



City of Lake Forest Park

Planning Commission Meeting Tuesday, August 10, 2021 PROPOSED MEETING AGENDA

Meeting to be Held Virtually

See second page for information about how to participate virtually

City Hall is Closed to the Public

1. Call Meeting to Order—7:00 p.m. (confirm recording start)

2. Land Acknowledgement

3. Approval of Agenda

4. Approval of Meeting Minutes – July 13, 2021

5. Meeting Dates

- Next regular meeting is scheduled for September 14, 2021

6. Citizen Comments (Each speaker has three minutes to comment)

The Planning Commission accepts oral and written citizen comments during its regular meetings. Written comments are no longer being read during the meeting. Instructions for how to make oral Citizen Comments are available here: <https://www.cityoflfp.com/617/Virtual-Planning-Commission-Meetings>

7. Report from City Council Liaison

8. Old Business

- Evaluation of LFP's Accessory Dwelling Unit (LFPMC Ch. 18.50.050) and Accessory Structure (LFPMC Ch. 18.50.060)
 - Discuss draft amendments to Accessory Dwelling Unit (LFPMC Ch. 18.50.050) and Accessory Structure (LFPMC Ch. 18.50.060) code provisions in response to Commission guidance provided at July 13 meeting
 - Discuss public engagement event for Commission's proposed set of recommended amendments

9. New Business

10. Reports and Announcements

11. Additional Citizen Comments

12. Agenda for Next Meeting

13. Adjournment

Planning Commission's Land Acknowledgement

We'd like to acknowledge we are on the traditional land of a rich and diverse group of Native Peoples who have called this area home for more than 10,000 years. We honor, with gratitude, the land itself and the descendants of these Native Peoples who are still here today. In doing this we aim to illuminate the longer history of this land we call home, our relationship to this history, and the heritage of those peoples whose ancestors lived here before the European-American immigration that began in the 1800s.

Instructions for participating in this meeting virtually:

Please click the link below to join the webinar:

<https://zoom.us/j/92352877390>

Or One tap mobile :

US: +12532158782,,92352877390# or +16699006833,,92352877390#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 253 215 8782 or +1 669 900 6833 or +1 346 248 7799 or +1 408 638 0968
or +1 646 876 9923 or +1 301 715 8592 or +1 312 626 6799

Webinar ID: 923 5287 7390

International numbers available: <https://zoom.us/u/acJAwmAwLU>

**City of Lake Forest Park - Planning Commission
Draft Regular Meeting Minutes: July 13, 2021
Virtual/Zoom Meeting**

Planning Commissioners present: Chair Maddy Larson, Vice Chair Rachael Katz, David Kleweno, Richard Saunders, Lois Lee, Melissa Cranmer

Staff and others present: Steve Bennett, Planning Director; Nick Holland, Senior Planner, Councilmember Lorri Bodi (Planning Commission Liaison)

Members of the Public: Mike Dee, Randi Sibonga

Planning Commissioners absent: T.J. Fudge, Ira Gross

Call to order: Chair Larson called the meeting to order at 7:01 pm.

Land Acknowledgement:

Mr. Saunders read the land acknowledgement.

Approval of Agenda

Mr. Katz made a motion to approve the agenda, Mr. Saunders seconded and the motion to approve the agenda as presented passed unanimously.

Approval of Meeting Minutes from June 8, 2021

Mr. Saunders made a motion to approve the June 8, 2021 meeting minutes as presented, Mr. Cranmer seconded, and the motion passed unanimously.

Meeting Dates:

Chair Larson noted that the next regular meeting is scheduled for August 10, 2021. Cmr. Katz indicated that she would not be able to attend the next meeting.

Citizen Comments:

None

Report from City Council Liaison

Councilmember Bodi said that City Hall is open, with some limitations and the City Council is still meeting virtually which will continue for the foreseeable future, but the Council is considering a hybrid meeting style perhaps late this year, or early next year. She said the Council is looking to see what other cities do in the meantime.

Councilmember Bodi provided an update on the Sound Transit appeal of the regulations LFP recently adopted for the parking garage. She said that the attorneys are defending the City against the litigation and updates will continue to come each meeting.

Councilmember Bodi said that the Council is moving ahead with a levy lid lift for a tax increase to cover various public amenities such as sidewalks and other public infrastructure. Additional information can be found within the recordings of the Council meetings and on the City's website. She indicated that the Council must vote to place the measure on the ballot but, after that vote, it cannot engage the public with a hearing or public process.

