



City of Longview

1525 Broadway
Longview, WA 98632
www.ci.longview.wa.us

Agenda

In-person or Virtual Meeting
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0968

Planning Commission

Wednesday, January 5, 2022

7:00 PM

City Hall

1. **ROLL CALL**

2. **APPROVAL OF MINUTES**

21- Minutes of the December 5, 2021 regular meeting.
0001157

3. **AUDIENCE PARTICIPATION OF CORRESPONDENCE**

4. **NON-PUBLIC HEARING ITEMS**

21- PC 2021-4 Accessory Dwelling Unit Code Amendments- Draft for review
0001158

The Planning Commission initiated an effort to amend the regulations for accessory dwelling units to allow more opportunity for property owners to add units to existing lots. The attached draft represents a complete re-write of the code. Also attached are presentations from past workshops and the existing ordinance for reference.

Recommended Action: Motion to (accept or amend) proposed draft ADU code and direct staff to begin public outreach and collect comments on the proposed changes to the Accessory Dwelling Unit code amendments.

5. **PLANNER'S REPORT**

6. **ADJOURNMENT**



City of Longview

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Minutes

Agenda

To attend the meeting virtually, use this URL to
join: <https://us02web.zoom.us/j/86788038944>
Or join by phone: (253) 215 8782 or (408) 638
0968 Webinar ID: 867 8803 8944

Planning Commission

Wednesday, December 1,
2021

7:00 PM

City Hall

1. **ROLL CALL**

Chairman Collins called the meeting to order at 7:00 p.m.

Present: Member Craig Collins, Member Trey Davis, Member Ramona Leber, Member Shawn Marvin,
Member Kalei LaFave, Member Stacey Dalgarno

Absent:

Staff Present: Steve Schuman, Assistant City Attorney; Adam Trimble, Planner; Sam Barham, Engineer;
Lisa Vertrees, Administrative Assistant

2. **APPROVAL OF MINUTES**

21- Minutes of the October 6, 2021 regular meeting.
0001097

Deferred

3. **AUDIENCE PARTICIPATION OF CORRESPONDENCE**

None at this time.

4. **DECLARATION OF EX-PARTE COMMUNICATIONS AND APPEARANCE OF FAIRNESS**

Mr. Trimble read the declaration.

5. **PUBLIC HEARINGS**

21- PC 2021-11 Mt Solo Place Final Plat phase 2b. Final plat approval is requested to create
0001102 24 lots in the 3rd of 4 total phases of the preliminary plat. Extension of Bethany Street
and a connection to Branch Creek Drive and Mt. Solo Road will be completed with this
phase.

Recommended Action: Hold a public hearing. Motion to recommend the City council approve the final plat for phase 2b with a condition that homes built in this phase may not be occupied until the sanitary sewer pump station is in service.

Mr. Trimble reviewed the staff report.

The plat is being constructed to the original proposal with only a slight change in the location of the sewer pump station.

Chairman Collins opened the public hearing.

Hearing no speakers, Chairman Collins closed the public hearing.

A motion was made by Member Ramona Leber, seconded by Member Kalei LaFave, to recommend Council approve the final plat for Mt. Solo Place Phase 2B, with a condition that homes built in this phase may not be occupied until the sanitary sewer pump station is in service. The motion carried by the following vote:

Ayes: Member Craig Collins, Member Trey Davis, Member Ramona Leber, Member Shawn Marvin, Kalei LaFave, Stacey Dalgarno

Nays: None

- 21-
0001103 **PC 2021-12 Final Plat Mt Solo Place Phase 3. Final plat approval is requested to create 30 lots in the 3rd of 4 total phases of the preliminary plat. Extension of Bethany Street and a connection to Branch Creek Drive and Mt. Solo Road will be completed with this phase.**

Recommended Action: Hold a public hearing. Motion to recommend the City council approve the final plat for phase 3 with a condition that homes built in this phase may not be occupied until the sanitary sewer pump station is in service.

Mr. Trimble reviewed the staff report.

A trail will be added in this phase.

Chairman Collins opened the public hearing.

Hearing no speakers, Chairman Collins closed the public hearing.

A motion was made by Member Ramona Leber, seconded by Member Stacey Dalgarno, to recommend Council approval the final plat for Mt. Solo Phase 3, with a condition that homes built in this phase may not be occupied until the sanitary sewer pump station is in service. The motion carried by the following vote:

Ayes: Member Craig Collins, Member Trey Davis, Member Ramona Leber, Member Shawn Marvin, Kalei LaFave, Stacey Dalgarno

Nays: None

6. **NON-PUBLIC HEARING ITEMS**

Accessory Dwelling Use amendments. Postpone discussion at this time.

7. **PLANNER'S REPORT**

- * Quality interest in industrial park development
- * Longview Business park is under construction
- * LCC is planning new buildings and replacement buildings
- * A couple of different fast food businesses are showing interest

Public Works

- * Beech St. is open to traffic
- * Council heard a report from a subcommittee regarding infrastructure funding from the CARES act
 - Utilities to properties to help development
 - Reservoir improvements
 - Complete Streets

8. **OTHER BUSINESS**

Member Trey Davis commented that bicycle parking could possibly be considered in lieu of required parking spaces - as a future consideration,

9. ADJOURNMENT

The next scheduled regular Planning Commission meeting is January 5, 2022.

