



SNOHOMISH COUNTY COUNCIL

AMENDED
ORDINANCE NO. 94-029

**AMENDING SNOHOMISH COUNTY CODE
TITLES 18, 26A, 26B, AND 26C
RELATING TO DETACHED APARTMENTS
ACCESSORY TO SINGLE-FAMILY DWELLINGS**

BE IT ORDAINED:

Section 1. That SCC, Title 18, section 18.32.040(A), page 2(a), last amended by Ord. No. 93-068, adopted August 11, 1993, is amended to read:

	F	F&R	A-10	R-5	RC&RR	RD	SA-1	RU	R20,000	R12,500	R 9,600	R 8,400	R 7,200	WFB	T	LDNR	MR	FS	NB	PCB	CB	GC	IP	BP	LI	HI	MC
<u>Accessory Apartments 66</u> <u>Attached and Detached</u>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P						P
Agriculture	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Airport: Stage 1 Utility 1	C		C	C	C	C	C	C	C	C	C	C	C	C							P	P	P	P	P	P	
All Others																							P	P	P	P	
Amusement Facility 44																				P	P	P			P	P	
Antique Shop				48 c		C		48 c											P	P	P				P	P	
Art Gallery 44			C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		P	P	P	
Asphalt Batch Plant & Continuous Mix Asphalt Plant																										P	P
Auto Repair Major																							P	P	P	P	P
Minor																			P	P	P	P	P	P	P	P	P
Auto Towing			C		C																				P	P	
Auto Wrecking Yard																										47 c	47 p
Barry																							P	P	P	P	P
Bed and Breakfast Guesthouse 62		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C					
Bed and Breakfast Inn 62		C	C	C	C	C																					
Billboards 49																							P		P	P	
Boat Launch Commercial 33		C																			C	C			C	C	
Non-Commercial 33	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C			C	C	
Boat Sales																							P		P	P	
Body Painting Studio																						P	P	P	P	P	P
Building Contractor																						P	P	P	P	P	P

P - Permitted Use
C - Conditional Use
T - Temporary Use

NOTE: Reference numbers within matrix indicate special conditions apply.
See 18.32 page 3 through 27

Section 2. That SCC, Title 18, subsection 18.32.040(B)(19), last amended by Ord. No. 86-037, adopted May 7, 1986, is amended to read:

18.32.040 Use matrix.

(B) Reference notes for use matrix.

. . . .

(19) Temporary Dwelling, for a relative:

- (a) The dwelling shall be occupied only by a relative, by blood or marriage, of the occupant(s) of the permanent dwelling,
- (b) The relative must receive from, or administer to, the occupant of the other dwelling continuous care and assistance necessitated by advanced age or infirmity,
- (c) The need for such continuous care and assistance shall be attested to in writing by a licensed physician,
- (d) The temporary dwelling shall be occupied by not more than two persons,
- (e) Use as a commercial rental unit shall be prohibited,
- (f) The temporary dwelling shall be situated not less than twenty feet from the permanent dwelling on the same lot and shall not be located in any required yard of the principal dwelling,
- (g) A land use permit binder shall be executed by the landowner, recorded with the Snohomish County auditor and a copy of the recorded document submitted to the community development division for inclusion in the permit file,
- (h) Adequate screening, landscaping or other measures shall be provided to protect surrounding property values and insure compatibility with the immediate neighborhood,
- (i) An annual renewal of the temporary dwelling permit, together with recertification of need shall be accomplished by the applicant through the community development division in the same month of each year in which the initial mobile home/building permit was issued, ~~((and))~~
- (j) An agreement to terminate such temporary use at such time as the need no longer exists shall be executed by the applicant and recorded with the Snohomish County auditor ~~((+))~~, and
- (k) The temporary dwelling shall not be located on a lot on which a detached accessory apartment, as defined in SCC 18.90.018, is located.