1 Councilmember Bodi said she found the comments from the ADU survey very interesting and thoughtful.
2 She said that she is looking forward to the discussion tonight and that the Council is looking forward to a
3 recommendation from the Planning Commission regarding the ADU ordinance changes.
4

5 Cmr. Saunders asked Councilmember Bodi about the broader implications of the Sound Transit litigation.
6 Councilmember Bodi said that everything is public record and that the original complaint from Sound Transit
7 can be found through the Growth Management Hearing Board website. She said that it is a breathtakingly
8 broad challenge of the LFP regulations which caught some by surprise. She said that other cities also
9 received challenges to their transit-oriented regulations. She said that Sound Transit is seeking invalidation of
10 four separate LFP ordinances. Chair Larson asked about how we will regulate tree removal for the Sound
11 Transit project. Councilmember Bodi said that Sound Transit should comply with all of the applicable
12 ordinances. Director Bennett added that only newly adopted ordinances can be challenged.
13

14 **Old Business**

15
16 *Evaluation of LFP's Accessory Dwelling Unit (LFPMC Ch. 18.50.050) and Accessory Structure (LFPMC Ch.
17 18.50.060)*

18 • *Discuss results of public survey on ADUs*

19 Chair Larson asked for feedback on the survey results. Cmr. Cranmer said that she was happy with the level
20 of response from the public. She summarized some of the data and said that it was interesting to see which
21 criteria were important to respondents and which were not. She said that the siting, height, and lot size
22 seemed to be the most important criteria. She said that privacy and building siting seemed to be the main
23 factors for those who wanted to construct ADUs and indicated based on the survey data that people would
24 like to see changes to those provisions. She said that there was not a definition of "privacy" so it could be
25 difficult what the term meant to them.

26 Cmr. Katz said that the survey was helpful and informative. She said that the survey showed a mix of interest
27 on this topic within the community. She said that some answers contradicted one another and wondered
28 how some interpreted criteria such as "siting." She said that the written comment section was more
29 informative and that the pushback to potential changes to make ADUs easier to build wasn't as prevalent as
30 she first had thought.

31 Cmr. Saunders said that he agreed with previous Commissioners comments on the level of participation and
32 that he was surprised at the level of interest in the topic. He said that siting and costs seemed like the largest
33 barriers to ADU construction. Cmr. Saunders said that the comment section generated some questions for
34 him such as creating a potential exception for smaller lots if an ADU can be attached to the primary
35 residence. He said renter displacement could also be a topic of discussion.

36 Cmr. Lee said that the survey was a great way to stimulate discussion. She said that the spirit of the ADU
37 discussion revolves around the housing shortage and flexibility in the code is a move in the right direction to
38 address that issue. She said the comment section was interesting to read since it seemed to mirror some
39 discussions at the Commission level. She added that the potential for increased impervious surfaces needs to
40 be considered from an environmental perspective. She said that privacy should be considered when
41 constructing ADUs and that accessory structures should be subordinate to the primary structure.

42 Cmr. Kleweno said that he was glad the survey was done and that participation was high. He said that the
43 comment section provided more insight than the questions. He said that, while the survey did not reveal a lot
44 about elements that people thought should be changed, it seems like there is enough information to make
45 some recommendations to change the code. He also said that more information may be needed.

46 Chair Larson said that the survey was designed to be impartial and gauge interest and that it was not designed
47 to take a position. She said that there could potentially be a public meeting on the topic of ADU code

1 changes. She noted that Cmr. Fudge provided some comments indicating his concern is that ADUs could be
2 used as primary residences, essentially doubling the number of residents living on a lot. She added that Cmr.
3 Fudge also thought the results of the survey demonstrated that the community does care about the ADU
4 topic. Chair Larson then shared the comments of Cmr. Gross and said that his comments pertained to the
5 importance of lot sizing for detached accessory dwelling structures and that LFP's character as an urban
6 forest needs to be maintained.

7 Chair Larson said that cost and the application process seemed to be important to people according to the
8 survey data. She said that it was hard to interpret some of the answers to the questions and that the sample
9 of opinions seemed to focus on just a few, specific changes to the ADU regulations. She asked for any
10 additional discussion on this topic.