With no further business to discuss, the meeting adjourned at 7:35 p.m.

Lisa Vertrees, Recorder

This is a clean re-write of the existing ordinance which incorporates comments from Planning Commission Workshops.

1. Purpose: The director shall have the authority to approve attached accessory dwelling units (ADUs) which are consistent with single-family neighborhood character and the regulations and provisions herein. The Appeal Board of Adjustment shall have the authority to approve attached accessory dwelling units (ADUs) which are consistent with single-family neighborhood character and the regulations and provisions herein. It is not the intent of these regulations to provide for ADUs on every residential property and they shall not be deemed to create a right or privilege to establish or maintain an ADU which is not strictly in compliance with these regulations.
2. Requirements. Accessory dwelling units (ADUs) shall be permitted in residential districts R-1, R-2, R-3, R-4 and TNR as accessory to single-family dwellings, subject to the requirements that follow:
3. Site requirements.
 - a. No ADU shall be permitted to be added to, created within, or constructed on the same lot as the single-family dwelling to which it is accessory without a prior certification from the public works department of the city that the water supply and sanitary sewer facilities serving the site of the proposed ADU are adequate. *Re-write: a certification that existing water and sewer facilities serving the property are adequate is required.*
 - b. Only one ADU shall be permitted (attached or detached) as accessory to a single-family dwelling unit.
 - c. An accessory dwelling unit may not be sold as a separate piece of property, or as a condominium unit, unless allowed by the existing zoning on the property.
 - d. Parking: A minimum of two off-street parking spaces must be provided on the property where an ADU is proposed.
 - i. No minimum on-site parking spaces are required for an accessory dwelling unit in areas with on-street parking available. One parking space is required for the ADU if on-street parking is not available. On-street parking is defined as parking spaces legally available for parking of vehicles. Posted time- or day-restricted parking spaces are not considered as available for purposes of this section.
4. Building requirements:
 - a. ADUs shall be permitted as second dwelling units that are added to or created within or detached as provided in LMC 19.12.055, permitted by the Appeal Board of Adjustment as a special property use, constructed on the same lot as a single-family dwelling. *Rewrite: Accessory Dwelling Units must be on the same lot as the single-family dwelling to which they are accessory. They may be attached (added to or created within) the existing single-family dwelling as provided for in LMC 19.22.020 (6) below, or detached as provided for in LMC 19.22.020(7).*
 - b. All housing and building codes and standards shall be applicable to all ADUs including, but not limited to, the building code, the plumbing code, the electrical code, the mechanical code, the fire code, and all requirements of the Cowlitz County health

department. Note, manufactured homes may be used for ADU's but must be 10 years old or newer.

- c. ADUs are not required to have separate independent utility connections and solid waste collection.
 - d. The square foot size of any ADUs, excluding any garage area, shall not exceed 60 percent of the square foot size of the single-family dwelling to which it is accessory; it shall be of not less than 300 square feet nor in excess of 1,500 square feet, and it shall contain no more than two bedrooms.
 - e. Only one exterior entrance is allowed to the accessory dwelling unit and it can be located no closer than 10 feet to an adjoining property line. this does not preclude backdoors. Street-facing entrances may be allowed.
 - f. Any exterior stairs shall be placed in the rear or side setback and no closer than 10 feet to an adjoining property line.
 - g. All ADUs shall have separate street addresses that are visible from both the street and alley that clearly identify the location of the ADU.
 - h. An street/sidewalk entrance in the form of a walkway, landscaping features, mailbox post and similar construction to direct visitors to the ADU will be required per the determination of the Community Development Director upon recommendation by the Fire Marshal.
5. Occupancy:
- a. No ADU may be the residence of more than four persons over 18 years of age.
 - b. The owner of the property or immediate family member of the property owner, or contract purchaser of record of the single-family dwelling to which an ADU is accessory shall reside either in the single-family dwelling or the ADU as a permanent place of residence (must occupy one of the dwelling units on the property for more than six months of each calendar year).
 - c. Only one of the residences may be rented or leased.
 - d. The ownership of ADUs may not be separated from ownership of the single-family dwelling to which they are accessory.
 - e. Before issuance of the certificate of occupancy for an accessory dwelling unit, the homeowner must provide a copy of a statement recorded with the Cowlitz County Auditor.
 - i. The statement must read: *An application for a permit for an accessory dwelling unit has been submitted to the city of Longview by the owner of this property. Future owners are advised that the owner of the property must comply with all requirements of the Longview Zoning Code, as amended, if the accessory dwelling unit is to be occupied or rented.*
 - f. If an accessory dwelling unit is to be removed, appropriate permits and inspections must first be received from the city. If a homeowner wants to remove the statement as required by subsection (15)(i) of this section from the property's title, then the city shall issue an appropriate release upon evidence that the accessory dwelling unit has been removed. The release shall be recorded by the homeowner with the county Auditors office and a copy of the recorded release shall be provided to the city.

