

BEYOND ADOPTION: IMPLEMENTING ADU CODE CHANGES FOR ACTUAL RESULTS

Kristen Holdsworth, AICP | Long Range
Planning Manager | City of Kent |
KHoldsworth@KentWA.gov

Matt Hutchins, AIA CPHD | Principal |
CAST Architecture |
Matt@CastArchitecture.com

Sam Alcorn, AICP | Senior Planner | City of
Kent | SAlcorn@KentWA.gov

Terrance Randall Wilson | Managing Partner |
Wilson Law Group of WA |
TWilson@WilsonLawGroupWA.com



**ACCESSORY DWELLING
UNITS: BEYOND ADOPTION**

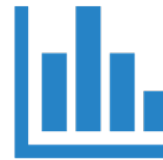
Agenda



Introduction



ADU Code
Changes



Implementation



Understanding
Condominiums



Who's in the room?

Stand up if:

- You work for a government entity
- You are a consultant
- You are with a community-based organization, nonprofit, or research group
- Other

Stand up if:

- Your jurisdiction has already implemented HB 1337 (ADU)
- You're in the process of implementing HB 1337



THE PROBLEM (BACKGROUND INFO)

Kristen Holdsworth, City of Kent



A Timeline of ADUs in Kent

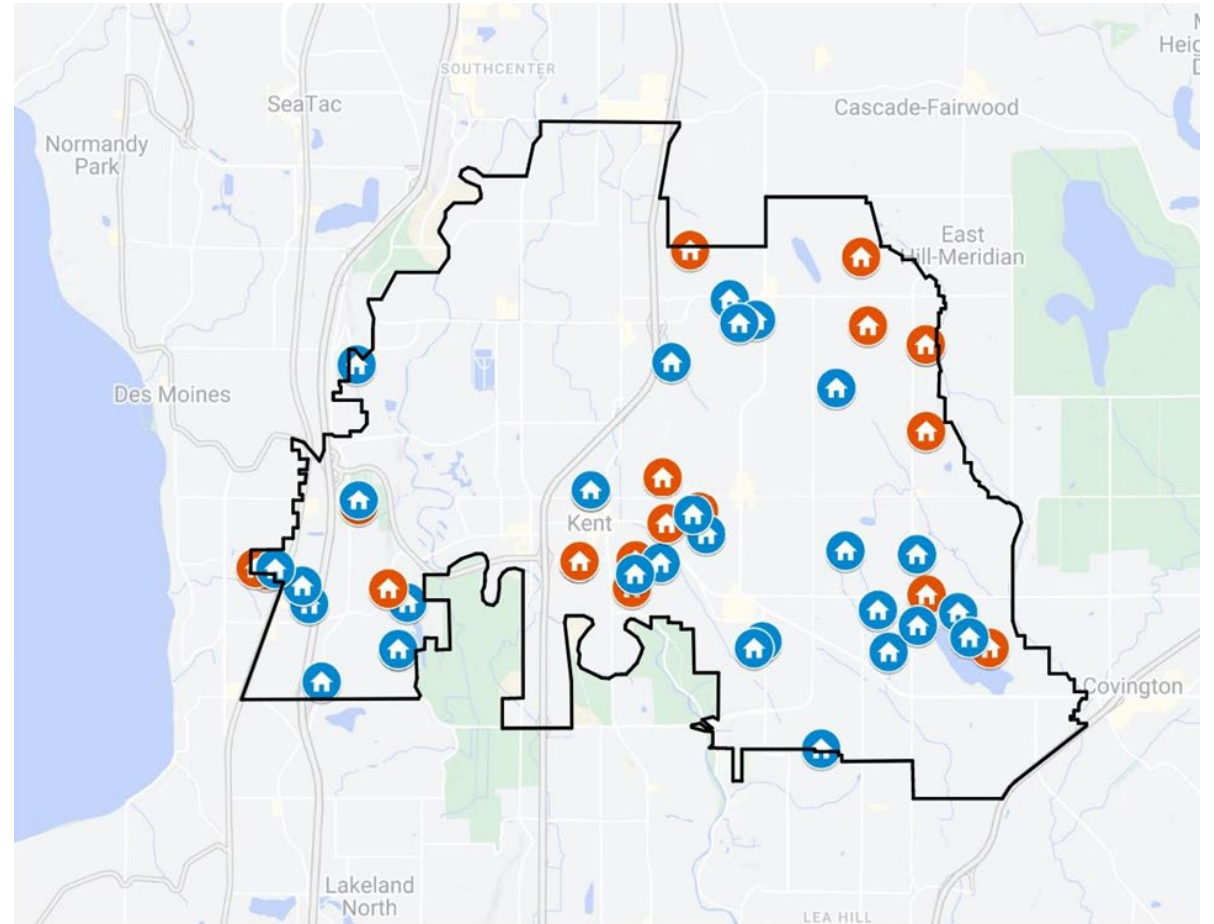
- **1995:** First allowance of ADUs
- **2015:** ADU code change to incorporate design regs.
- **2019:** HB 1923- Encourage more housing!
- **2019-2020:** South King County Housing and Homelessness Partners engage in a collaborative effort to identify subregional housing needs. **ADUs = major opportunity!**
- **June 2021:** Kent Housing Options Plan Adopted
 - **47%** of respondents during outreach would welcome more ADUs
- **March 2022:** HAPI Grant
- **May 2023:** ADU Code Updates (Ordinance Adopted)
- **June 2023:** HB 1337 (ADU state law updates)