11 Cmr. Cranmer asked about next steps and how or if the community would be involved. Chair Larson said
12 that when draft language is considered for recommendation, a hearing or public meeting is traditionally held
13 for feedback on the recommended code changes. Cmr. Cranmer asked how to get people involved and asked
14 about how to distribute additional information to the community. Director Bennett explained how the City
15 communicates with citizens regarding major land use issues. He added that the City has a lot of contact
16 information from people who expressed interest in the ADU topic. Councilmember Bodi said that the
17 Planning Commission functions as community representatives and that their opinions basically reflect what
18 the community would like to see. She added that the Planning Commission can hold public hearings to
19 solicit public opinion. She summarized some past experiences with other code changes and how the public
20 participated in those past adoptions.

21 Cmr. Kleweno asked what the process is supposed to be for moving forward with recommendations to
22 Council on this topic. Chair Larson explained the process and direction of the ADU recommendations.
23 Director Bennett summarized the various aspects discussed at previous Commission meetings on the ADU
24 topic and how they related to the 'roadmap' for getting to a recommendation on the ADU provisions that
25 had been reviewed at the May meeting.

26 • *Discuss draft amendments to Accessory Dwelling Unit (LFPMC Ch. 18.50.050) and Accessory Structure*
27 *(LFPMC Ch. 18.50.060) code provisions*

28 Chair Larson began the discussion on the draft code amendments. Director Bennett summarized what he
29 had drafted which were specific changes to the code in the title listed above. He supplemented his specific
30 draft amendments with higher level discussion on the reasons behind the specific amendments and how those
31 amendments affect other areas of the code such as accessory structure regulations and potentially critical area
32 regulations. He said that generally in zoning codes, if the topic is not specifically permitted or allowed as
33 codified within the ordinance, it is prohibited. Director Bennett entertained questions from the Commission.
34

35 Cmr. Katz asked if a review of the amendments can be done letter by letter as they are drafted. Chair Larson
36 agreed and for comments on the amendments in the order they appeared. Cmr. Saunders said that the
37 section in 18.50.060 (B) is usually the biggest hurdle. The Commissioners continued to discuss the proposed
38 amendments and talked about how implementation of the draft amendments would affect site planning and
39 neighborhood character. Cmr. Lee asked why the restriction for accessory structure location within the side
40 and front yard area cannot removed. Director Bennett suggested some reasons why the restriction should
41 remain and indicated that there could be some unintended consequences if all types of accessory structures
42 were allowed in all yards. He went on to describe a scenario where one could potentially take advantage of
43 that type of regulation in terms of building placement. Cmr. Saunders indicated Cmr. Lee's question was
44 worth discussing. He said he noticed that accessory structures have a square footage limitation of 1000 square
45 feet, regardless of lot size. He said that those with space could build more or larger structures without
46 compromising the zoning code regulations.
47

1 Chair Larson asked for additional comments. Cmr. Kleweno asked for clarification on where detached ADU
2 structures can be placed and Chair Larson responded that, with the proposed amendments, a detached ADU
3 can be placed anywhere where area and dimensional requirements for the zone will allow. Director Bennett
4 added that the proposed language being discussed would not allow detached ADUs any closer to the property
5 lines than the primary structures were allowed to be.

6
7 Chair Larson suggested a discussion on the limitation of accessory structure floor area. She asked for
8 discussion on the floor area maximum requirement and asked if it makes sense to limit floor area in this way.
9 She asked if DADUs could have a basement, and if so, would floor area be limited by code. Director Bennett
10 provided interpretation on how the current regulations apply and quoted the current limitations to ADU
11 floor area. He discussed the impact of floor area restrictions, explained how lot coverage is calculated, and
12 recommended that accessory structure size be regulated by lot coverage. Cmr. Katz said she was pleased
13 with the proposed language for the lot coverage regulation and explained her rational for supporting that idea.
14 She said that the zoning code statute for overall lot coverage restriction rather than floor area maximums
15 should be how the size of accessory structures are regulated. She suggested that the maximum cumulative
16 square footage for accessory structures should be increased to 1500 square feet. She asked if others would
17 entertain a higher threshold for cumulative accessory structure square footage. Director Bennett clarified
18 how lot coverage is calculated. He indicated that larger lots could have larger accessory structures if the
19 maximum were to be calculated just by lot size percentage, which may have unintended consequences. Cmr.
20 Katz reiterated her proposal of increasing the maximum coverage for all accessory structures to 1500 square
21 feet.