- g. No home occupations, day care centers or adult family homes shall be permitted in ADUs or in single-family dwellings to which they are accessory.
- h. The following permit and inspection requirements shall be met:
 - i. No ADU may be added to, created within, or constructed upon the same lot as a single-family dwelling without a permit having been issued by the community development department;
 - ii. All applications for ADU permits shall be on forms provided by the community development department, and the fee for such permit shall be as provided in the building code;
 - iii. No ADU may be occupied unless the owner of record of the single-family dwelling to which it is accessory possesses a current certificate of occupancy for such ADU;
 - iv. Before any permit for the creation or construction of an ADU is granted, the proposed site thereof and the plans and specifications therefor shall be inspected by the building official to assure that the provisions of this chapter are not violated; and
 - v. The building official shall may inspect all ADUs at least once biannually (every two years) after giving proper notice, or at such time as a complaint alleging non-compliance with this chapter or the property maintenance code, Title 16.30, is received by the city. The purpose of such inspection shall be to determine if such ADU is in compliance with the requirements of this chapter. If such inspection reveals that such ADU is in compliance, the building official shall issue a certificate of occupancy for said ADU which shall be valid for a period of two years from its date. If the inspection reveals the ADU is not in compliance, the building official shall not issue a certificate of occupancy for said ADU, and shall notify the owner or contract purchaser of the single-family dwelling to which said ADU is accessory that said ADU must be vacated and not occupied until it is re-inspected by the building official and a certificate of occupancy is issued found to be in compliance, or the ADU removed.
- 6. Standards for Attached ADUs.
 - a. All attached ADUs shall be designed to maintain the appearance of the single-family dwelling to which they are accessory. If an ADU extends beyond the current footprint of the single-family dwelling, it must be consistent with the existing roof pitch, siding and windows of the single-family dwelling. ~~If a separate entrance door is provided, it must be located either off the rear or side of the single-family dwelling.~~ Any additions to an existing structure or building shall not exceed the allowable lot coverage or encroach into the required setbacks.
 - b. All ADUs which are attached to a single-family dwelling shall be connected thereto with a common wall.
 - c. Where garage space is converted to living space, the garage door shall be replaced with materials that match the exterior of the house.

7. Standards for Detached ADU's. In the event that the appeal board of adjustment grants a special property use permit for the construction of a detached ADU (i.e., an ADU that is not added to or created within the single-family dwelling) in accordance with LMC 19.12.055, all of the provisions of this chapter shall be applicable thereto. In addition, the following provisions shall be applicable to such detached ADUs:
 - a. A lot coverage bonus allowance of 15% may be given for design features like porches, brick/stone etc.
 - b. Must provide open space and landscaping that are useful for both the accessory dwelling unit and the primary residence.
 - c. Landscaping shall be provided for the privacy and screening of adjacent properties. Tall vegetative landscaping is required between any windows or decks facing adjacent residential properties.
 - d. Two-story, detached accessory dwelling units shall be designed to protect the privacy of adjacent residential uses by use nontransparent windows or glass block when near a 1 story home.
 - e. Second level decks must have 6' tall sight obscuring screen from adjacent homes.
8. Special Property Use Hearings.
 - a. All proposed detached ADUs shall require a special property use permit be granted by the Appeal Board of Adjustment with consideration of impacts to privacy of neighboring properties. Where practical, locate and design the ADU to minimize disruption of privacy and outdoor activities on adjacent properties. Strategies to accomplish this include, but are not limited to: window staggering, entries face away, no overlooking decks, landscaping.
 - b. In its consideration of an application, the board shall evaluate:
 - i. Compliance with section 8. (a)-(f) above.
 - ii. Window locations
 - iii. Height and massing relative to neighboring homes, impacts from shading of neighboring properties, specifically solar access and impacts to existing solar collection systems, photo-voltaic or solar heating,
 - iv. Character and style of the detached ADU relative to homes in the surrounding four block area.
9. Existing Illegal ADU's
 - a. Application may be made for any accessory dwelling unit existing prior to January 1, 1995, to become legally permitted, pursuant to the provisions of this section. Whether an ADU permit is approved or denied, the owner of any non-permitted unit shall be subject to the penalties provided in this code.
 - b. 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.

- c. Nothing in this section shall require that the city permit existing ADUs that are determined to be dangerous.

Accessory Dwelling Units code updates

WORKSHOP #1

ADU's in Longview

- Allowed in all residential zones
- Only one ADU shall be permitted (attached or detached) as accessory to a single-family dwelling unit.
- Size is limited to 40% of the home size, must be 300 sq ft and max 1,200 sq ft.
- The owner or contract purchaser of record of the single-family dwelling to which an ADU is accessory shall reside either in the single-family dwelling or the ADU as a permanent place of residence; only one of the residences may be rented or leased

Barriers to ADU's

- Parking space
- Attached with interior passage door
- Detached requires- 10,000 sq ft lot, 85' width/frontage, and 25' of visibility from street.
- Detached requires a special property use permit- public hearing.
- Size limit.

What should define an Accessory Dwelling Unit

- Owner occupancy?
- Size? or Scale?
- Design- design review?
- Number of bedrooms?
- Examples:
 - “An ADU is a small residence that shares a single-family lot with a larger, primary dwelling”
 - “A smaller, auxiliary dwelling unit on the same lot or with a house, attached house or manufactured home. The unit includes its own independent living facilities with provisions for sleeping, cooking, and sanitation, designed for residential occupancy independent of the primary dwelling unit. (The unit may have a separate exterior entrance or an entrance to an internal common area accessible to the outside).”