ADU Construction

Between 1999-2023
33 ADUs were built
(17 attached, 16 detached)

Since 1999 Kent received 103 total
ADU permit applications (and
issued 46 permits)



Barriers to new ADUs

Form

- Size
- Height
- Design Guidelines

Fees

Ownership

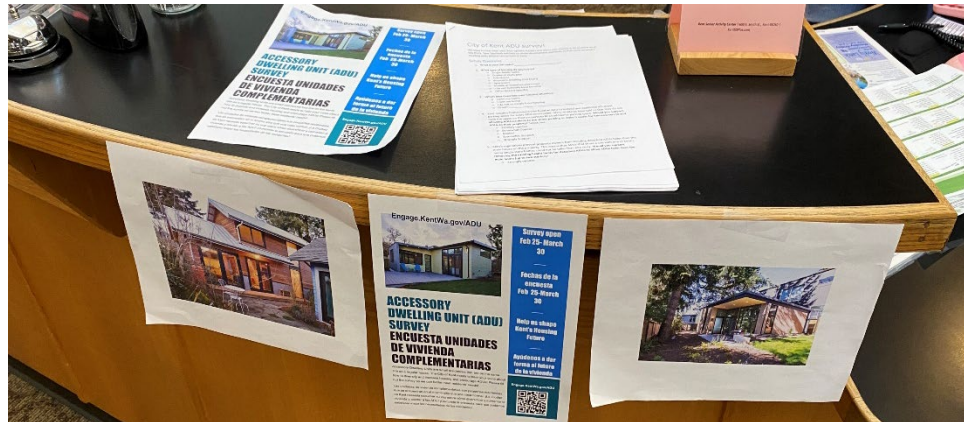
Parking

Quantity

Utilities



Community Engagement

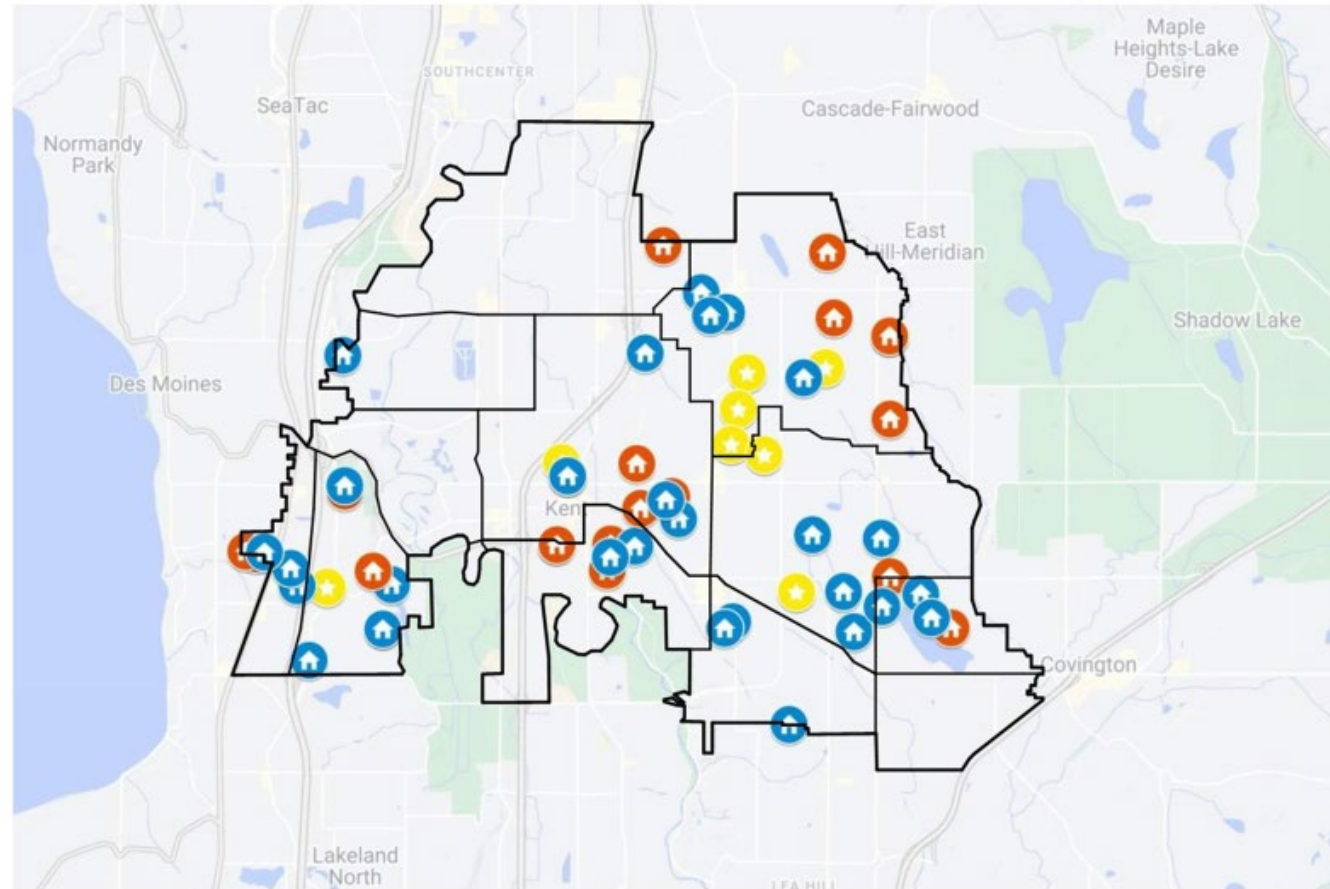





THE PROCESS: WHAT WORKS (AND WHAT DOESN'T)

Matt Hutchins, CAST Architecture



ADU Locations



-  PERMITTED & BUILT
-  PERMITTED, NOT BUILT
-  PARCEL TO BE STUDIED FOR ADU VIABILITY



Neighborhood



NEIGHBORHOOD ADU ANALYSIS
TYPE 1 - TRADITIONAL ALLEY LOT | MILL CREEK



NEIGHBORHOOD SITE PLAN



DETACHED ACCESSORY

OBSERVATIONS

- Maximum space between existing house and new DADU
- Easy DADU access from alley
- Narrow geometry works well with DADU dimensions
- Narrow lot limits yard space
- DADU adjacent to alley traffic noise