22
23 Discussion continued regarding size limitations for accessory structures. Cmr. Lee said that an accessory
24 structure should be subordinate to the main structure. Cmr. Cranmer asked if there was any interest in
25 changing the minimum to less than 300 square feet. Cmr. Katz said that she would be interested in that, but
26 it is in a different section of code than the Commission are currently discussing and suggested that the
27 Commission could potentially come back to that idea. Chair Larson asked for Director Bennett to bring an
28 amendment for that forward. Director Bennett responded that he would prepare something for discussion.
29 Chair Larson summarized Cmr. Katz suggestion for an increase in the maximum square footage for all
30 accessory structures. Cmr. Saunders said he agrees with entertaining Cmr. Katz proposal. Cmr. Lee said
31 1,000 square feet is approximately equal to a one-bedroom apartment, but that 1500 square feet could be
32 equal to the size of a two bedroom apartment. She wondered if perhaps the area would be too large with that
33 kind of change. Cmr. Katz clarified what the intent of her suggestion was to change the total square footage
34 for all accessory structures combined, not to increase the maximum size of ADUs. Cmr. Saunders
35 summarized his understanding of a maximum floor area for accessory structures and said he was concerned
36 that, if all the square footage is taken by one accessory structure, no other smaller accessory structures like
37 sheds would not be allowed. Cmr. Lee said she understood the nature of the amendment and that she
38 supports Cmr. Katz for the proposed square footage increase for accessory structures. Cmr. Saunders asked
39 about distinguishing detached ADUs and attached ADUs in the definition section. Director Bennett agreed
40 that defining those terms to the definitions of ADUs would be helpful. Chair Larson said that most of the
41 discussion is focused on detached ADUs. Chair Larson asked Director Bennett about where ADUs can be
42 built in the City and Director Bennett responded that an attached ADU can be built on any residentially
43 zoned parcel with a lot area of 7200 square feet or greater. He said that LFP is the only City he is aware of
44 with the minimum lot size requirement for all ADUs.

45
46 Chair Larson moved onto item 18.50.060 (D) under the amendments to accessory structures and asked the
47 rational for the change from “principal” to “main” building. Director Bennett replied “main” is consistent
48 with the rest of the zoning code. Chair Larson asked for clarification on how setback regulations are applied
49 for accessory structures. Director Bennett responded that the setback minimum for accessory structures is 5
50 feet from the rear lot line. He added that removing the 15-foot rear yard setback for any ADU would open
51 up more of the rear yard for single story ADUs. Cmr. Saunders said that the setback issue was not identified
52 as a barrier. Cmr. Lee said she supports the change and flexibility that comes with this type of setback

1 reduction. Cmr. Katz seconded Cmr. Lee's statement. Cmr. Kleweno said he agreed with Cmr. Lee. Cmr.
2 Lee suggested adding language that would create privacy for an adjacent neighbor in the event an ADU is
3 placed 5-feet from a rear lot line. Director Bennett suggested some language for that type of scenario where
4 if a rear yard abuts a side yard of an adjacent property, the setback should be increased. Cmr. Saunders and
5 Cranmer both indicated that it was important to add something like what Director Bennett suggested. Cmr.
6 Katz suggested protecting occupied structures on adjacent properties with additional setback requirements
7 and suggested that it might not need to be yard dependent. She clarified her statement to intend to apply
8 only to adjacency of primary living units. Chair Larson indicated that she wasn't particularly supportive of
9 allowing structures five feet from the property line because of privacy issues. Cmr. Cranmer suggested
10 limiting where windows can be located on an ADU. Director Bennett replied that such a provision would be
11 more restrictive than any other zoning regulation for residential areas. Chair Larson said that the
12 Commission should be mindful of what is being changed. Cmr. Saunders emphasized that he would like
13 something in the draft to speak to the separation between living units. Director Bennett indicated that he
14 would include a draft provision requiring a 15-foot separation between residential structures.
15

