

**STAFF MEMORANDUM**

**TO:** Everett Planning Commission  
**FROM:** Rebecca McCrary, Long Range Planning Manager  
**DATE:** November 10, 2022  
**MEETING DATE:** November 15, 2022  
**SUBJECT:** Accessory Dwelling Units Code Amendments – Briefing

**INTRODUCTION**

Staff is presenting the attached version of the proposed code amendments in Exhibit A as a formal briefing to the Planning Commission prior to the Public Hearing scheduled for December 6. The Planning Commission discussed and provided feedback on the policy basis, background, potential code amendments to accessory dwelling unit regulations at the [March 1](#) and [October 18](#) meetings.

**PROPOSED CODE AMENDMENTS**

The proposed code amendments are intended to accomplish multiple housing goals and objective, primarily to encourage needed production of infill housing and provide a variety of housing types throughout the city. Amendments were identified in the [Rethink Housing Action Plan](#) dated October 7, 2021, specifying a review of regulatory barriers preventing the development of more of these housing choices in the community.

According to the guide published by AARP in 2021<sup>1</sup>, accessory dwelling units provide housing as an economical option for people of all ages such as entry level housing for young people, extended family members, empty nesters who are downsizing, and “other household types, income levels, employment situations and stages of life”. The current proposal before the Planning Commission is intended to streamline regulations and requirements, ensure internal code consistency, account for current practices and terminology, and make technical corrections. Advancing opportunities for more housing units will also address “reasonable measures” directed to reducing the city’s 2035 housing capacity shortfall identified in the 2019 Buildable Lands Report.

**Changes to Proposed Regulations**

The following are changes to the proposal that was presented to the Planning Commission on October 18. The full version of the latest proposed code amendments are shown in Exhibit A.

Code Section	Proposed
<i>EMC 19.06.020(F) Table 6-4 Building Setbacks for ADUs</i>	For Non-Alley Lots, removed reference to height limitation. See Table 22-2.

<sup>1</sup> *The ABCs of ADUs, A guide to Accessory Dwelling Units and how they expand housing options for people of all ages* (Copyright ©AARP 2021, 2<sup>nd</sup> edition), 4



Code Section	Proposed
<i>EMC 19.08.100 Table 8-6 (A)(3) ADU Size</i>	Removed requiring the principal dwelling unit to be existing for at least three years prior to taking advantage of the “no maximum” size limit allowance for an ADU located on one level within the principal dwelling footprint.
<i>EMC 19.08.100(A)(4) Table 8-6 Lot Coverage</i>	Removed the requirement for the principal dwelling unit to be existing for at least three years prior to taking advantage of the additional lot coverage allowance.
<i>EMC 19.22 Table 22-2</i>	Simplified the requirements for:  Alley Lots - removed the pitched roof factor for determining height and the reference to stories. Height maximum for R-S, R-1, and R-2 is the height of the zone which is 28’ in all of these zones. This is also the maximum heights in UR3 and UR4.  Non-Alley Lots – maximum height limit for ADUs in UR3 and UR4 zones. Eliminated the reference to stories and eave height in single unit residential zones.
<i>EMC 19.34.050 Exceptions to off-street parking space requirements</i>	Removed all conditions for exceptions except when located ¼ from a major transit stop.

### Technical Corrections

Code Section	Proposed
<i>19.08.100 Number of units</i>	Created new subsection for number of units and updated language for more clarity.  <u><i>Up to two ADUs per one principal dwelling unit(s) or principal lot.</i></u>

## PLANNING COMMISSION COMMENTS

Staff evaluated and considered comments and suggestions made by commissioners and provide the following additional information.

### Number of units per lot

Commissioners commented on the impact to adjoining properties by allowing up to two detached ADUs in single unit residential zones.

*Response: The number of ADUs permitted within the last 23 months (31) has increased from previous years yet is still modest in terms of the overall housing need in the community. Because of the bulk requirements (setback, lot coverage, parking, etc.) two ADUs would only be feasible on larger lots, staff does not anticipate widespread development of two detached ADUs on single lots. Opportunities for*

*additional ADUs overall will likely remain at a modest level. Allowing additional ADUs does further the city's goals and objectives by create more housing options and opportunities in the community.*

### **Additional Setbacks**

Commissioners suggested adding setback distance to the 5' rear yard requirement for ADUs over 18'. A specific suggestion was to add 1' of setback for every 1' of height over 18', up to the maximum height of 24'.