Section 3. That SCC, Title 18, subsection 18.32.040(B)(66), last amended by Ord. No. 92-052, adopted May 27, 1992, is amended to read:

18.32.040 Use matrix.

(B) Reference notes for use matrix.

. . . .

(66) Accessory Apartments - Attached and Detached:

(a) An owner-occupant of a single-family dwelling 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, as defined in SCC 18.90.305, is located.

(b) ~~((In order to establish and maintain an accessory apartment))~~ The single-family dwelling unit to which ((the)) an attached accessory apartment is to be added ((the single family dwelling unit)), 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.

(c) The minimum floor area for an attached or detached accessory apartment shall be 450 square feet, but in no case shall the original single-family dwelling unit be reduced below 900 square feet. These ~~((net))~~ floor areas shall be exclusive of garages, porches, ~~((walls))~~ or unfinished basements. The ~~((net))~~ floor area of an attached accessory apartment shall not exceed the following percentage of the ~~((net))~~ floor area of the single-family dwelling unit to which it is accessory ((in which the accessory apartment is located)), or the following fixed amount, ~~((as the case may be))~~ whichever is applicable:

If the ~~((net))~~ floor area of the single-family dwelling unit is:

the ~~((net))~~ 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% of the floor area of the single-family dwelling unit to which it is accessory, or 850 square feet, whichever is less.

(d) For an attached accessory apartment, ~~((F))~~ 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.

(e) For a detached accessory apartment located within a new structure, the exterior materials, roof form, and window spacing and proportions of the detached accessory apartment structure shall approximate those of the existing single-family dwelling. For a detached accessory apartment located within an existing structure, the structure is not required to approximate the exterior features of the existing single-family dwelling.

(f) 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.

((e)) (g) 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.

((F)) (h) 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). ~~((and such a))~~ Additional spaces ~~((if any))~~ shall be provided to accommodate ~~((all))~~ any additional vehicles owned and/or used by occupants of the attached or detached accessory apartment. Driveways may be counted as one parking space ~~((r))~~ but ~~((N))~~ no parking areas other than driveways shall be created in front yards.

((G)) (i) An owner-occupant of a single-family dwelling with an attached or detached accessory apartment shall file, on a form available from the ~~((planning))~~ community development department, a ~~((guarantee))~~ declaration of owner occupancy with the ~~((planning))~~ community development department ~~((no later than April 1st))~~ prior to issuance of the building permit for the attached or detached accessory apartment and shall renew the declaration annually ~~((of each year))~~. The initial declaration of owner occupancy shall be recorded with the county auditor prior to filing the declaration with the community development department.

Section 4. That SCC, Title 18, section 18.72.140, last amended by Ord. No. 92-140 adopted November 24, 1992, is amended to read:

18.72.140 Filing fees. The filing fees for requests/actions covered by this chapter shall be as follows:

(1) Variance	\$1,000.00
(a) Except that a request for a single revision to a dimensional requirement related to a single family residence shall be:	
(b) Request for time extension	\$ 500.00
(c) Request for minor revision under SCC 18.72.192	\$ 100.00
(d) Request for major revision under SCC 18.72.192	\$ 200.00
(d) Request for major revision under SCC 18.72.192	\$ 800.00
(2) Special use permit plus a per acre fee of \$50.00 limited to a maximum fee of \$3,000.00	\$1,000.00
(a) Request for time extension	\$ 100.00
(b) Request for minor revision under SCC 18.72.192	\$ 200.00
(c) Request for major revision under SCC 18.72.192	\$ 800.00
(3) Conditional use permit	\$2,100.00
(a) Landfill plus a per acre fee of \$50.00 limited to a maximum fee of \$4,000.00	\$1,800.00
(b) Mineral extraction/processing plus a per acre fee of \$100.00 limited to a maximum fee of \$6,000.00	\$1,800.00
(c) Sanitary landfill plus a per acre fee of \$100.00 limited to a maximum fee of \$6,000.00	\$1,800.00
(d) Modification to site plan	
Minor Revision under SCC 18.72.192	\$ 200.00
Major Revision under SCC 18.72.192	\$ 800.00
(4) Temporary use permit	\$ 150.00
(a) Temporary woodwaste recycling and temporary woodwaste storage	\$ 500.00
<u>(b) Annual renewal</u>	\$ 60.00
(5) Administrative appeal	\$ 100.00
(6) Accessory apartment <u>(attached or detached)</u> permit	\$ 150.00
<u>(a) Annual renewal</u>	\$ 60.00