16 Chair Larson asked for feedback on the proposed amendment in 18.50.060.E which would allow a 25-foot
17 height limit for accessory structures. Cmr. Saunders asked where the 25-foot height limit came from and
18 Director Bennett responded that the 25-foot height limitation would help insure that accessory structures are
19 not taller than the primary structure. He also indicated that 25 feet would also allow for sloped roofs on two
20 story accessory structures. Cmr. Saunders asked why the limitation on height is associated with the primary
21 structure. Director Bennett responded that the reason for limiting it is to maintain the subordinate nature of
22 the accessory structure. Cmr. Saunders said he would like more conversation on the issue of that type of
23 height cap for accessory structures and said he did not understand why the max height for an accessory
24 structure was not driven by what the zoning code allows for all structures. Director Bennett emphasized that
25 his understanding was that the direction from the Commission to this point has been to have accessory
26 structures subordinate to the main. Cmr. Katz provided her perspective on the proposed 25-foot height limit
27 for accessory structures. She asked about new designs and proposed deleting the last sentence of the draft.
28 She said there are a lot of single-story structures adjacent to two story structures, so that an ADU would still
29 be subordinate even if the height is taller than the primary. She said that topography has a large effect on
30 building height and that one house could have a large height differential over another, if a slope is involved.
31 She said that a proposed height limitation of an accessory structure should not be a function of the primary
32 structure's height because it could eliminate some thoughtful and creative designs for second story ADUs.
33 Cmr. Lee re-emphasized her position that the accessory structure should be subordinate to the primary
34 residence and that the comments received through the survey indicated neighbors and neighborhood
35 character should be considered and maintained through construction of an ADU. Cmr. Saunders said he
36 agrees with the idea of accessory structures as subordinate to the main. Cmr. Lee suggested as an alternative
37 having the height limits for accessory structures as a function of the primary structure where the accessory
38 structure could be limited to some percentage of height of the primary structure. Cmr. Cranmer noted that a
39 taller building can accommodate a more floor area in a smaller footprint, which could reduce impervious
40 surfaces. Cmr. Kleweno said he liked what has been talked about and provided his thoughts on some
41 unintended consequences with an increase in building height, and the potential for impacts to neighbors if
42 such an increase is adopted.
43

44 Chair Larson indicated she would like to pick these topics back up next month but asked if staff had enough
45 direction to prepare additional amendments. Cmr. Katz said that size limitations in 18.50.050 (B), (C), and
46 (D) should be looked at. She also said that she would like to potentially change 18.50.050 (E) and will email
47 her thoughts to the Chair. She also suggested checking the parking requirement discussed in recent State
48 legislation. Director Bennett responded that he did have enough direction and agreed to look into the state
49 legislation regarding parking for ADUs.
50

51 **New Business**

52 None

1
2 **Reports and Announcements**

3 None from staff. Cmr. Katz said that she attended the housing summit and that LFP is participating at the
4 regional level and that there are a lot of regional resources for housing and affordability.

5
6 **Additional Citizen Comments**

7 Mike Dee said that the tree removal as described in Sound Transit's SEPA checklist does not recognize the
8 tree removal as a significant impact and he suggested that the City challenge that part of the SEPA
9 determination. He said that the SEPA scope was not as big as it should have been, especially if the project
10 timeline is increasing.

11
12 **Agenda for Next Meeting:**

13 Similar to this agenda. Chair Larson summarized the process for discussing code amendments at future
14 meetings.

15
16 **Adjournment:**

17 Cmr. Saunders moved to adjourn the meeting, Cmr. Lee seconded, and the motion carried unanimously. The
18 meeting was adjourned at 9: 05 pm.

19
20 APPROVED:
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23
24
25

Maddy Larson, Chair



Memorandum

To: Planning Commission
From: Steve Bennett, Planning Director
Date: August 6, 2021
Re: August 10, 2021 Meeting Agenda Materials
Attachment:

1. Policy Options and Draft Amendments to Accessory Dwelling Unit (ADU) and Accessory Structure Regulations in Response to Planning Commission Discussion at the July 13, 2021 Meeting
2. 2020 Senate Bill 6617 pertaining to parking requirements for ADUs

At the July 13, 2021 meeting, Commissioners reviewed draft amendments to LFPMC Ch. 18.50.060 (Accessory Structures) and discussed which provisions of Ch. 18.50.050 (Accessory Dwelling Units) regulations should be the focus of recommended amendments to the Council. In response to Commission guidance and discussion, Attachment 1 has been prepared. It includes new draft amendments, some options for potential amendments, and policy questions in the comment column for Commission consideration. Newly amended text is in track changes format and highlighted in yellow (be aware that the MS Word pink highlighting associated with a comment overrides the yellow).