*Response: The only practical location for detached ADUs in many cases is the rear yard. The current rear setback in R-S, R-1, and R-2 zones is 20'. To maximize the potential for producing additional housing, the proposal provides a simple straight-forward setback of 5' for non-alley properties. As was expressed by staff during the discussion, the current 18' maximum height (1 ½ stories) of an ADU when within the 20' setback is awkward and limiting since the units are, by definition, small. The height is proposed to be reduced by 4' of the principal building maximum height allowed of 28', thereby mitigating bulk.*

### **Design Standards**

Commissioners expressed concern about eliminating design standards such as architectural consistency with the primary dwelling.

*Response: The existing design standards in 19.08.100(B) use the terms "matching" the primary structure and "compatible" with the neighborhood to describe the standards for ADU construction. It has been difficult for staff to interpret this regulation, resulting in challenges, conflicts, and delays to a project while often not necessarily improving the quality of the development. Staff propose continuing to discuss how to regulate design of accessory dwelling units to support attractive and compatible development while minimizing ambiguity, cost, and friction in the permitting process.*

## **REQUEST OF THE PLANNING COMMISSION**

Review the proposal and provide comments in preparation for the Public Hearing scheduled for December 6, 2022.

## **EXHIBITS**

Exhibit A      Proposed Code Amendments to Accessory Dwelling Units Everett Municipal Code Chapters 19.04, 19.06, 19.08, 19.22 and 19.34

## EXHIBIT A – ACCESSORY DWELLING UNITS CODE SECTIONS

Changes since 10/18/2022 Planning Commission Meeting

EMC	Existing Regulations															
<p><b>19.04.050</b> Residential Use Definitions.</p>	<p><u>“Dwelling unit, accessory,” or “ADU” means a dwelling unit which is subordinate to the permitted principal dwelling unit or units located on the same lot.</u></p> <p><u>“Dwelling unit, accessory,” or “ADU,” means a dwelling unit located on the same lot as a single family housing unit, duplex, triplex, or townhome.</u></p> <p>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.</p> <p>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.</p>															
<p><b>19.05.080</b></p>	USE	R-S	R-1	R-2	R-2 (A)	UR3	UR4	NB	B	MU	LI1 LI2	HI				
	Dwelling unit, accessory	P	P	P	P	P	P <sup>5</sup>	P	P		P					
		<p>See EMC 19.08.100, Accessory dwelling units.</p> <p><sup>5</sup>Allowed if meeting the minimum density requirements set forth in EMC <del>19.06.100</del>.</p>														
<p><b>19.06.020(F)</b> <b>Building Setbacks for Accessory Dwelling Units (ADU)</b> <b>Table 6-4</b></p>	<p>The following table is a summary of the standards required for ADUs: <del>in the R-S, R-1 and R-2 zones, and within the UR3 zone if and within an area designated as an Everett historic district or historic overlay:</del></p> <p style="text-align: center;">Table 6-4: ADU Building Setbacks</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%; text-align: left;">Subject</th> <th style="width: 50%; text-align: left;">Standard</th> </tr> </thead> <tbody> <tr> <td style="vertical-align: top;">Minimum Setbacks:</td> <td style="vertical-align: top;"> <p>a) Alley Lots. No minimum rear setback.</p> <p>b) Non-alley Lots. <b>5-foot rear setback.</b> <b>20-foot rear setback; provided, that a detached ADU may have a 5-foot rear setback if the building does not exceed 18 feet in height requirements in Chapter 19.22 EMC.</b></p> </td> </tr> </tbody> </table>												Subject	Standard	Minimum Setbacks:	<p>a) Alley Lots. No minimum rear setback.</p> <p>b) Non-alley Lots. <b>5-foot rear setback.</b> <b>20-foot rear setback; provided, that a detached ADU may have a 5-foot rear setback if the building does not exceed 18 feet in height requirements in Chapter 19.22 EMC.</b></p>
Subject	Standard															
Minimum Setbacks:	<p>a) Alley Lots. No minimum rear setback.</p> <p>b) Non-alley Lots. <b>5-foot rear setback.</b> <b>20-foot rear setback; provided, that a detached ADU may have a 5-foot rear setback if the building does not exceed 18 feet in height requirements in Chapter 19.22 EMC.</b></p>															
<p><b>19.08.100</b> <b>Accessory dwelling units.</b></p>	<p>The regulations in this section shall apply to accessory dwelling units (ADUs), whether attached or detached to a single-family housing unit, duplex, triplex or townhome. The term “ADU” as used in this section shall apply to either attached or detached accessory dwelling units. The term “DADU” as used in this section shall apply only to detached accessory dwelling units. In the event there is a conflict between the provisions of this section or any other provision of the EMC, the provisions of this section shall control.</p>															



