



Planning Department
Sedro-Woolley Municipal Building
325 Metcalf Street
Sedro-Woolley, WA 98284
Phone (360) 855-0771
Fax (360) 855-0733

MEMO:

To: Sedro-Woolley Planning Commission

From: John Coleman, AICP
Planning Director

Date: July 16, 2019

Subject: File # CPA-1-19 – Accessory Dwelling Unit Regulations – Public Hearing

ISSUE

The City of Sedro-Woolley is considering possible amendments to the Land Use Element and Housing Element of the Comprehensive Plan, as well as any necessary amendments to the city zoning regulations and design standards, to address accessory dwelling units (ADUs). The city intends to make these amendments before the Washington State Legislature enacts rules that would infringe on the city's rights to enact ADU regulations that fit local needs.

ADUs are not currently allowed in Sedro-Woolley. The City Council has not conclusively determined if the city should pass amendments to address ADUs and has not given specific direction to the Planning Commission. The Planning Commission's task is to review the city's existing ADU policy, study the potential impacts of ADUs on Sedro-Woolley's neighborhoods and seek public input on the issue. Today's public hearing is intended to gather public comments to help direct the writing of amendments to the zoning code. No draft ADU amendments have been drafted.

Based on its findings after receiving oral and written comments as part of the July 16, 2019 public hearing, the Planning Commission can direct staff to write draft regulations that can be reviewed at future Planning Commission meetings. Any changes to address ADUs will require amendments to the Land Use Element and Housing Element of the Comprehensive Plan, amendments to the city zoning regulations and possibly amendments to the Sedro-Woolley Design Standards and Guidelines manual.

ANALYSIS

What is an accessory dwelling unit (ADU)? The Washington State Municipal Resource Service Center describes an ADU as:

A small, self-contained residential unit located on the same lot as an existing single-family home.

An ADU has all the basic facilities needed for day-to-day living independent of the main home, such as a kitchen, sleeping area, and a bathroom. As the term "accessory" implies, ADUs are generally defined to be smaller in size and prominence than the main residence on the lot. Some definitions include specific size limits, and a location that is not readily visible from the street.

In theory, an ADU may be created as a separate unit within an existing home (such as in an attic or basement), an addition to the home (such as a separate apartment unit with separate entrance), or in a separate structure on the lot (such as a converted garage)

ADUs are sometimes called "mother-in-law apartments" or "granny flats," because they are often used to house extended family. Other codes use terms such as "accessory apartment," "accessory living unit," or "secondary unit," to have a similar meaning. <http://mrsc.org/Home/Explore-Topics/Planning/General-Planning-and-Growth-Management/Accessory-Dwelling-Units-in-Plain-English.aspx>

The Sedro-Woolley Municipal Code does not currently allow ADUs. The only residential uses allowed in the Residential 1 (R-1) and Residential 5 (R-5) zones are single-family uses (SWMC 17.06.010 & SWMC 17.08.010). Single-family residences and duplexes are permitted in the Residential 7 (R-7) zone (SWMC 17.10.010). Duplexes are different than a single-family home with an accessory dwelling unit. The Residential 15 (R-15) zone permits multi-family units (multiple units on one parcel of land), but ADUs are different than individual multi-family units that meet fire code and have their own utilities and utility bills. Single family residences are not permitted in the Central Business District, Mixed Commercial, or Industrial zones, therefore single family residences with an ADU are not allowed in those zones. Duplexes, triplexes and four-plexes are allowed in the CBD, but ADUs are not specifically allowed. Even though the municipal code does not allow or define ADUs, the code also does not specifically stipulate that ADUs are prohibited.

The municipal code does have a definition that is similar to ADU, but not exactly. SWMC 17.04.030 includes the following definition:

"In-home rental" and "mother-in-law apartment" means a one-bedroom rental unit contained within a single-family residential structure, which shares an entrance to the residence in common with the primary portion of the residence, does not occupy more than twenty-five percent of the residential space of the residence, and which shares a kitchen or bathroom in common with the primary portion of the residence.