Attachment 2 (2020 Senate Bill 6617) is provided for background on the draft change to the parking requirement in Ch. 18.50.050.G. This proposed change is intended to achieve compliance with this State legislation by allowing a waiver of the requirement of an additional parking space for an ADU if the location is ¼ mile or less from a major traffic stop. A step beyond that would be to also waive the parking requirement if it can be shown by the applicant that street parking is available along the frontage of their property.

Path Forward

If Commissioners feel they are close to completing the changes they want to recommend to Council for adoption after the discussion on the 10th, a public hearing or workshop could be scheduled for the September 14th meeting. After the public engagement portion of the meeting, Commissioners could potentially vote on a recommended set of amendments.

If Commissioners do not feel they are close to completing the changes they want to recommend to Council for adoption after the discussion on the 10th, it may be advised to schedule a second meeting in September. The first September meeting could be devoted to discussing additional amendments and the second to public engagement and final changes before taking a vote on a recommendation to Council.

1 **Policy Options and Draft Amendments to ADU/Accessory Structure Regulations**
2 **in Response to Planning Commission Discussion at the July 13, 2021 Meeting**

3 **18.50.050 Accessory dwelling units.**

4 **Attached and detached** accessory dwelling units, as defined by this title, may be permitted on lots
5 of at least 7,200 square feet, and provided they meet the following development criteria:

6 A. Only one accessory dwelling unit will be permitted per residential lot;

7 B. The accessory dwelling unit floor area must be at least 300 square feet, but may not exceed 50
8 percent of the total area of the principal residence or 1,000 square feet, whichever is less;

9 C. Accessory dwelling units on lots less than 15,000 square feet **in area must be developed**
10 **within the existing primary residence;**

11 D. Accessory dwelling units on lots of 15,000 square feet or greater **may be developed as**
12 **an accessory structure; provided, however, that the accessory dwelling unit shall meet the**
13 **requirements of LFPMC 18.50.060;**

14 E. Either the primary residence or the accessory dwelling unit must be owner-occupied;

15 F. Garage space may be converted only if the same number of off-street parking spaces are
16 provided elsewhere on the property;

17 G. One off-street parking space in addition to that required for a single-family dwelling shall be
18 provided **except no off-street parking is required when it can be demonstrated that some portion**
19 **of the subject parcel is within 1/4 mile of a transit stop located in the SR 522 right-of-way;**

20 H. The total number of people who may occupy principal residence and the accessory unit,
21 together, shall not exceed the number of people who may occupy a one-family dwelling.

22

23 **18.50.060 Accessory structures and buildings.**

24 Accessory buildings and structures are permitted uses in single-family dwelling zones, provided:

25 A. The total combined **lot coverage of accessory buildings shall occupy or cover no floor area of**
26 **all accessory buildings shall not occupy** more than 10 percent of the total area of the lot up to a
27 maximum of 1,000 square feet;

28 B. Accessory buildings **that do not include an accessory dwelling unit** may only be placed in a
29 rear yard;

Commented [SB1]: Option 1 for allowing DADUs on smaller lots: this text change would allow DADUs on lots as small as 7,200 sq. ft. Making this change would necessitate deleting subsections C. and D. of .050.

Commented [SB2]: At July 13 meeting, there was some discussion of reducing the minimum size allowed. An example of a prefab, 160 sq. ft. ADU (see K160) can be found at this link:

<https://www.kubediving.com/predesigned-structures>.

Kenmore has no minimum area for ADUs. Cities that do have a minimum generally set it at 250 sq. ft. or greater.

Commented [SB3]: Option 2a for allowing DADUs on smaller lots: if Option 1 goes too far, the 'less than' number could be reduced and aligned with a corresponding change in .050.D.

Commented [SB4]: Option 2b for allowing DADUs on smaller lots: if Option 1 goes too far, the 'or greater' number could be reduced to correspond to the proposed change in .050.C.

Commented [SB5]: Do Commissioners want to recommend a change to the 'owner-occupied' requirement? Kenmore recently amended ADU reg's to reduce requirement to 6 months of 'owner occupied' status after completion of ADU.

Commented [SB6]: Transit stops on SR 522 appear to be the only ones that meet the definition of major transit stop in SENATE BILL 6617 (see Atchmt. 2 to Staff Memo).