## EXHIBIT A – EMC ACCESSORY DWELLING UNIT CODE SECTIONS

EMC	Existing Regulations
<b>19.08.100(A)</b> <b>General Standards.</b>	<p>A. <del>General Standards.</del>The following table is a summary of the standards required for ADUs in the single-family (SF) zones (R-S, R-1, R-2, R-2(A)), and within the UR3 zone if within an area designated as an Everett historic district or historic overlay. In the event there is a conflict between the provisions of this section or any other provision of the EMC, the provisions of this section shall control:</p>
<b>19.08.100(A)(1)</b> <b>Owner Occupancy.</b> <b>Table 8-6</b>	<p>a) R-S, R-1, and R-2 zones: One of the units must be owner-occupied.  b) Other zones: Owner occupancy not required.</p>
<b>19.08.100(A)(2)(1)</b> <b>Lot Requirements</b> <b>Table 8-6</b>	<p>a) No minimum lot size required.  b) Only one <del>Two</del> ADUs per lot.  c) An ADU may not be segregated from ownership of the principal dwelling.</p>
<b>19.08.100</b> <b>Number of units</b>	<p><b>Up to two ADUs per one principal dwelling unit or principal lot.</b></p>
<b>19.08.100(A)(3)</b> <b>ADU Size</b> <b>Table 8-6</b>	<p>a) <del>Single family dwelling unit: An ADU attached or detached from a single-family dwelling unit shall not exceed a gross floor area the lesser of 1) 15% of the total lot area; 2) 1,000 square feet; or 3) the principal dwelling's building footprint.</del></p> <p>b) <del>Duplex, triplex or townhome: An ADU attached or detached from a duplex, triplex or townhome shall not exceed a gross floor area the lesser of 1) 7.5% of the total lot area; 2) 1,000 square feet; or 3) 37.5% of the gross floor area of the dwelling; provided, however, that an ADU is permitted to be no less than 440 square feet.</del></p> <p style="text-align: center;"><b>An ADU shall not exceed a gross floor area of 1,000 square feet, except no maximum size for an ADU located within one floor of a principal dwelling unit.</b></p>
<b>19.08.100(A)(4)</b> <b>Lot Coverage.</b> <b>Table 8-6</b>	<p>a) See applicable zone (Chapter 19.06 EMC).</p> <p>b) An increase of 5% may be allowed, using Review Process I, if necessary to allow a DADU on an existing developed lot that meets all other requirements of this section. <b>An additional 5% of the lot's ground area may be used for up to two accessory dwelling unit(s).</b></p>
<b>19.08.100(A)(5)</b> <b>Maximum Height.</b> <b>Table 8-6</b>	<p>See Chapter EMC Section 19.22.020 EMC.</p>
<b>19.08.100(A)(6)</b> <b>Setbacks.</b>	<p>See Chapter 19.06 EMC.</p>

