not exceed:
Under 2,000 sq. ft.	40%
2,000 sq. ft. or more, but less than 3,000 sq. ft.	35% or 800 sq. ft. whichever is greater
3,000 sq. ft. or more, but less than 5,000 sq. ft.	30% or 1,050 sq. ft. whichever is greater
Over 5,000 sq. ft.	20% or 1,500 sq. ft., whichever is greater

The floor area of a detached accessory apartment shall not exceed 40 percent of the floor area of the single family dwelling unit to which it is accessory, or 850 square feet, whichever is less. The square footage of a mobile home allowed as a detached accessory apartment pursuant to SCC 30.91A.050 may exceed this limitation; provided, that the floor area remains less than the square footage of the existing owner occupied home.

(4) For an attached accessory apartment, the architectural character of the single family dwelling shall be preserved. Exterior materials, roof form, and window spacing and proportions shall match that of the existing single family dwelling. Only one main entrance shall be permitted on the front (street face) of the dwelling. Entrances for the attached accessory apartment shall be on the side or in the rear of the dwelling.

(5) ~~((For a detached accessory apartment located within a new structure, the))~~ The exterior materials, roof form, and window spacing and proportions of ((the)) a proposed detached accessory apartment structure shall approximate those of the existing single family dwelling. ((For a)) A detached ((a)) accessory apartment ((located)) proposed for location within an existing structure, ((the structure)) is not required to approximate the exterior features of the existing single family dwelling. A mobile home, where allowed

as a detached accessory apartment pursuant to SCC 30.91A.050, is not required to approximate the exterior features of the existing single family dwelling if the existing owner occupied home is a mobile home or if the minimum planting standards for screening set forth at SCC 30.25.015(5) and (6) are incorporated in the building permit application.

(6) In zones categorized as residential, multiple-family or commercial, no portion of a detached accessory apartment shall extend beyond the building front of the existing single family dwelling, unless screening, landscaping, or other measures are provided to ensure compatibility with the immediate neighborhood. Where a proposed detached accessory apartment extends beyond the building front of the existing single family dwelling as described above, the building permit application site plan shall depict the existing and proposed screening, landscaping or other measures to ensure visual compatibility with the immediate neighborhood. The location of existing or proposed structures on the subject property and surrounding structures in the immediate vicinity shall be shown on the site plan. The site plan shall show the amount, type and spacing of proposed planting materials. Plant materials, species and design shall be approved by the department. Landscaping modifications, installation and maintenance requirements are regulated by SCC 30.25.040, SCC 30.25.043 and SCC 30.25.045. The minimum planting standards set forth at SCC 30.25.015(5) and (6) shall apply.

(7) An applicant must provide documentation that the water supply is potable and of adequate flow and 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 apartment.

(8) One off-street parking space shall be provided and designated for the attached or detached accessory apartment (in addition to the two off-street parking spaces required for the primary single family dwelling unit). Additional spaces shall be provided to accommodate any additional vehicles owned and/or used by occupants of the attached or detached accessory apartment. Driveways may be counted as one parking space but no parking areas other than driveways shall be created in front yards.

(9) An owner-occupant of a single family dwelling with an attached or detached accessory apartment shall file, on a form available from the department, a declaration of owner occupancy with the department prior to issuance of the building permit for the attached or detached accessory apartment (~~and shall renew the declaration annually~~). The initial declaration of owner occupancy shall be recorded with the county auditor prior to filing the declaration with the department. If the department receives information calling into question the owner-occupied status of the property, the department may request a renewed recording of the owner occupancy declaration. This renewal shall be submitted to the department upon request. Within 30 days of a sale or transfer of the property, the new property owner(s) shall record a declaration of owner occupancy with the county auditor. A copy of this recorded declaration shall be submitted to the department referencing the assessor's tax parcel number.

(10) The owner-occupant(s) may reside in the single family dwelling unit, the accessory apartment, or both.