Accessory Dwelling Units code updates

WORKSHOP #2

- **19.22.020 Accessory dwelling units.**

- Accessory dwelling units (ADUs) shall be permitted in residential districts R-1, R-2, R-3, R-4 and TNR as accessory to single-family dwellings, subject to the following provisions:
- No ADU shall be permitted to be added to, created within, or constructed on the same lot as the single-family dwelling to which it is accessory without a prior certification from the public works department of the city that the water supply and sanitary sewer facilities serving the site of the proposed ADU are adequate.
- Only one ADU shall be permitted (attached or detached) as accessory to a single-family dwelling unit.
- **An accessory dwelling unit may not be sold as a separate piece of property, or as a condominium unit, unless allowed by the existing zoning on the property.**
- ADUs shall be permitted as second dwelling units that are added to or created within or, as provided in LMC 19.12.055, **permitted by the Appeal Board of Adjustment** as a special property use, constructed on the same lot as a single-family dwelling.
- Adding this to make clear the current code requires a hearing for all detached ADU's.

- **19.22.020 Accessory dwelling units.**

- Accessory dwelling units (ADUs) shall be permitted in residential districts R-1, R-2, R-3, R-4 and TNR as accessory to single-family dwellings, subject to the following provisions:
- No ADU shall be permitted to be added to, created within, or constructed on the same lot as the single-family dwelling to which it is accessory without a prior certification from the public works department of the city that the water supply and sanitary sewer facilities serving the site of the proposed ADU are adequate.
- Only one ADU shall be permitted (attached or detached) as accessory to a single-family dwelling unit.
- **An accessory dwelling unit may not be sold as a separate piece of property, or as a condominium unit, unless allowed by the existing zoning on the property.**
- ADUs shall be permitted as second dwelling units that are added to or created within or, as provided in LMC 19.12.055, **permitted by the Appeal Board of Adjustment** as a special property use, constructed on the same lot as a single-family dwelling.
- Adding this to make clear the current code requires a hearing for all detached ADU's.

- All detached ADUs shall be subject to design review by the Appeal Board of Adjustment for a) placement and impacts to privacy of neighboring properties, b) window locations and impacts to privacy of neighboring residences, c) height and massing relative to neighboring properties and those in the vicinity, d) character and style relative to homes on the surrounding blocks.
 - Only one exterior entrance is allowed to the accessory dwelling unit and it can be located no closer than 10 feet to an adjoining property line.
 - Any exterior stairs shall be placed in the rear or side setback and no closer than 10 feet to an adjoining property line.
 - Where garage space is converted to living space, the garage door shall be replaced with materials that match the exterior of the house. If a detached garage is converted, its appearance must still be that of a detached garage and the detached garage must be able to be used for parking of at least one vehicle.
- A minimum of one off-street parking space shall be provided for each ADU in addition to the off-street parking space required for the single-family dwelling.
 - The required off-street parking spaces for the property may be reduced by the number of legal on-street parking spaces abutting the property lines of the lot or parcel subject to the following:
 - Legal parking is allowed on both sides of the street,
 - The city engineer shall determine the number of legal on-street parking spaces that can be used to reduce the number of off-street parking spaces,
 - A lesser number of off-street parking spaces may be allowed upon receiving a special property use permit per Chapter 19.12 LMC;
- *The current code insists that all attached or detached ADU's be consistent with the existing home. I propose to abandon that for detached units but also require more consideration of impacts to the neighbors privacy. Design review of placement, window locations, height (shade) are a starting point. I am not committed to the character and style part- it may be too subjective without a design manual which I want to avoid.*
- *This is a provision that applies to triplexes and multi-family currently. I proposed to make it available to homes with ADU's. Currently 3 off-street parking spots are needed for an ADU. If the home can show 3 on-street spaces exist, it could provide zero parking spaces on-site and have an ADU.*

- No ADU may be the residence of more than four persons.
- All ADUs shall have separate street addresses that are visible from both the street and alley that clearly identify the location of the ADU. **Where necessary , a prominent entrance in the form of a walkway, landscaping features, mailbox post or similar construction to direct visitors to the ADU, will be required per the determination of the Community Development Director upon recommendation by the Fire Marshal.**
- The owner or contract purchaser of record of the single-family dwelling to which an ADU is accessory shall reside either in the single-family dwelling or the ADU as a permanent place of residence; only one of the residences may be rented or leased. The ownership of ADUs may not be separated from ownership of the single-family dwelling to which they are accessory.
- Thinking of all the scenarios where an ADU will not be visible, or located along an alley for example- this is intended to make sure it EMS and visitors can find and access it.