## EXHIBIT A – EMC ACCESSORY DWELLING UNIT CODE SECTIONS

EMC	Existing Regulations
Table 8-6	
<b>19.08.100(A)(7)</b> <b>Parking and Vehicular Access.</b>	See city standards in EMC Title 13 and Chapter 19.34 EMC.
<b>19.08.100(A)(8)</b> <b>Historic Overlay.</b>	Any ADU that is fully detached from the principal dwelling unit(s) located within an historic overlay zone must also comply with the design requirements of the historic overlay and be reviewed by the city’s historical commission with a recommendation to the planning director.
<b>19.08.100(B)(1)</b>	<p><del>B. <i>Design Standards.</i> An ADU shall meet the design standards in this section. The planning director shall consider the impact that any requested modification will have on abutting properties in terms of aesthetics, privacy, view impacts, and compatibility with the character of other dwellings.</del></p> <p><del>1. <i>Attached ADUs.</i> The appearance and character of the dwelling shall be maintained when viewed from the surrounding neighborhood.</del></p> <p style="padding-left: 40px;"><del>a. <i>Single-Family (One-Unit) and Townhouse Dwellings.</i></del></p> <p style="padding-left: 40px;"><del>Only one entrance to the residential structure may be located on any street side of the structure; provided, however, that this limitation shall not affect the eligibility of a residential structure which has more than one entrance on the front or street side on the effective date of the ordinance codified in this section.</del></p> <p style="padding-left: 40px;"><del>b. <i>Duplex and Triplex (Two- and Three-Unit) Dwellings.</i> Any ADU attached to a two- or three-unit dwelling shall comply with the front porch and entrance requirements set forth in EMC 19.08.050.</del></p> <p><del>2. <i>Historic Overlay Zones.</i> On lots located in the historic overlay zone, an attached ADU shall comply with the standards of subsection (B)(1) of this section. A DADU shall comply with the development and design standards of the H overlay zone.</del></p> <p><del>3. <i>Detached ADUs.</i> The planning director shall promulgate a design manual of examples and best practices for the design of DADUs and compatibility with the surrounding neighborhood. The city shall have the authority to require changes to the design of a DADU that is not consistent with best practices identified in the design manual. In addition:</del></p> <p style="padding-left: 40px;"><del>a. The DADU shall be designed to give the appearance that it is secondary to the principal dwelling.</del></p>



## EXHIBIT A – EMC ACCESSORY DWELLING UNIT CODE SECTIONS

EMC	Existing Regulations											
	<p style="margin-left: 40px;"><del>b. Siding, roofing, windows and building trim materials shall visually match those used on the principal dwelling <u>when in good repair</u>.</del></p> <p style="margin-left: 40px;"><del>c. The roof pitch shall be similar to the predominant roof pitch on the principal dwelling.</del></p>											
<p><b>19.08.100(C)</b> <b>Owner Occupancy, When Required.</b></p>	<p><del>1. Either the principal dwelling unit or the ADU shall be occupied by the owner of the property as his or her principal residence when located within the R-S, R-1, or R-2 zones.</del></p> <p><del>2. When required, prior to issuance of a permit for an accessory dwelling unit, the property owner shall submit to the city a signed affidavit affirming that the owner occupies the principal dwelling as his or her principal residence and will occupy either the principal dwelling or accessory dwelling after completion of the accessory dwelling unit.</del></p> <p><del>3. When required, the owner shall record a covenant with the Snohomish County auditor, approved by the director, that shall run with the land as long as the ADU is maintained on the property. The property owner shall submit proof that the covenant has been recorded with the Snohomish County auditor's office prior to issuance of the building permit.</del></p> <p><del>4. When required, the property owner shall certify to the city no later than April 1st of each year that the owner occupies one of the dwellings as his or her principal residence. Any person who fails to report or falsely certifies that he or she resides in a dwelling unit at the stated address shall be subject to the enforcement and penalty provisions of Chapter <a href="#">1.20 EMC</a>.</del></p>											
<p><b>19.08.100(D)</b> <b>Modification of Standards</b></p>	<p><del>A property owner may request that the planning director modify the <u>standards design standards</u>, using Review Process II as set forth in EMC Title <a href="#">15</a> and criteria set forth in Chapter <a href="#">15.03 EMC</a>.</del></p>											
<p><b>Table 22-2: Maximum Detached Accessory Residential Building and Accessory Dwelling Unit Building Heights</b></p>												
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th rowspan="2" style="width: 25%;">Development Site</th> <th colspan="3" style="width: 75%;">Zone</th> </tr> <tr> <th style="width: 30%;">Single-Family Zones (R-S, R-1, R-2, R-2(A))</th> <th style="width: 20%;">UR3</th> <th style="width: 25%;">UR4</th> </tr> </thead> <tbody> <tr> <td style="width: 25%;">Alley lots</td> <td style="width: 30%;"> <del>28' maximum</del>  <del>1. 6:12 pitch roof or greater: 2 floors up to 24'</del> </td> <td style="width: 20%;">2 floors, up to 28' maximum</td> <td style="width: 25%;">The greater of 2 floors, up to 28' maximum, or the height of the existing/proposed principal building</td> </tr> </tbody> </table>		Development Site	Zone			Single-Family Zones (R-S, R-1, R-2, R-2(A))	UR3	UR4	Alley lots	<del>28' maximum</del> <del>1. 6:12 pitch roof or greater: 2 floors up to 24'</del>	2 floors, up to 28' maximum	The greater of 2 floors, up to 28' maximum, or the height of the existing/proposed principal building
Development Site	Zone											
	Single-Family Zones (R-S, R-1, R-2, R-2(A))	UR3	UR4									
Alley lots	<del>28' maximum</del> <del>1. 6:12 pitch roof or greater: 2 floors up to 24'</del>	2 floors, up to 28' maximum	The greater of 2 floors, up to 28' maximum, or the height of the existing/proposed principal building									