NEIGHBORHOOD DATA

Zone: SR-8
Home Value Index: *\$576,056
Walk Score: 72
Transit Score: 51
Bike Score: n/a
*per Zillow.com

PARCEL DATA

Lot Size: 5,080 sf
EXISTING HOUSE
Parking Spaces: 0 (street/alley parking)
Footprint: 1,000 sf
Total Area: 1,520 sf
Impervious Area: 1,000 sf (20% of parcel)

DADU
Footprint: 502 sf
Max Size (33% of house): 502 sf
Total Impervious Area: 1,747 sf (34% of parcel)

AADU
Footprint: 608 sf
Max Size (40% exist. house): 608 sf
Total Impervious Area: 1,855 sf (37% of parcel)



ATTACHED ACCESSORY

OBSERVATIONS

- Narrow geometry works well with AADU dimensions
- Clearly distinguished front/rear entries
- Narrow lot limits individualized yard opportunities between units

NEIGHBORHOOD ADU ANALYSIS
TYPE 2 - CUL DE SAC - BALANCED | DOVER PARK



NEIGHBORHOOD SITE PLAN



NEIGHBORHOOD DATA	
Zone: SR-6	Walk Score: 46
Home Value Index: *\$660,154	Transit Score: 34
	Bike Score: N/A
*per Zillow.com	

PARCEL DATA

Lot Size:	8,179 sf
EXISTING HOUSE	
Parking Spaces:	2 (both in garage)
Footprint:	1,620 sf
Total Area:	2,140 sf + 480 sf garage
Impervious Area:	2,061 sf (25% of parcel)

DADU	
Footprint:	800 sf
Max Size (33% of house):	865 sf
Total Impervious Area:	2,980 sf (36% of parcel)

AADU	
Footprint	524 sf
Max Size (40% exist. house):	1,048 sf
Total Impervious Area:	2,825 sf (35% of parcel)



DETACHED ACCESSORY

OBSERVATIONS

- Parcel along street frontage is wide enough to allow ADU parking
- DADU tucks nicely into the corner, creates its own private yard space
- Nearly 50% of the street frontage will need to be paved to accommodate parking



ATTACHED ACCESSORY

OBSERVATIONS

- Wide backyard creates opportunities for multiple unique/private yard spaces for each unit
- Shallow depth of parcel creates narrow outdoor space along rear yard setback for the existing house, while AADU receives majority of the side yard

NEIGHBORHOOD ADU ANALYSIS
TYPE 3 - CUL DE SAC - NARROW | EAST HILL / MERIDIAN



NEIGHBORHOOD SITE PLAN



NEIGHBORHOOD DATA

Zone: SR-6
Home Value Index: *\$690,814
Walk Score: 17
Transit Score: 0
Bike Score: 29
*per Zillow.com

PARCEL DATA

Lot Size: 7,569 sf
EXISTING HOUSE
Parking Spaces: 5 (3 driveway, 2 garage)
Footprint: 1,080 sf
Total Area: 1,460 sf + 140 sf garage
Impervious Area: 2,310 sf (31% of parcel)

DADU
Footprint: 528 sf
Max Size (33% of house): 528 sf
Total Impervious Area: 2,810 sf (37% of parcel)

AADU
Footprint: 640 sf
Max Size (40% exist. house): 640 sf
Total Impervious Area: 2,950 sf (39% of parcel)



DETACHED ACCESSORY

OBSERVATIONS

- Wide backyard provides ample rear yard space for DADU
- DADU tucks nicely into the corner, creates its own private yard space
- Narrow street frontage requires paving across the entire width of parcel, limiting any addition of landscape adjacent to the paved cul de sac



ATTACHED ACCESSORY

OBSERVATIONS

- Wide backyard provides ample rear yard space
- Geometry of the unit creates two clearly defined yard spaces
- Clearly defined side entry is tucked along one edge of the existing house
- Narrow street frontage requires paving across the entire width of parcel, limiting any addition of landscape adjacent to the paved cul de sac