As with ADUs, "in-home rentals" and "mother-in-law apartments" are not allowed or conditionally allowed in any zoning designations. Instead of strictly stating ADUs (or "in-home rentals" and "mother-in-law apartments") are prohibited, any mention of ADUs is

excluded from the allowed and conditional uses in each zoning district. Since ADUs are not specifically allowed in any specific zoning designation, they are effectively prohibited. If the city intends to address ADUs, a definition in 17.04.03 SWMC will be necessary. Amendments to each zoning district's code to specify if ADUs are permitted or unpermitted will also be necessary. The definition of "in-home rentals" and "mother-in-law apartments" should also be modified or eliminated since ADU regulations will usurp and envelope that definition. As mentioned earlier, amendments to the Comprehensive Plan will also be necessary.

Updated ADU Regulation Matrix

Prior to the first PC meeting on ADUs, staff reviewed the ADU regulations of several local cities as well as similarly-sized cities across the state. A spreadsheet (matrix) of how other cities address ADUs was provided at that meeting. At the request of the Planning Commission, the matrix (Attachment A) has been expanded to include more cities and links to each jurisdiction's ADU regulations.

Big Picture – ADU Goals and Policies -

A wide range of cities were intentionally chosen for the matrix; including cities that are dissimilar to Sedro-Woolley in demographics and geography so that a wide range of perspectives could be captured. The exercise discovered several recurring issues. There are high-level issues such as property rights, housing inequity, regional & local housing costs and crowding in neighborhoods. All jurisdictions look at the ADU issue from different perspectives based on local views on these higher-level issues.

The Planning Commission may want to make some policy decisions based on these bigger issues; those policy decisions can then direct the technical review of the ADU issue. The Planning Commission may also consider defining goals and policies at this point; those goals and policies can guide the rest of the ADU rulemaking process and will eventually be refined and included in the Comprehensive Plan.

Fine Tuning – ADU Regulation Details -

There are several technical issues have been identified by other jurisdictions as they have gone through the process of creating regulations for ADUs. In many ways, these technical issues are easier to address than the higher-level concerns, but it is in these details where the process can get bogged-down. If the details start to weigh-down the process, it may be helpful to refer back to the goals and policies (or amend the goals and policies if necessary). The recurring technical issues identified in our study are:

- Parking
- Attached ADU vs. detached ADU
- Aesthetics
- Maximum occupancy
- Size of ADUs
- Owner on site
- Impact fees
- Sewer connection (to main line or to the existing home's side sewer)
- Building height

Several tools have been devised to address the impacts of the technical issues. The tools to address these issues are identified in the attached matrix. There are many other nuances that the Planning Commission will discover through this public review process; the purpose of the matrix is not to (necessarily) provide a menu for the Planning Commission to choose from – though that is a possibility. At this time, the matrix is merely to provide the Planning Commission information to think about and be prepared to address as new regulations for ADUs in Sedro-Woolley are considered.

ATTACHMENTS

Attachment A – Updated spreadsheet of Other Jurisdictions’ ADU Regulations (Regulation Matrix)

RECOMMENDATIONS

Hold a public hearing on the potential advantages and impacts of ADUs, then be prepared to direct staff to write draft regulations that can be reviewed at a future Planning Commission meeting.

