

STAFF MEMORANDUM

TO: Everett Planning Commission
FROM: Rebecca McCrary, Long Range Planning Manager
DATE: October 13, 2022
MEETING DATE: October 18, 2022
SUBJECT: Accessory Dwelling Units Proposed Code Amendments

INTRODUCTION

Accessory dwelling units (ADUs) provide a community with housing benefits and opportunities such as new and usually affordable options in established neighborhoods at a relatively small-scale. Reducing regulatory barriers and simplifying code will contribute to meeting several housing goals set forth in the Comprehensive Plan, Reasonable Measures, Snohomish County Housing Affordability Regional Taskforce five-year action plan, and the Regional Housing Strategy specified in the [March 1, 2022 Planning Commission Memo](#).

The Rethink Housing Action Plan Implementation strategy 1.1 specifies a review and refinement of regulations and processes for ADU could facilitate new development. The review includes a study of impediments to ADU and DADU (detached accessory dwelling unit) development with potential applicants to better understand the administrative, technical, and regulatory constraints to accessory dwelling unit construction.

The Planning Commission discussed potential code amendments to the recently adopted ADU development regulations at its March 1 meeting and provided feedback.



POTENTIAL CODE AMENDMENTS REVIEWED IN MARCH

- Removing owner occupancy requirement
- Providing free model plans as part of a streamlined permit approval process
- Waiving lot coverage restrictions for ADUs
- Waiving certain fees for ADUs
- Reducing or eliminating parking requirements for ADUs
- Reducing the rear setback on UR3 alley lots
- Allowing ownership segregation (condo or fee simple)
- Revising restrictions on street-facing entrances
- Eliminating or reducing design requirements
- Changing modifications to design requirements from a review process II to a review process I

COMMISSIONER COMMENTS

At the March 2022 work session, the commission provided the following feedback on potential amendments to the existing ADU regulations (also see Planning Commission [March 1, 2022 meeting minutes](#)).

- **Housing Capacity**
Commissioners discussed increasing the opportunity to create new ADU housing units to support Comprehensive Plan growth allocations. They generally agreed that expanding homeownership through ADUs should be considered.
- **Regulatory barriers**
Commissioners acknowledged that regulatory barriers to creating ADUs include required setbacks, lot coverage limits for larger lots, and parking requirements.
- **Design standards**
Commissioners indicated a preference for design standards including architectural consistency with the primary unit.
- **Pre-approved accessory dwelling unit architectural plans**
Commissioners supported a program where the city would provide preapproved ADU plans to applicants that can be adapted to individual sites. The program would incentive new units by reducing upfront costs for design.
- **Fee waivers**
Commissioners expressed concern about waiving fees if applicants were able to use preapproved plans because both programs would be paid with general fund city budget.

COMMUNITY FEEDBACK

Three individuals provided feedback at the March Planning Commission Meeting. One commenter expressed concerns that ADUs would generate more renters and lead to on-street parking abuses. Additional feedback from speakers included support for allowing ownership opportunities.

City staff have met with members of the development community on the topic. Comments received include support for standard pre-approved plans to reduce costs to an applicant as an incentive. Owner occupancy and unit segregation for ownership opportunities were high priority actions stated by the stakeholder group. The [Master Builders Association ADU Brief](#) was provided as a resource document identifying a list of recommended amendments.

PROPOSED CODE AMENDMENTS

Staff proposes the following amendments to the city's development regulations based on policy guidance, stakeholder input, and planning commissioner comments. These amendments are intended to increase opportunities for new accessory dwelling units throughout the city by reducing regulatory barriers as well as to simplify and clarify code language.

Definition

The existing definition includes language differentiating detached and attached accessory dwelling unit types for purposes of distinguishing standards that apply to each type in applicable code sections. The streamlined code proposal eliminates the need to make this distinction. The proposed language also provides clarity related to the terms "accessory" and "principal".



Existing

19.04.050 Residential use definitions.

“ Dwelling unit, accessory,” or “ADU,” means a dwelling unit located on the same lot as a single-family housing unit, duplex, triplex, or townhome.

