

**CENTRAL PUGET SOUND  
GROWTH MANAGEMENT HEARINGS BOARD  
STATE OF WASHINGTON**

1000 FRIENDS OF WASHINGTON,	)	<b>Case No. 04-3-0018</b>
	)	
Petitioners,	)	
	)	<i>(1000 Friends IV)</i>
v.	)	
	)	<b>ORDER FINDING</b>
SNOHOMISH COUNTY,	)	<b>COMPLIANCE [Re:</b>
	)	<b>Ordinance No. 06-138 –</b>
Respondent.	)	<b>ADUs in the Rural Area]</b>
	)	
	)	

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**I. BACKGROUND**

On December 13, 2004, the Board issued its Final Decision and Order (**FDO**) in CPSGMHB Case No. 04-3-0018 (*1000 Friends IV*). The FDO found Snohomish County Ordinance No. 04-021 noncompliant with provisions of the GMA:

1. Snohomish County’s adoption of Ordinance 04-021 was **clearly erroneous** in amending the County’s development regulations to expand provisions for new freestanding ADUs on rural lots of less than 10 acres.
  
2. The Board **remands** Ordinance 04-021 to the County with direction to take appropriate legislative action to bring the challenged portion of the legislation into compliance with the goals and requirements of the Act. The remand period extends until the Board finds compliance.

FDO, at 15.

Snohomish County appealed the Board’s FDO to Snohomish County Superior Court, Cause No. 05-2-05727-9, and the matter has been subject to a series of stays in the court.

On January 17, 2007, the Board received a Stipulation on Statement of Actions Taken to Comply, signed by both parties. Snohomish County simultaneously filed Snohomish County’s Remand Index and a copy of Amended Ordinance 06-138 [“Relating to accessory apartments, restricting the use of mobile homes as detached accessory apartments to rural lots ten acres in size or larger, amending Section 30.91A.050 of the Snohomish County Code”]. The Stipulation stated the agreement of both parties that the County’s action in adopting Amended Ordinance No. 06-138 complies with the GMA and the Board’s FDO in this case.

The parties requested that a compliance hearing be set by the Board and that the Board enter an order finding the County in compliance with the GMA and the Board's FDO in this matter.

The Compliance Hearing was convened on January 29, 2007 at 2:00 p.m. in the Board's offices. Present for the Board were Presiding Officer Margaret Pageler, Board members Ed McGuire and Dave Earling, Board law clerk Julie Taylor and Board extern Moani Russell. Deputy Prosecutor Jason Cummings represented Respondent Snohomish County. Ken Lederman of Riddell Williams, representing Petitioner Futurewise,<sup>1</sup> participated by telephone, with Futurewise attorney Keith Scully also in attendance.

## **II. DISCUSSION**

### **The Action Taken**

Snohomish County Ordinance No. 06-138 amends the County's regulations concerning accessory dwelling units to allow manufactured (mobile) homes as detached accessory dwelling units in the rural area on lots over 10 acres in size. Ordinance No. 04-021, ruled noncompliant by the Board's FDO, allowed manufactured homes as detached ADUs in the rural area on lots over 5 acres (200,000 square feet). The new ordinance amends Snohomish County Code Section 30.91A.050 by deleting "200,000 square feet" and substituting "ten acres."

### **Board Discussion:**

The Board's FDO concluded that Ordinance 04-021, which amended the County's development regulations to expand provisions for new freestanding ADUs on rural lots of less than 10 acres, impermissibly increased rural residential density and thus failed to comply with GMA requirements to protect rural lands and rural character. RCW 36.70A.070(5). The Board found that Ordinance 04-021 "failed to reduce the inappropriate conversion of rural land into low density development." FDO, at 13, citing RCW 36.70A.020(2).

Snohomish County and Petitioners assert that adoption of Ordinance 06-138 brings the County into compliance with the GMA requirements that were the basis for the challenge in this matter. The Board concurs. Ordinance 06-138 harmonizes the affordable-housing values of manufactured housing and ADU allowances with the GMA anti-sprawl mandate by allowing manufactured (mobile) homes as new detached ADUs only on rural lots larger than ten acres.

## **III. FINDINGS and CONCLUSIONS**

The Board finds and concludes:

1. Snohomish County's adoption of Ordinance No. 06-138 protects rural land and rural character by limiting dwelling unit density in the rural area.

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<sup>1</sup> Petitioner 1000 Friends of Washington has changed its name to Futurewise.

2. By Ordinance No. 06-138, Snohomish County restricts the development of new freestanding or detached accessory dwelling units – specifically manufactured or mobile homes - in the rural area on lots of less than ten acres.
3. Snohomish County’s adoption of Ordinance No. 06-138 complies with RCW 36.70A.070(5).

#### **IV. FINDING OF COMPLIANCE**

Based upon review of the December 13, 2004 Final Decision and Order, the January 17, 2007, Stipulation on Statement of Actions Taken to Comply, Snohomish County’s Remand Index, the Board’s review of Amended Ordinance 06-138, and the arguments and comments offered at the Compliance Hearing, the Board finds:

- By adopting Ordinance No. 06-138 [“Relating to accessory apartments, restricting the use of mobile homes as detached accessory apartments to rural lots ten acres in size or larger, amending Section 30.91A.050 of the Snohomish County Code”], Snohomish has complied with the goals and requirements of the GMA as set forth in the aforementioned Board FDO and the GMA. The Board therefore enters a **Finding of Compliance** for Snohomish County Re: Ordinance No. 06-138 [ADUs in the Rural Area].

#### **V. ORDER**

Based upon review of the December 13, 2004 Final Decision and Order, the January 17, 2007, Stipulation on Statement of Actions Taken to Comply, Snohomish County’s Remand Index, the Board’s review of Amended Ordinance 06-138, and the arguments and comments offered at the Compliance Hearing, the Board ORDERS:

CPSGMHB Case No. 04-3-0018, *1000 Friends of Washington IV v. Snohomish County*, is **closed**. Snohomish County’s adoption of Ordinance No. 06-138 corrects the deficiencies found in Ordinance No. 04-021 and **complies** with the goals and requirements of the GMA as set forth in the Board’s December 13, 2004 FDO. The Board therefore enters a **Finding of Compliance** for Snohomish County Re: Ordinance No. 06-138 [ADUs in the Rural Area].

So ORDERED this 30<sup>th</sup> day of January, 2007.

CENTRAL PUGET SOUND GROWTH MANAGEMENT HEARINGS BOARD

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David O. Earling  
Board Member

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Edward G. McGuire, AICP  
Board Member

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Margaret A. Pageler  
Board Member