Commented [SB7]: At July 13 meeting, there appeared to be a consensus that the maximum square footage of this provision should be increased to 1,500 sq. ft.

1 C. Accessory buildings shall be 10 feet or more from the principal main buildings;

2 D. Accessory buildings may be placed as close as no closer than five feet to from the rear lot
3 line, excluding accessory dwelling units, which may be placed no closer than 15 feet to the rear
4 property line; provided that the structure is 15 feet or less in height and is no closer than 15 feet to
5 a dwelling unit on abutting parcels.

6 E. Accessory building height shall not exceed 15 feet, except those accessory buildings which
7 include an accessory dwelling unit, which can be up to 25 feet in height provided that the
8 building meets all zoning regulations pertaining to the primary or main building. In no case shall
9 the accessory building exceed the height of the primary building.

10

11 **Chapter 18.08 DEFINITIONS**

12 **18.08.020 Accessory use or accessory building.**

13 “Accessory use” or “accessory building” means a subordinate use, structure, building or portion
14 of a building located on the same lot as the main use or building to which it is accessory.

15 **18.08.030 Accessory dwelling unit, attached.**

16 “Attached Accessory dwelling unit” means a dwelling unit subordinate to a single-family
17 dwelling unit which:

18 A. Is located within the or attached to a single-family dwelling unit, or

19 B. Is located within an accessory building.

20 **18.08.033 Accessory dwelling unit, detached.**

21 “Detached accessory dwelling unit” means a dwelling unit subordinate to a single-family
22 dwelling unit which is constructed as part of an accessory building.

23 **18.08.290 Dwelling, single-family.**

24 “Single-family dwelling” means a detached residential dwelling unit, designed for and occupied
25 by one family.

26 **18.08.300 Dwelling unit.**

27 “Dwelling unit” means a single unit providing complete, independent living facilities for one or
28 more persons, not to exceed one family, and which includes permanent provisions for living,
29 sleeping, eating, cooking and sanitation.

Commented [SB8]: At July 13 meeting, there appeared to be a consensus that this spacing clause should be added to the proposal to allow single-story ADUs within the rear setback.

Commented [SB9]: If Commissioners want to create some flexibility for an accessory building to be taller than the primary building, this needs to be amended. ‘Structure’ has been changed to ‘building’ in amendments to E. for consistency with existing relevant definitions.

Commented [SB10]: Draft amendment to reflect PC guidance from the July 13 meeting regarding defining attached and detached ADU.

Commented [SB11]: New draft definition to reflect guidance from July 13 meeting regarding defining attached and detached ADU.

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 6617

Chapter 217, Laws of 2020

66th Legislature
2020 Regular Session

ACCESSORY DWELLING UNITS--OFF-STREET PARKING

EFFECTIVE DATE: June 11, 2020

Passed by the Senate March 10, 2020
Yea 41 Nays 8

CYRUS HABIB
President of the Senate

Passed by the House March 6, 2020
Yea 94 Nays 3

LAURIE JINKINS

**Speaker of the House of
Representatives**

Approved March 27, 2020 2:59 PM

CERTIFICATE

I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 6617** as passed by the Senate and the House of Representatives on the dates hereon set forth.

BRAD HENDRICKSON

Secretary

FILED

March 27, 2020

JAY INSLEE
Governor of the State of Washington

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 6617

AS AMENDED BY THE HOUSE

Passed Legislature - 2020 Regular Session

State of Washington

66th Legislature

2020 Regular Session

By Senate Housing Stability & Affordability (originally sponsored by
Senators Lias and Das)

READ FIRST TIME 02/06/20.

1 AN ACT Relating to accessory dwelling unit regulation; adding new
2 sections to chapter 36.70A RCW; and creating a new section.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** (1) The legislature makes the following
5 findings:

6 (a) Washington state is experiencing a housing affordability
7 crisis. Many communities across the state are in need of more housing
8 for renters, across the income spectrum. Accessory dwelling units are
9 frequently rented at below market rate, providing additional
10 affordable housing options for renters.

11 (b) Accessory dwelling units are often occupied by tenants who
12 pay no rent at all; among these tenants are grandparents, adult
13 children, family members with disabilities, friends going through
14 life transitions, and community members in need. Accessory dwelling
15 units meet the needs of these people who might otherwise require
16 scarce subsidized housing space and resources.