1. A “detached” accessory dwelling unit (DADU) means an accessory dwelling unit that consists partly or entirely of a building that is separate and detached from a single-family housing unit, duplex, triplex or townhome.
2. An “attached” accessory dwelling unit means an accessory dwelling unit located within or attached to a single-family housing unit, duplex, triplex or townhome.

Proposed

“ Dwelling unit, accessory,” or “ADU” means a dwelling unit which is subordinate to a permitted principal dwelling unit or units located on the same lot.

Use Standards

The standards for ADUs are specified in EMC 19.08.100. The existing standards cover provisions for owner occupancy, ownership segregation, number of units per lot, setback, design standards, lot coverage, height, and parking. Note that some of the references to historic districts and overlays have been removed as redundant. Descriptions of the amendments are provided below.

Lot Size, Number of Units, and Density - EMC 19.08.100(A)(2) and (4) and EMC 19.05.080

Existing	Proposed
No minimum lot size.	No change proposed.
Number of units – one per lot	Increase the number of accessory units allowed per lot or principal dwelling unit from one to two when dimensional and other standards can be met.
ADUs allowed in UR4 zone if meeting the minimum density requirements in EMC 19.06.100 (3). (Special Regulation ⁵)	Remove the reference to minimum density for ADUs in the UR4 zone.

Setbacks and Height - EMC 19.06.020(F), Table 6-4, Chapter 19.22 EMC Table 22-1

Most buildings in the city are subject to the height limits established for different areas in the [Building and Structure Height Map](#) (28’ for all areas zoned R-S, R-1, R-2, and R-2A). Height regulations for accessory dwelling units, on the other hand, are regulated separately with different height limits depending on setbacks and roof pitch.

Existing	Proposed
<i>Detached ADUs in R-S, R-1, R-2, and R-2(A) Zones Only</i>	
<i>Alley Lots</i>	
<u>Setbacks</u> No rear setback	No change proposed.



Existing	Proposed
<p><u>Height</u> Detached: Roof pitch: 6:12 or steeper]: 24' Roof pitch: flatter than 6:12: 18' Attached: 28' except lower (see detached limits above) in the rear setback</p>	<p>Change to maximum height indicated in the maximum height map (currently 28'), except maximum height in the rear setback reduced by 4' and eave height limited to 18'.</p>
Non-Alley Lots	
<p><u>Setbacks</u> Detached: 20' rear yard setback, reduced to 5' if the unit does not exceed 18' height. Attached: 20' rear yard</p>	<p>Setbacks: 20' rear yard, reduced to 5' if the unit does not exceed 24' maximum height. <i>Notes: A 5' rear yard setback expands opportunities for ADUs however, an 18' height limit is listed as 1 ½ stories. This has been a difficult limit for ADU housing types and permit staff to administer.</i></p>
<p><u>Height</u> Detached: 18' maximum Attached: maximum height indicated in the maximum height map</p>	<p>Maximum height indicated in the maximum height map, except reduced by 4' within the rear setback.</p>

Unit Size - 19.08.100(A)(3)

Existing	Proposed
<p>Unit size. Limited by the size of the principal dwelling, percentage of lot area, or principal dwelling footprint. In no case may size exceed 1,000 square feet. Minimum size 440 square feet.</p>	<p>Change to a maximum size of 1,000 for all ADUs, with no size limit for an ADU located on one level of an existing dwelling that has existed for at least three years.</p>

Parking - EMC 19.34.020 table 34.1

Existing	Proposed
<p>One off-street parking space per ADU. Exceptions for reduction when 4 conditions are met.</p> <ol style="list-style-type: none"> 1. Not in parking permit zone 2. Frontage on public street 3. Two on-street parking spaces in front 	<p>One off-street parking space per ADU, except:</p> <ol style="list-style-type: none"> 1. No off-street parking required if within ¼ mile of a major transit stop (stops for a bus or other transit mode providing actual fixed route service at intervals of at least fifteen minutes for at least five hours during the peak hours of operation on weekdays). 2. No off-street parking required if adequate on-street parking spaces are available within 1,000' of the subject property.