- Before issuance of the certificate of occupancy for an accessory dwelling unit, the homeowner must provide a copy of a statement recorded with the Cowlitz County Auditor.
 - The statement must read:
- *An application for a permit for an accessory dwelling unit has been submitted to the city of Longview by the owner of this property. Future owners are advised that the owner of the property must comply with all requirements of the Longview Zoning Code, as amended, if the accessory dwelling unit is to be occupied or rented.*
 - If an accessory dwelling unit is to be removed, appropriate permits and inspections must first be received from the city. If a homeowner wants to remove the statement as required by subsection (15)(i) of this section from the property's title, then the city shall issue an appropriate release upon evidence that the accessory dwelling unit has been removed. The release shall be recorded by the homeowner with the county Auditors office and a copy of the recorded release shall be provided to the city.
- *This is from Auburn's code, a much better approach than the current.*

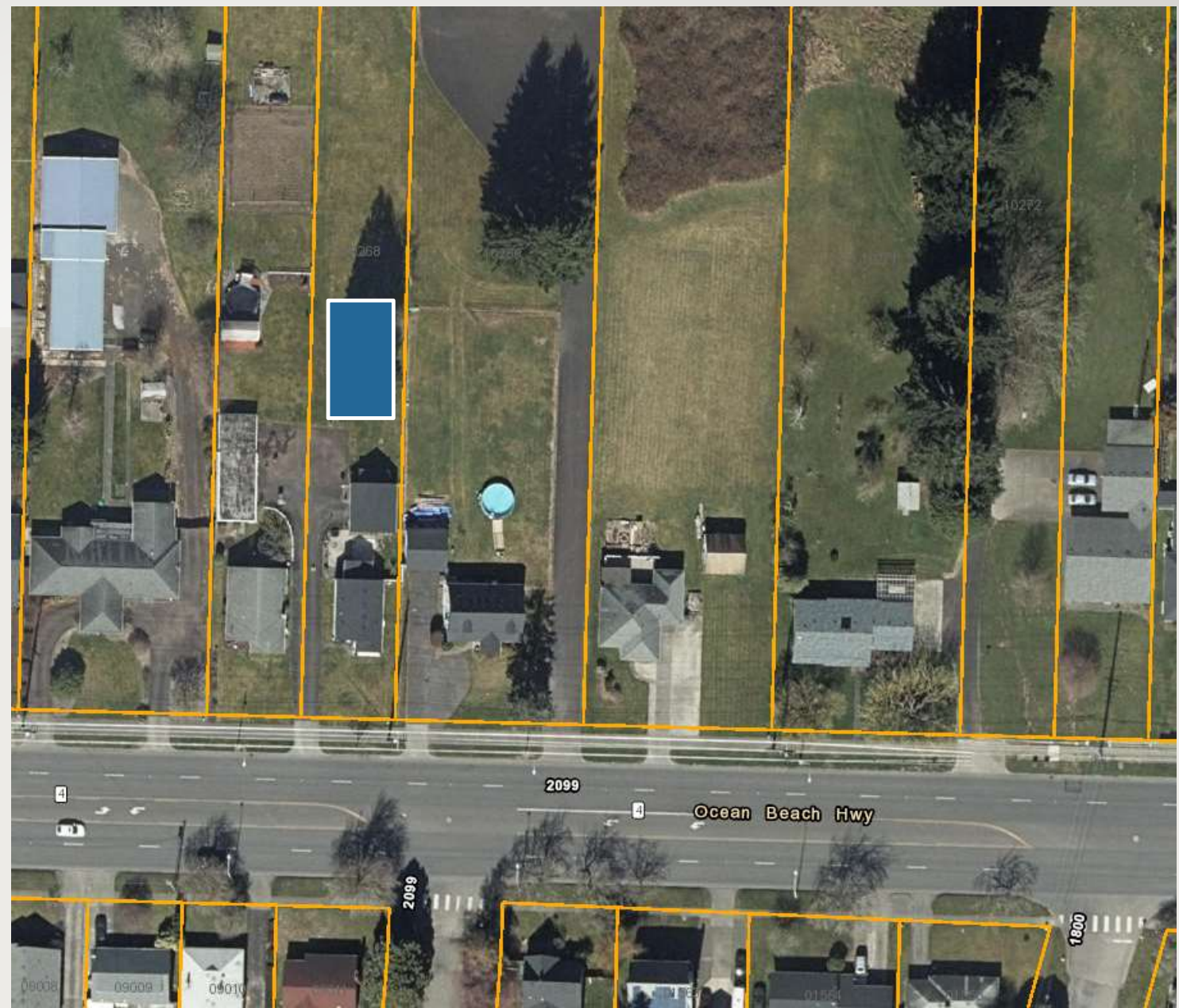
- ~~No home occupations, day care centers or adult family homes shall be permitted in ADUs or in single-family dwellings to which they are accessory.~~
- The following permit and inspection requirements shall be met:
- (a) No ADU may be added to, created within, or constructed upon the same lot as a single-family dwelling without a permit having been issued by the community development department;
- (b) All applications for ADU permits shall be on forms provided by the community development department, and the fee for such permit shall be as provided in the building code;
- (c) No ADU may be occupied unless the owner of record of the single-family dwelling to which it is accessory possesses a current certificate of occupancy for such ADU;
- (d) Before any permit for the creation or construction of an ADU is granted, the proposed site thereof and the plans and specifications therefor shall be inspected by the building official to assure that the provisions of this chapter are not violated; and
- (e) The building official ~~shall~~ may inspect all ADUs at least once biannually (every two years) or at such time as complaint alleging non-compliance with this chapter or the property maintenance code Title 16.30 is received by the city. The purpose of such inspection shall be to determine if such ADU is in compliance with the requirements of this chapter. ~~If such inspection reveals that such ADU is in compliance, the building official shall issue a certificate of occupancy for said ADU which shall be valid for a period of two years from its date. If such inspection reveals that such ADU is not in compliance, the building official shall not issue a certificate of occupancy for said ADU, and shall notify the owner or contract purchaser of the single-family dwelling to which said ADU is accessory that said ADU must be vacated and not occupied until it is re-inspected by the building official and a certificate of occupancy is issued.~~ and found to be in compliance, or the ADU removed.