Section 5. That SCC, Title 18, section 18.72.155, last amended by Ord. No. 92-099 adopted September 2, 1992, is amended to read:

18.72.155 Processing procedure - attached and detached accessory apartments and temporary uses. Applications for an accessory apartments ~~(attached or detached)~~ permit, for a temporary ~~permit for~~ emergency uses or structures, for a temporary woodwaste recycling and temporary woodwaste storage permit, and for a temporary dwellings permit for relatives, shall be made in writing to the ~~((planning))~~ community development director. The ~~((planning))~~ community development director may prescribe the form in which application is made and the type of information to be provided by the applicant in the application ~~((+))~~ and, for temporary uses, ~~((+))~~ the director may grant those ~~applications~~ permits which meet the conditions listed in SCC 18.32.040. The director may also impose special conditions to assure compatibility with surrounding properties. Temporary use permits for temporary woodwaste recycling and temporary woodwaste storage are valid for two years from the date of issuance and are eligible for renewal, subject to compliance with all applicable requirements of this title.

Section 6. That SCC, Title 18, section 18.72.175, adopted by Ord. No. 93-158 on December 29th, 1993, is amended to read:

18.72.158 Notice of application - variance, conditional or special use permit, attached or detached accessory apartment and temporary uses.

(1) Within five working days of filing an application for a variance, conditional use or special use permit, attached or detached accessory apartment or temporary use permitted under the provisions of SCC 18.72.155, an applicant shall post two or more signs which meet county standards in a conspicuous location on the property's frontage abutting a public right-of-way. If no public right-of-way exists, the signs shall be placed at the point of access to the property. At a minimum, the sign shall contain the following information: type of permit requested, assigned county file number, project description, and county contact person. The signs shall remain posted throughout the review process and until all appeal periods have expired.

(2) Such posting shall be evidenced by submittal of a verified statement regarding the date and location of posting. If verification of posting is not returned to the department within fifteen (15) days of application, the department shall discontinue processing of the permit application until such verification is received.

Section 7. That SCC, Title 18, section 18.72.175, last amended by Ord. No. 92-075 adopted July 22, 1992, is amended to read:

18.72.175 Notice provisions - attached or detached accessory apartments and temporary uses.

(1) Notice of the director's decision approving an attached or detached accessory apartment or a temporary use permitted under the provisions of SCC 18.72.155 shall be mailed to all taxpayers of record and known site addresses within five hundred feet of any boundary of the subject property, which notice shall state the manner of administratively appealing such a determination pursuant to SCC 18.72.100.

Section 8. That SCC, Title 18, section 18.72.195, last amended by Ord. No. 92-052 adopted May 27, 1992, is amended to read:

18.72.195 Continuing jurisdiction - attached or detached accessory apartments and temporary uses.

The ((planning)) community development director shall retain continuing jurisdiction over all attached or detached accessory apartments and temporary uses((7)) and may, for good cause, modify or revoke any permit issued under the authority of this chapter.

Section 9. That SCC, Title 18, section 18.90.017, added by Ord. No. 92-052 adopted May 27, 1992, is amended to read:

18.90.017 Accessory apartment - attached. "Accessory apartment - attached" means a dwelling unit that is in the same structure as, under the same ownership as, and subordinate to an owner-occupied single-family dwelling unit, which is intended for use as a complete, independent living facility, and does not substantially alter the single-family character, harmony, and appearance of the structure or its conformity with the character of the neighborhood. An attached accessory apartment must include permanent provisions required by state and local law for living, sleeping, eating, cooking, and sanitation by not more than one family within the limits set forth in the Snohomish County Code pertaining to health, building, or other relevant provisions of the law as defined in this title.