## EXHIBIT A – EMC ACCESSORY DWELLING UNIT CODE SECTIONS

EMC	Existing Regulations						
		2. Less than 6:12 pitch roof: 1 1/2 floors up to 18'					
	Non-alley lots	24' maximum 1 1/2 floors up to 18' maximum	2 floors up to 24' maximum  2 floors up to 24' maximum				
	<p><del>3. Attached Accessory Building or Dwelling Unit Height Limits. Accessory buildings and dwelling units, which are constructed as an integral part of the principal building and with a minimum attachment of ten feet to both the principal building and accessory building, may be constructed to the maximum height allowed by the zone in which it is located; provided, that the attached accessory building meets all setbacks required for the principal building.</del></p> <p>43. See EMC <a href="#">19.22.090</a> for height limits on other accessory uses and structures.</p>						
<p><b>EMC 19.34.020</b></p> <p>Required off-street parking spaces</p>	<p><b>Table 34-1: Off-Street Parking Spaces Required.</b></p> <table border="1" style="margin: auto; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%;">Land Use</th> <th style="width: 50%;">Minimum Parking Spaces Required*</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;"><b>Accessory dwelling unit</b></td> <td>1, plus required space(s) for principal dwelling; see EMC <a href="#">19.34.050(C)</a> for exceptions</td> </tr> </tbody> </table> <p>* See exceptions and reductions in EMC <a href="#">19.34.050</a> or <a href="#">19.34.060</a>.</p>			Land Use	Minimum Parking Spaces Required*	<b>Accessory dwelling unit</b>	1, plus required space(s) for principal dwelling; see EMC <a href="#">19.34.050(C)</a> for exceptions
Land Use	Minimum Parking Spaces Required*						
<b>Accessory dwelling unit</b>	1, plus required space(s) for principal dwelling; see EMC <a href="#">19.34.050(C)</a> for exceptions						
<p><b>EMC 19.34.050</b></p> <p>Exceptions to off-street parking space requirements.</p>	<p>C. <i>Accessory Dwelling Units.</i> The requirement for one off-street parking space for an accessory dwelling unit (ADU) <del>may be waived by the planning director, when all of the following circumstances apply:</del> <b>is waived within ¼ mile of a major transit stop, as defined in RCW 36.70A.696(7).</b></p> <ol style="list-style-type: none"> <li><del>1. The property is not located in a residential parking permit zone when time limits and (Chapter <a href="#">46.30</a> EMC); and</del></li> <li><del>2. The property has <a href="#">frontage</a> on a public <a href="#">street</a>; and</del></li> <li><del>3. There are at least two is adequate on-<a href="#">street parking spaces</a> in front of the subject property; or</del></li> <li><del>4. There is a public transit stop located within one-quarter mile walking distance of the property with a safe walking path to the transit stop.</del></li> </ol>						





## EXHIBIT A – EMC ACCESSORY DWELLING UNIT CODE SECTIONS

EMC	Existing Regulations
<p><b>15.02.070</b> <b>Review Process II</b> <b>Planning director review.</b></p>	<p>2. <i>Modification of Development Standards.</i> The following modification of development standards allowed by this title are included as REV II decisions:</p> <ul style="list-style-type: none"> <li>a. <del>Accessory dwelling units (Section 19.08.100);</del></li> <li>b. Modification of lot width requirements or on-site open space standards (Chapter 19.08);</li> <li>c. Modification of specific use standards (Chapter 19.13); and</li> <li>d. Modification of structured parking standards (Section 19.12.110).</li> </ul>