City	Population	ADUs Allowed (attached vs detached)	Parking	Sewer/Utilities	Aesthetics/Design Review	Owner on Site	Max Occupancy	Size Requirements	Additional Address	Height	Privacy	Existing ADUs	Number of ADUS Per Lot	Code Provisions
Sedro-Woolley	11,350	Not Allowed	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	https://www.codepublishing.com/WA/SedroWoolley/
Bellingham	88,500	Only attached ADUs are allowed in single family zones. Detached are allowed in other zones.	1 Additional parking space required	May have shared utilities as long as each has independent ability to shut off	Must maintain similar aesthetic to primary dwelling, must be clearly subordinate	Yes	No more than 4 occupants regardless of relationship, no more than 2 bedrooms	800 square feet, or no more than 66 percent of primary dwelling floor area, whichever is smaller. D-ADU may exceed 800 square feet with approval of hearing examiner	No information	no higher than 20 feet	When practical, ADU must be placed in a way to respect neighbors privacy	An application to legalize an existing ADU shall include an application for an ADU permit and a building permit application, showing changes made to the main residence or detached accessory building to accommodate the ADU. Approval shall be consistent with the ADU regulations and process outlined in this section. The ADU shall be reviewed using the current editions of building codes in place at the time its owner brings the unit forward for permit.	Only one ADU shall be allowed per lot. The lot may not contain more than one primary dwelling unit. The ADU is exempt from density limitations due to its small size and low occupancy.	20.10.036 Accessory dwelling units
Mount Vernon	35,180	May be established in an existing single-family dwelling. Both attached and detached are allowed	3 off-street parking spaces for the principle and accessory dwelling units	Only one utility allowed for entire building, utilities must be shared	Must maintain similar aesthetic to primary dwelling.	Yes	All occupants in primary and accessory dwelling units must not exceed the number of people that are defined as "family"	Not to exceed 900 square feet	No information	No information	No information	No information	Each single-family dwelling on a legal building lot shall have not more than one accessory dwelling unit.	17.81.110 Accessory dwelling units
Burlington	9,025	ADUs allowed. Mainly attached allowed and detached not allowed unless lot is 12,000 square feet or larger. Must be "guest cottage"?	Shared parking allowed	No information	Must maintain similar aesthetic to primary dwelling.	Yes	No information	A detached accessory building may only be used as an accessory dwelling unit if the subject lot is 12,000 square feet or larger.	No information	No information	New entrances shall face the side or rear property lines	No information	No information	17.15.070 Permitted accessory uses
Othello	8,270	Allowed in most residential zones except for the R-1 zone	A minimum of 2 parking spaces required per unit	Separate connection to the public water main and must have separate water and power meters from the main house	No information	Yes	No more than 3 adults and any related children under age 18	Maximum lot coverage requirements apply to ADUs. No more than 2 bedrooms	Must have a full, separate numerical address from main house	Detached ADU limited to one story	For an accessory dwelling unit attached to or within the primary single family dwelling, only one building entrance may be located on the front of the house, unless the house contained additional front doors before the conversion. Secondary entrances should be located on the side or rear of the primary residence	An accessory dwelling unit that existed on April 8, 2019 may be legally established and may continue if the following conditions are met: The property owner enters into a voluntary compliance agreement in accordance with Chapter 1.20. The property owner obtains the necessary permits and completes the work necessary to bring the property into compliance with the provisions of this chapter and all applicable building and life safety codes. The property owner ensures that existing tenants on the property have substitute housing, at no additional cost to the tenant, while the owner completes the necessary upgrade work and the tenant is required to move out, provided said requirement does not violate any provision of the Washington Landlord Tenant Act or other Washington State law.	No more than one accessory dwelling unit per development site is allowed. The ADU must be accessory to a single family residence, and only one ADU is allowed per single family residence.	Chapter 17.63
Moses Lake	23,660	May be created within or detached from a single family dwelling as a subordinate use. Both attached and detached allowed	1 Additional parking space required	No information	Must maintain similar aesthetic to primary dwelling.	Yes	No information	No less than 200 square feet if detached and no less than 300 square feet is attached. No ADU shall exceed 800 square feet	Address should be the same as the main house with a "b" added to the end of the address number	No information	If a separate outside entrance is necessary for an ADU located within the primary dwelling, that entrance must be located either on the rear or side of the building	No information	No more than one ADU may be created per legal lot of record.	18.20.055 Accessory Dwelling Units
Anacortes	16,990	Both detached and attached allowed in most residential zones	3 off-street parking spaces for the principle and accessory dwelling units	No information	Must maintain similar aesthetic to primary dwelling.	Yes	All occupants in primary and accessory dwelling units must not exceed the number of people that are defined as "family"	Not to exceed 900 square feet	No information	No information	Only one entrance to the residential structure may be located on any street side of the structure; provided that this limitation shall not affect the eligibility of a residential structure which has more than one entrance on the front or street side	No information	Each single-family residence may have only one accessory dwelling unit and these two units may not be condominiumized.	19.44.020 Accessory dwelling units