Section 2. Snohomish County Code section 30.91A.050, adopted by Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

30.91A.050 "Accessory apartment-detached" means a dwelling unit other than a mobile home that is located on the same lot and under the same ownership as, and subordinate to, an owner-occupied single-family dwelling unit((-)), except that a mobile home may be allowed as a detached accessory apartment on lots 200,000 square feet or larger located outside of a UGA when the accessory apartment remains subordinate to the existing owner occupied home and meets the requirements of chapter 30.28 SCC. A detached accessory apartment is intended for use as a complete, independent living facility, and does not substantially alter the single-family character and appearance of the structure or its conformity with the character of the neighborhood. A detached accessory apartment must include facilities for living, sleeping, eating, cooking and sanitation for not more than one family in accordance with the state and local law.

Section 3. Snohomish County Code Section 30.25.010, adopted by Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

30.25.010 Purpose and applicability.

(1) The intent of this chapter is to require landscaping to enhance compatibility between uses and zones and to build continuity within neighborhoods while reducing the impacts of new development, minimizing the impact of parking areas and detention facilities, and implementing the policies of the comprehensive plan.

(2) This chapter shall apply to all new multifamily and nonresidential development, and to projects in the multiple residential and commercial zones containing more than one single family or duplex structure, and to all stormwater detention facilities, except as provided in SCC 30.25.010(4).

(3) This chapter shall not apply to an application for an individual single family or duplex residence except as provided for in SCC 30.28.010 to ensure compatibility of certain detached accessory apartments with their immediate neighborhood.

(4) This chapter shall not apply to applications for planned residential developments under chapter 30.42B SCC, except that the parking lot landscaping requirements of SCC 30.25.022 shall apply to PRD projects.

Section 4. The County Council makes the following findings and conclusions:

1. The development standards for detached accessory apartments in SCC 30.28.010 and SCC 30.91A.050 are overly restrictive as applied to residential parcels 200,000 square feet or larger.

2. Allowing increased flexibility for the establishment of accessory apartments will further the Growth Management Act's affordable housing goal set forth in RCW 36.70A.020(4).

3. Concurrent construction of an accessory apartment with the primary home will reduce constructions costs and be more efficient.
4. Clarification of the landscaping requirements will provide certainty to the applicant and standard review criteria.
5. Owner occupancy declaration renewals or updates are unnecessary unless a compliance issue arises or a property transfer occurs.
6. The proposed code amendments clarify existing provisions and provide certainty to the applicant.
7. The County conducted continuous public participation in the process of adopting this ordinance. Public participation includes public hearings before the Snohomish County Planning Commission and Snohomish County Council and opportunity for written comments.
8. The provisions of this ordinance are consistent with the Growth Management Act, chapter 36.70A RCW, Countywide Planning Policies, Snohomish County Comprehensive Plan, and the Snohomish County Code.
9. A Determination of Nonsignificance was issued for the proposed action on October 1, 2003, pursuant to the State Environmental Policy Act ("SEPA"), chapter 43.21C RCW and chapter 197-11 WAC, and Chapter 30.61 SCC, and satisfies the requirements of SEPA.
10. The proposed amendments will benefit the general public health, safety and welfare and are in the best interest of Snohomish County.

Section 5. Severability and savings. If any section, sentence, clause or phrase of this ordinance shall be held to be invalid or unconstitutional by the Growth Management Hearings Board (Board) or 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 is held to be invalid or unconstitutional by the Board or by a 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.

PASSED this 31st day of March, 2004.

ATTEST:

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

Sheela McCallister
Clerk of the Council *asst*

John M. Koster
Chairperson

- APPROVED
- EMERGENCY
- VETOED

DATE: 4/13/04

ATTEST:

Lyntha A. Ringstad

[Signature]
County Executive

Approved as to form only:

[Signature] *12/12/03*
Deputy Prosecuting Attorney
Jason J. Cummings

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