4. Within ¼ mile of a public transit stop	<i>Notes: Requiring an evaluation of the parking will address whether or not parking can be reduced for an ADU on streets within a parking permit zone or if it is necessary to be located on street frontage. The condition of allowing a parking reduction when an ADU is located within ¼ mile of a public transit stop is set by state statute (RCW 36.70A.698). The statute includes a provision to require the parking if there is not adequate on-street parking to serve the unit.</i>
Requires a waiver by the Planning Director	Remove the formal “waiver” by the Planning Director. Staff would determine administratively whether or the application meets code requirements.

Design Standards EMC 19.08.100(B)(1) through (3)

This section of code attempts to prescriptively address aesthetics, privacy, view impacts and compatibility with the character of other dwellings. As discussed at the March Planning Commission meeting, many of the specific requirements do not result in a project that is considered compatible.

Existing	Proposed
1. Appearance and character shall be maintained when viewed from the surrounding neighborhood 2. a) one street-side entrance, and b) duplexes/triplexes must comply with porch and entrance requirements.	Remove the requirements. <i>Notes: Appearance and character are subjective judgements that can be difficult to standardize through development regulations and can cause significant disagreements between the city and applicant on interpretation. In the case of here are circumstances where a second entrance visible from a street does not pose an impact and therefore prohibitive. Additionally, the provision for porches and entrances are already required so this is a redundant section.</i>
3. Reference to the applicability of the historic districts and overlays.	Remove the requirements. The historic resources chapter (EMC 19.28) already establishes that “The neighborhood conservation guidelines, historic overlay zone standards, and other development regulations are to be used in the review of construction and development within designated historic overlay zones” (EMC 19.28.060)
4. Requires a) the director to promulgate a design manual, b) siding, roofing, and window to visually match principal dwelling unit, and roof pitch to be similar to that of the principal dwelling.	Remove the requirements. Staff does not anticipate having the time or resources in the near future to initiate this project and recommend this be removed from code. These requirements do not necessarily result in a good design. The eclectic nature of the City’s housing stock provides an opportunity for, in some case, improved quality and design.



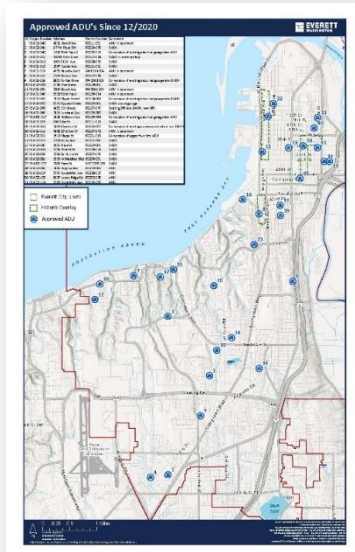
Owner Occupancy - EMC 19.08.100(C)

The proposed amendments would eliminate the owner occupancy requirement in the R-S, R-1, or R-2 zones to expand opportunities for more housing units citywide and potential homeownership options. Not only has the limitation been a barrier to housing, it is also difficult and costly to monitor compliance on a regular basis.

Modification of Standards

The amendments would eliminate the need for modification to standards and therefore, propose to remove this option.

RECENT ADU ACTIVITY



Since the adoption of Rethink Zoning in November 2020, the City has issued 31 accessory dwelling units permits. See **Exhibit A** for a map. Staff will provide examples of projects at the meeting.

Permit Activity

New accessory units have been permitted in a variety of neighborhoods, near evenly split between the north and south areas of the city.

- Detached ADUs: 19
- Attached ADUs: 12

REQUEST OF THE PLANNING COMMISSION

Provide input on the proposed code amendments to the development regulations for accessory dwelling units.

EXHIBITS

Exhibit A – Recent ADU Activity Map



EXHIBIT A –