La Conner	940	Allowed in residential zone by conditional use permit	1 Additional parking space required	No information	Must maintain similar aesthetic to primary dwelling.	Yes	No information	Not to exceed 700 square feet	No information	No information	No information	No information	No information	15.110.080 Accessory dwelling units
Ferndale	13,640	Both detached and attached allowed in all residential single family zones including PRDs	1 Additional parking space required per bedroom in ADU	May require upgrades to be in compliance with utility regulations	Must maintain similar aesthetic to primary dwelling.	Yes	No more than 1 bedroom allowed per ADU unless permitted by the zoning administrator	Not to exceed 800 square feet, or no more than 50 percent of the square footage of existing residence. Whichever is smaller	No information	Max height must be 16 feet except it can be increased to 18 feet to match existing roof pitch of primary structure	When practical, ADU must be placed in a way to respect neighbors privacy	The owner of any accessory dwelling unit established prior to June 20, 2017, may submit application to the City to legally permit the existing unit pursuant to the provisions of this chapter. If application is made within 18 months from June 20, 2017, no penalty shall be imposed for the maintenance of the nonpermitted accessory dwelling unit. After such date and/or 30 days after denial of a permit for an accessory dwelling unit, the owner of any nonpermitted unit shall be subject to the penalties provided in Chapter 14.07 FMC	only one ADU is allowed per lot as an accessory use to a single-family home.	18.34.010 Accessory dwelling units
Sumner	10,030	One accessory dwelling unit shall be allowed per legal building lot as a subordinate use in conjunction with any single-family structure and must be in the same building as principle residence except in one zone	1 additional off-street parking space for 1 bedroom and 2 additional spaces for ADUs of 2 bedrooms or more.	Must meet code requirements	Must maintain similar aesthetic to primary dwelling.	Yes	All occupants in primary and accessory dwelling units must not exceed the number of people that are defined as "family"	No less than 300 square feet and no more than 800 square feet	No information	Max height must be 16 feet for gabled roofs and 12 for flat except it can be increased to 18 feet to match existing roof pitch of primary structure	Windows in living, dining, and great room areas located on the second story shall face interior to the site. Window area above the first floor shall not exceed 30 square feet in total cumulative window area for all windows on any one side facing the rear or side yards, unless bordering an alley where there is no limit on window area. There is no limit on window area located on the first story	No information	One accessory dwelling unit shall be allowed per legal building lot as a subordinate use in conjunction with any single-family structure	18.12.030 Accessory uses
Olympia	52,490	Accessory dwelling units (ADU) are permitted in all residential districts	No information	No information	No information	No information	Occupancy. No more than one family (as defined in Chapter 18.02, Definitions) shall be allowed to occupy an ADU	Not to exceed 800 square feet	No information	No information	The ADU shall be oriented in a way that maintains, to the extent practical, the privacy of residents in adjoining dwellings	If the owner of an existing unauthorized ADU applies to make the unit legal, but cannot meet all of the standards, the owner will be allowed a "grace period" of six months from date of application to comply with applicable standards. However, where health and safety is an issue, the Building Official will determine when the necessary modifications must be made. If the owner cannot meet the standards, the unauthorized accessory unit must be removed or its use as a dwelling must be suspended.	One (1) ADU shall be allowed per residential lot in conjunction with any detached single-family structure	18.04.060 Residential districts' use standards
Seattle	730,400	The Director may authorize an accessory dwelling unit, and that dwelling unit may be used as a residence	1 off-street parking space is required for the accessory dwelling unit and may be provided as tandem parking with the principal dwelling unit. An existing required parking space may not be eliminated to accommodate an accessory dwelling unit unless it is replaced elsewhere on the lot	No information	No information	An owner with at least a 50 percent interest in the property must occupy either the principal dwelling unit or the accessory dwelling unit for six or more months of each calendar year as the owner's permanent residence	Any number of related persons may occupy each unit in a single-family dwelling unit with an accessory dwelling unit; provided that, if unrelated persons occupy either unit, the total number of persons occupying both units may not together exceed 8	Attached accessory dwelling units are limited to 1,000 square feet, including garage and storage area. Detached accessory dwelling units are limited to 800 square feet, including any garage and storage area	No information	No more than 16 feet	only one entrance to the structure may be located on each street-facing facade of the dwelling unit	No information	a single-family dwelling unit may have no more than one accessory dwelling unit	23.44.041 - Accessory dwelling units