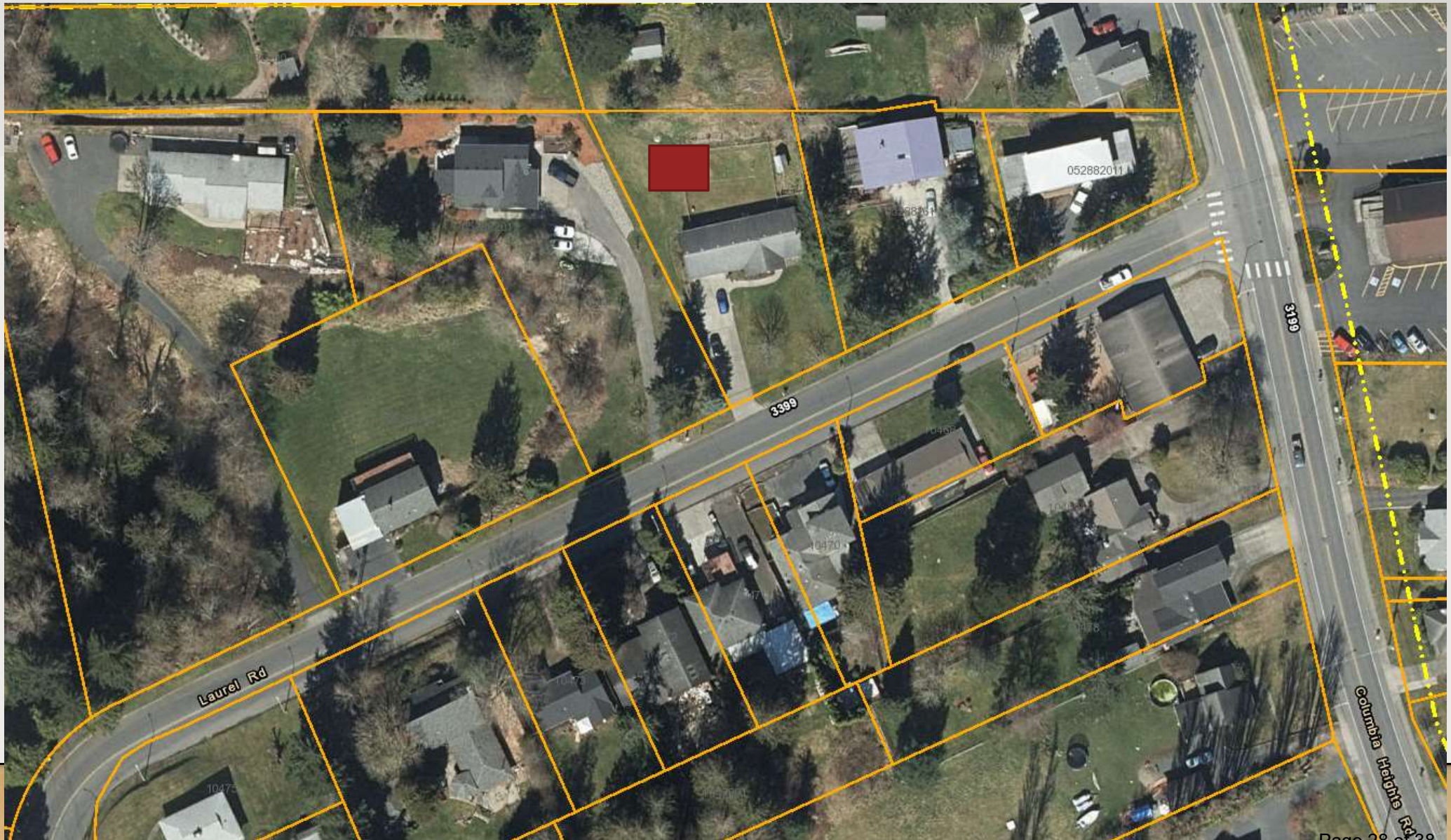
What to do about detached ADU's

- Detached ADU Units. In the event that the appeal board of adjustment grants a special property use permit for the construction of a detached ADU (i.e., an ADU that is not added to or created within the single-family dwelling) in accordance with LMC 19.12.055, all of the provisions of this chapter shall be applicable thereto. In addition, the following provisions shall be applicable to such detached ADUs:
- *This is where additional workshop and public input is needed- consideration of which lots and what settings should be allowed to have added detached units and what conditions are needed.*
- (h) Detached accessory dwelling units are not permitted in townhouse, zero lot line detached housing, or attached zero lot line housing developments. (Ord. 3182 § 6, 2011; Ord. 3122 § 15, 2010).

