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MEMO:

To: Sedro-Woolley Planning Commission

From: John Coleman, AICP
Planning Director

Date: June 18, 2019

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

ISSUE

In May of 2019, the Planning Committee of the Council discussed the possibility of creating regulations for accessory dwelling units (ADUs) before the State Legislature enacts rules that would infringe on the city's rights to enact ADU regulations that fit local needs. It is not known if the Legislature will do so, however there are strong indications that Legislature may attempt to pass ADU regulations during their 2020 session. The Committee made a recommendation to the full council at the May 8 regular City Council meeting that the city take action to address ADUs; the full council agreed to review the issue. Council added "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" to the 2019 Docket for the Planning Commission to review.

The City Council has not conclusively determined if the city should pass amendments to address ADUs and has not given significant direction to the Planning Commission. The Planning Commission's task is to review the city's ADU regulations, study the potential impacts of ADUs on Sedro-Woolley's neighborhoods and seek public input on the issue. Based on its findings from that public review process, the Planning Commission can then make a recommendation to the City Council. 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.

Today's meeting is the first step in the Planning Commission's review process. The Planning Commission will review the city's existing ADU regulations and then move on to determine what issues are of concern to neighbors and the city. The meeting will be an opportunity for the PC to ask questions and discuss the issue in general terms. No amendments are proposed at this time and staff does not expect to draft any amendments until the Planning Commission has given strong guidance.

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. In the Residential 1 (R-1) and Residential 5 (R-5) zone, only single-family residences are permitted (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. Similarly, 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 ADUs are not allowed in those zones.

Even though the municipal code does not allow ADUs the code does not define ADUs, nor does the code specifically stipulate that ADUs are prohibited. Instead of strictly stating they 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 were to address ADUs, a definition in Chapter 17.04 – Administrative Provisions – will be necessary. Amendments to each zoning district's code to specify if ADUs are permitted or unpermitted will also be necessary. As mentioned earlier, amendments to the Comprehensive Plan will also be necessary.

Sedro-Woolley is not the first city to consider ADU regulations. Staff has reviewed the ADU regulations of several local cities as well as similarly-sized cities across the state. Cities that are dissimilar to Sedro-Woolley in demographics and geography were intentionally included in our study so that a wide range of perspectives could be captured. What our simple study has found are 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 should first consider these bigger issues. After considering the higher-level concerns, policy decisions can be made that direct the technical review of the ADU issue. Goals and policies should be defined at this point; those goals and policies will guide the rest of the ADU rulemaking process and will eventually be included in the Comprehensive Plan.

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 of ADU issues (Attachment A). There are many other nuances that the Planning Commission will discover through this public review process. The purpose of this 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 Sedro-Woolley are considered.

ATTACHMENTS

Attachment A – Spreadsheet of Other Jurisdictions' ADU Regulations (Regulation Matrix)

RECOMMENDATIONS

Please be ready to discuss the potential issues that may arise as the Planning Commission reviews the potential advantages and impacts of ADUs. The Planning Commission will likely have several future meetings and at least one public hearing as part of this process.

City	Population	ADUs Allowed (attached vs detached)	Parking	Sewer/Utilities	Aesthetics/Design Review	Owner on Site	Max Occupancy	Size Requirements	Additional Address	Height	Privacy
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
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
Sedro-Woolley	11,350	Not Allowed	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
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	No information	No information	No information	New entrances shall face the side or rear property lines
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
Moses Lake	23,660	May be created within or detached from an 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
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
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
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
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	No information