NEW SECTION. Section 10. A new section 18.90.018 is added to Snohomish County Code Title 18, as follows:

18.90.018 Accessory Apartment - detached. "Accessory apartment - detached" means a dwelling unit other than a mobile home, as defined in SCC 18.90.590, which is located on the same lot ((as7)) and under the same ownership as, and subordinate to, an owner-occupied single-family dwelling unit, ((which)) is intended for use as a complete, independent living facility, and does not substantially alter the single-family character, harmony, and appearance of the lot or its conformity with the character of the neighborhood. A detached accessory apartment

must include permanent provisions required by state and local law for living, sleeping, eating, cooking, and sanitation by not more than one family within the limits set forth in the Snohomish County Code pertaining to health, building, or other relevant provisions of the law as defined in this title.

Section 11. That SCC, Title 18, section 18.90.280, last amended by Ord. No. 92-052 adopted May 27, 1992, is amended to read:

18.90.280 Duplex. "Duplex" means a residential structure containing two dwelling units, which structure is located on one lot(~~(, but)~~). The term does not include a mobile home((e)), as defined in SCC 18.90.590, ((and not including)) or a structure containing an attached or detached accessory apartment, as defined in SCC 18.90.017 and SCC 18.90.018.

Section 12. That SCC, Title 18, section 18.90.300, last amended by Ord. No. 92-052 adopted May 27, 1992, is amended to read:

18.90.300 Dwelling, single family. "Single family dwelling" means a dwelling containing one dwelling unit, or one dwelling unit and an attached or detached accessory apartment as defined in SCC 18.90.017 and SCC 18.90.018. 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 13. That SCC, Title 26A, section 26A.02.110, last amended by Ord. No. 91-026 adopted July 3, 1991, is amended to read:

26A.02.110 Development. "Development" means all single family condominium and multifamily residential development, including multifamily rezones which require binding site plans, planned residential developments, mobile home parks, condominiums, and all multifamily structures which require building permits and are subject to Title 23 SCC, the Snohomish ((e))County ((e))Environmental ((p))Policy ((e))Ordinance, but ((excluding)) does not include permits for attached or detached accessory apartments, or remodeling or renovation permits which do not result in additional dwellings.

Section 14. That SCC, Title 26B, section 26B.51.040, last amended by Ord. No. 91-159 adopted November 6, 1991, is amended to read:

26B.51.040 Development. "Development" means all subdivisions, short subdivisions, industrial or commercial building permits, conditional or special use permits, or building permits (including building permits for multi-family and duplex residential structures, and similar uses) and other similar

projects; (1) requiring land use permits or approval by Snohomish county; or (2) which are located in areas of other counties or incorporated areas and which will impact Snohomish county's public road system, except single family residential building permits on existing tax lots and permits for attached or detached accessory apartments.

Section 15. That SCC, Title 26C, section 26C.03.030, last amended by Ord. No. 91-027 adopted February 27, 1991, is amended to read:

26C.03.030 Development. "Development" means all single family condominium and multi-family residential development, including multi-family rezones which require binding site plans, planned residential developments, mobile home parks, condominiums, and all multi-family structures which require building permits and are subject to Title 23 SCC, the Snohomish ((e))County ((e))Environmental ((p))Policy ((e))Ordinance, but ((excluding)) does not include permits for attached or detached accessory apartments, or remodeling or renovation permits which do not result in additional dwelling units.

Dated this 6th day of April, 1994

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

Karen Miller
Chairman

ATTEST

Barbara Sikorski
Clerk of the Council, *Asst.*

- () APPROVED
() EMERGENCY
() VETOED

DATE 4/16/94
[Signature]
County Executive

ATTEST:

Marilyn B. Abel

PUBLISHED _____

Gene A. Turner, DPA
Approved as to form only on

February 3, 1994
(Date)