What should define an Accessory Dwelling Unit

- Owner occupancy? Yes.
- Size? or Scale? Limit to 60% of primary house, between 300 and 2,000 sq ft
- Number of bedrooms? 3 max
- Design- design review? Yes- for detached.
 - attached ADUs shall be designed to maintain the appearance of the single-family dwelling to which they are accessory
 - All detached ADUs shall be subject to design review by the Appeal Board of Adjustment for a) placement and impacts to privacy of neighboring properties, b) window locations and impacts to privacy of neighboring residences, c) height and massing relative to neighboring properties and those in the vicinity, d) character and style relative to homes on the surrounding blocks.
 - Only one exterior entrance is allowed to the accessory dwelling unit and it can be located no closer than 10 feet to an adjoining property line.
 - Any exterior stairs shall be placed in the rear or side setback and no closer than 10 feet to an adjoining property line.
 - Where garage space is converted to living space, the garage door shall be replaced with materials that match the exterior of the house. If a detached garage is converted, its appearance must still be that of a detached garage and the detached garage must be able to be used for parking of at least one vehicle.







Where should detached ADU's be allowed?

- What is important?
 - Existing neighborhood density?
 - Parking?
 - Neighbor Privacy?
 - Design?
- Lot size and safety factors:
 - Large lots ensure minimal impact to neighbors
 - Wide lots allow the unit to be visible
 - First responders- visibility, access, parking, stairs etc.
 - Some properties more suitable to an ADU than subdivision.

Accessory Dwelling Units Code Amendments

WORKSHOP #3

	Old Code	New Code	Comment
Parking Required:	2 + 1 for the ADU	2 + 1 for ADU unless on-street parking is available.	
Number of ADU's	1	1	Staff wants to consider allowing two for ½ acre parcels.
Attached ADU's	Permitted- no special approval	Permitted- no special approval	
Detached ADUs	Special Property Use hearing, 10,000 sq ft lot, 85 ft width, 25 ft visibility	Special property use	
Size relative to primary home:	40% max	60% max	
Unit size	300-1,200	300-2,000	Staff suggests retaining 1,200 sq ft max or 1,500
Number of bedrooms	2	3	Staff suggests retaining 2 bedrooms.
Max occupancy	4 persons	4 persons over 18 years of age.	
Owner occupancy required?	Yes	Yes	Some cities say occupied by immediate family member.
Lot size?	N/A for attached, 10,000 for detached	No limit.	
Minimum Height	Not specified [35' zoning]	Not specified yet	Staff suggests 25 feet for detached unless garage loft apt.

BLAINE WA

[HTTPS://WWW.CODEPUBLISHING.COM/WA/BLAINE/HTML/BLAINE17/BLAINE17102.HTML](https://www.codepublishing.com/wa/blaine/html/blaine17/blaine17102.html)

- Strict limits to detached ADU sizes- 600 sq ft for typical lots 6,000 sqft
- Detached ADU is a conditional use permit granted by Planning Commission with design review.
- Lot coverage bonus for design features like porches, brick/stone etc.
- Must provide open space and landscaping that are useful for both the accessory dwelling unit and the primary residence. Landscaping shall provide for the privacy and screening of adjacent properties.
- “When an accessory dwelling unit is adjacent to a side street or alley, every effort shall be made to orient the accessory dwelling unit toward the side street or alley with the front access door and windows facing the side street or alley. No preference is given to either the side street or alley in regard to building orientation.”

BOTHELL WA

[HTTPS://BOTHELL.MUNICIPAL.CODES/BMC/12.14.135](https://bothell.municipal.codes/BMC/12.14.135)

- ADU: “shall be occupied by an owner of the property or by an immediate family member of the property owner...[and] must occupy one of the dwelling units on the property for more than six months of each calendar year.”
- “Two-story, detached accessory dwelling units shall be designed to protect the privacy of adjacent residential uses by...”:
 - Use nontransparent windows or glass block when near a 1 story home
 - Second level decks must have 6’ tall sight obscuring screen from adjacent homes.
 - Tall vegetative landscaping required between any windows or decks facing adjacent residential properties.

Design and Development Standards examples cont.



- Bellingham WA: “The director shall have the authority to approve accessory dwelling units (ADUs) which are consistent with single-family neighborhood character and the regulations and provisions herein. **It is not the intent of these regulations to provide for ADUs on every residential property** and they shall not be deemed to create a right or privilege to establish or maintain an ADU which is not strictly in compliance with these regulations.” (emphasis added)
- “For a Detached ADU, the lot shall have alley access, access to more than one public street, or the lot size shall be at least 5,000 square feet.”
- “Privacy. Where practical, locate and design the ADU to minimize disruption of privacy and outdoor activities on adjacent properties. Strategies to accomplish this include, but are not limited to:” (window staggering, entries face away, no overlooking decks, landscaping)
- ADU entrance: iv. The entrance shall have direct access to a street via a lighted pedestrian path, driveway or alley.

More Considerations

- Many cities discuss what to do about illegal ADU's or existing ADU's. This may be helpful.
- Bellingham: "Existing Illegal Units."
 1. Application may be made for any accessory dwelling unit existing prior to January 1, 1995, to become legally permitted, pursuant to the provisions of this section. Whether an ADU permit is approved or denied, the owner of any non-permitted unit shall be subject to the penalties provided in this code.
 2. 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.
 3. Nothing in this section shall require that the city permit existing ADUs that are determined to be dangerous."