17 (c) Accessory dwelling units can meet the needs of Washington's
18 growing senior population, making it possible for this population to
19 age in their communities by offering senior-friendly housing, which
20 prioritizes physical accessibility, in walkable communities near
21 amenities essential to successful aging in place, including transit

1 and grocery stores, without requiring costly renovations of existing
2 housing stock.

3 (d) Homeowners who add an accessory dwelling unit may benefit
4 from added income and an increased sense of security.

5 (e) Siting accessory dwelling units near transit hubs and near
6 public amenities can help to reduce greenhouse gas emissions by
7 increasing walkability, shortening household commutes, and limiting
8 sprawl.

9 (2) The legislature intends to promote and encourage the creation
10 of accessory dwelling units as a means to address the need for
11 additional affordable housing options.

12 **NEW SECTION.** **Sec. 2.** A new section is added to chapter 36.70A
13 RCW to read as follows:

14 The definitions in this section apply throughout sections 3 and 4
15 of this act unless the context clearly requires otherwise.

16 (1) "Accessory dwelling unit" means a dwelling unit located on
17 the same lot as a single-family housing unit, duplex, triplex,
18 townhome, or other housing unit.

19 (2) "Attached accessory dwelling unit" means an accessory
20 dwelling unit located within or attached to a single-family housing
21 unit, duplex, triplex, townhome, or other housing unit.

22 (3) "City" means any city, code city, and town located in a
23 county planning under RCW 36.70A.040.

24 (4) "Detached accessory dwelling unit" means an accessory
25 dwelling unit that consists partly or entirely of a building that is
26 separate and detached from a single-family housing unit, duplex,
27 triplex, townhome, or other housing unit.

28 (5) "Dwelling unit" means a residential living unit that provides
29 complete independent living facilities for one or more persons and
30 that includes permanent provisions for living, sleeping, eating,
31 cooking, and sanitation.

32 (6) "Major transit stop" means:

33 (a) A stop on a high capacity transportation system funded or
34 expanded under the provisions of chapter 81.104 RCW;

35 (b) Commuter rail stops;

36 (c) Stops on rail or fixed guideway systems, including
37 transitways;

38 (d) Stops on bus rapid transit routes or routes that run on high
39 occupancy vehicle lanes; or

1 (e) Stops for a bus or other transit mode providing fixed route
2 service at intervals of at least fifteen minutes during the peak
3 hours of operation.

4 NEW SECTION. **Sec. 3.** A new section is added to chapter 36.70A
5 RCW to read as follows:

6 (1) Cities must adopt or amend by ordinance, and incorporate into
7 their development regulations, zoning regulations, and other official
8 controls the requirements of section 4 of this act to take effect by
9 July 1, 2021.

10 (2) Beginning July 1, 2021, the requirements of section 4 of this
11 act:

12 (a) Apply and take effect in any city that has not adopted or
13 amended ordinances, regulations, or other official controls as
14 required under this section; and

15 (b) Supersede, preempt, and invalidate any local development
16 regulations that conflict with section 4 of this act.

17 NEW SECTION. **Sec. 4.** A new section is added to chapter 36.70A
18 RCW to read as follows:

19 (1) Except as provided in subsection (2) and (3) of this section,
20 through ordinances, development regulations, zoning regulations, and
21 other official controls as required under section 3 of this act,
22 cities may not require the provision of off-street parking for
23 accessory dwelling units within one-quarter mile of a major transit
24 stop.

25 (2) A city may require the provision of off-street parking for an
26 accessory dwelling unit located within one-quarter mile of a major
27 transit stop if the city has determined that the accessory dwelling
28 unit is in an area with a lack of access to street parking capacity,
29 physical space impediments, or other reasons supported by evidence
30 that would make on-street parking infeasible for the accessory
31 dwelling unit.

32 (3) A city that has adopted or substantively amended accessory
33 dwelling unit regulations within the four years previous to the
34 effective date of this section is not subject to the requirements of
35 this section.

36 NEW SECTION. **Sec. 5.** A new section is added to chapter 36.70A
37 RCW to read as follows:

1 Nothing in this act modifies or limits any rights or interests
2 legally recorded in the governing documents of associations subject
3 to chapter 64.32, 64.34, 64.38, or 64.90 RCW.

Passed by the Senate March 10, 2020.

Passed by the House March 6, 2020.

Approved by the Governor March 27, 2020.

Filed in Office of Secretary of State March 27, 2020.

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