19.22.020 Accessory dwelling units.

Accessory dwelling units (ADUs) shall be permitted in residential districts R-1, R-2, R-3, R-4 and TNR as accessory to single-family dwellings, subject to the following provisions:

- (1) No ADU shall be permitted to be added to, created within, or constructed on the same lot as the single-family dwelling to which it is accessory without a prior certification from the public works department of the city that the water supply and sanitary sewer facilities serving the site of the proposed ADU are adequate.
- (2) Only one ADU shall be permitted (attached or detached) as accessory to a single-family dwelling unit.
- (3) ADUs shall be permitted as second dwelling units that are added to or created within or, as provided in LMC 19.12.055, as a special property use, constructed on the same lot as a single-family dwelling.
- (4) All housing and building codes and standards shall be applicable to all ADUs including, but not limited to, the building code, the plumbing code, the electrical code, the mechanical code, the fire code, and all requirements of the Cowlitz County health department.
- (5) ADUs are not required to have separate independent utility connections and solid waste collection.
- (6) The square foot size of any ADUs, excluding any garage area, shall not exceed 40 percent of the square foot size of the single-family dwelling to which it is accessory; it shall be of not less than 300 square feet nor in excess of 1,200 square feet, and it shall contain no more than two bedrooms.
- (7) All ADUs shall be designed to maintain the appearance of the single-family dwelling to which they are accessory. If an ADU extends beyond the current footprint of the single-family dwelling, it must be consistent with the existing roof pitch, siding and windows of the single-family dwelling. If a separate entrance door is provided, it must be located either off the rear or side of the single-family dwelling. Any additions to an existing structure or building shall not exceed the allowable lot coverage or encroach into the required setbacks.
- (8) All ADUs which are attached to a single-family dwelling shall be connected thereto with a common wall and provided with an interior passage door (not located in a bedroom or bathroom) to allow accessibility from both the ADU and the single-family dwelling to which it is accessory.
- (9) A minimum of one off-street parking space shall be provided for each ADU in addition to the off-street parking space required for the single-family dwelling.
- (10) No ADU may be the residence of more than four persons.
- (11) All ADUs shall have separate street addresses that are visible from both the street and alley that clearly identify the location of the ADU.
- (12) The owner or contract purchaser of record of the single-family dwelling to which an ADU is accessory shall reside either in the single-family dwelling or the ADU as a permanent place of residence; only one of the residences may be rented or leased. The ownership of ADUs may not be separated from ownership of the single-family dwelling to which they are accessory. The owner or purchaser of record shall execute an affidavit biannually (once every two years) stating that he, she or they are and will remain in compliance with this provision. Said affidavit shall be filed and maintained in the office of the community development department.
- (13) No home occupations, day care centers or adult family homes shall be permitted in ADUs or in single-family dwellings to which they are accessory.

(14) The following permit and inspection requirements shall be met:

- (a) No ADU may be added to, created within, or constructed upon the same lot as a single-family dwelling without a permit having been issued by the community development department;
- (b) All applications for ADU permits shall be on forms provided by the community development department, and the fee for such permit shall be as provided in the building code;
- (c) No ADU may be occupied unless the owner of record of the single-family dwelling to which it is accessory possesses a current certificate of occupancy for such ADU;
- (d) Before any permit for the creation or construction of an ADU is granted, the proposed site thereof and the plans and specifications therefor shall be inspected by the building official to assure that the provisions of this chapter are not violated; and
- (e) The building official shall inspect all ADUs at least once biannually (every two years). The purpose of such inspection shall be to determine if such ADU is in compliance with the requirements of this chapter. If such inspection reveals that such ADU is in compliance, the building official shall issue a certificate of occupancy for said ADU which shall be valid for a period of two years from its date. If such inspection reveals that such ADU is not in compliance, the building official shall not issue a certificate of occupancy for said ADU, and shall notify the owner or contract purchaser of the single-family dwelling to which said ADU is accessory that said ADU must be vacated and not occupied until it is re-inspected by the building official and a certificate of occupancy is issued.

(15) Detached ADU Units. In the event that the appeal board of adjustment grants a special property use permit for the construction of a detached ADU (i.e., an ADU that is not added to or created within the single-family dwelling) in accordance with LMC 19.12.055, all of the provisions of this chapter shall be applicable thereto. In addition, the following provisions shall be applicable to such detached ADUs:

- (a) The lot or tract of land upon which such ADU is to be constructed is 10,000 square feet or more in size;
- (b) The front property line of the lot or tract of land upon such ADU is to be constructed is 85 feet or more in distance;
- (c) The lot or tract of land upon which such ADU is to be constructed has no direct access to an alley or any street other than the street upon which the single-family dwelling to which the ADU is accessory fronts;
- (d) All detached ADUs shall comply with all setback and separation requirements for detached accessory buildings except that the minimum rear yard setback shall be 10 feet;
- (e) Detached ADUs shall be designed in such a manner as to blend with or complement the architectural design of the single-family dwelling to which such ADU is accessory; approval of such design shall be made by the appeal board of adjustment;
- (f) Detached ADUs shall share the same hard-surfaced driveway as the single-family dwelling to which such ADU is accessory, and shall have direct access to the street upon which the single-family dwelling fronts, unless alley access is provided. No new or additional curb cuts shall be permitted for the ADU;
- (g) Detached ADUs shall have a minimum of 25 feet of unobstructed street frontage with no intervening structures present, to ensure adequate visibility and access for emergency vehicles; and

(h) Detached accessory dwelling units are not permitted in townhouse, zero lot line detached housing, or attached zero lot line housing developments. (Ord. 3182 § 6, 2011; Ord. 3122 § 15, 2010).