TYPE 7 - WARPED CORNER LOT | DOVER PARK



NEIGHBORHOOD SITE PLAN



NEIGHBORHOOD DATA

Zone: SR-6

Home Value Index: *\$690,814

*per Zillow.com

Walk Score: 65

Transit Score: 37

Bike Score: 46

PARCEL DATA

Lot Size: 9,845 sf

EXISTING HOUSE

Parking Spaces: 2 (both in garage)

Footprint: 1,400 sf

Total Area: 1870 sf + 520 sf garage

Impervious Area: 1,841 sf (19% of parcel)

PROPOSED DADU

Footprint: 789 sf

Max Size (33% of house): 789 sf

Total Impervious Area: 3,049 sf (31% of parcel)

PROPOSED AADU

Footprint: 956 sf

Max Size (40% exist. house): 956 sf

Total Impervious Area: 3,061 sf (31% of parcel)



DETACHED ACCESSORY

OBSERVATIONS

- Rear yard spaces are shared by both units
- DADU visible from existing house interior
- Driveway entry occupies front yard space
- Clearly delineated entries to each unit from multiple street frontages
- Expansive back yard space with ample southern solar access



ATTACHED ACCESSORY

OBSERVATIONS

- Entry orientations share a street frontage
- Entry to AADU is mainly paved driveway space, limited landscaping area
- Expansive backyard space with views and solar access in 4 directions
- Orientation creates a small private yard space for AADU to the southwest

Impractical Parking





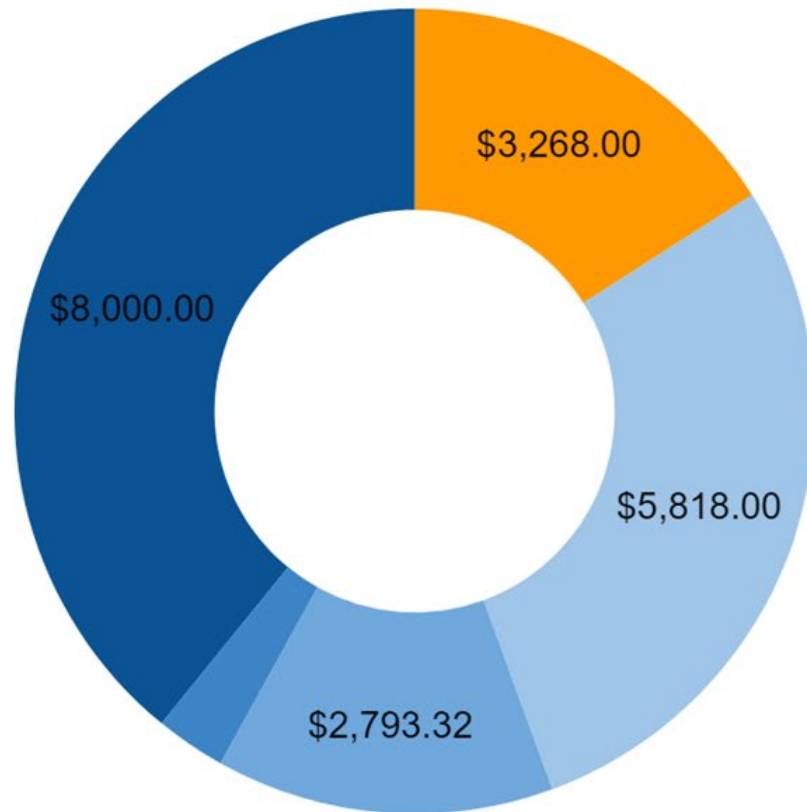
Kent ADU Code Update

Staff Workshop | October 25, 2022 | 9 – 11 am



**ACCESSORY DWELLING
UNITS: BEYOND ADOPTION**

Impact Fees



- Building Permit Fee
- School Impact Fee
- Transporation Impact Fee
- Fire Impact Fee
- Water Meter Fee

Building Permit Fees : \$3,268
(for a \$300,000 DADU)

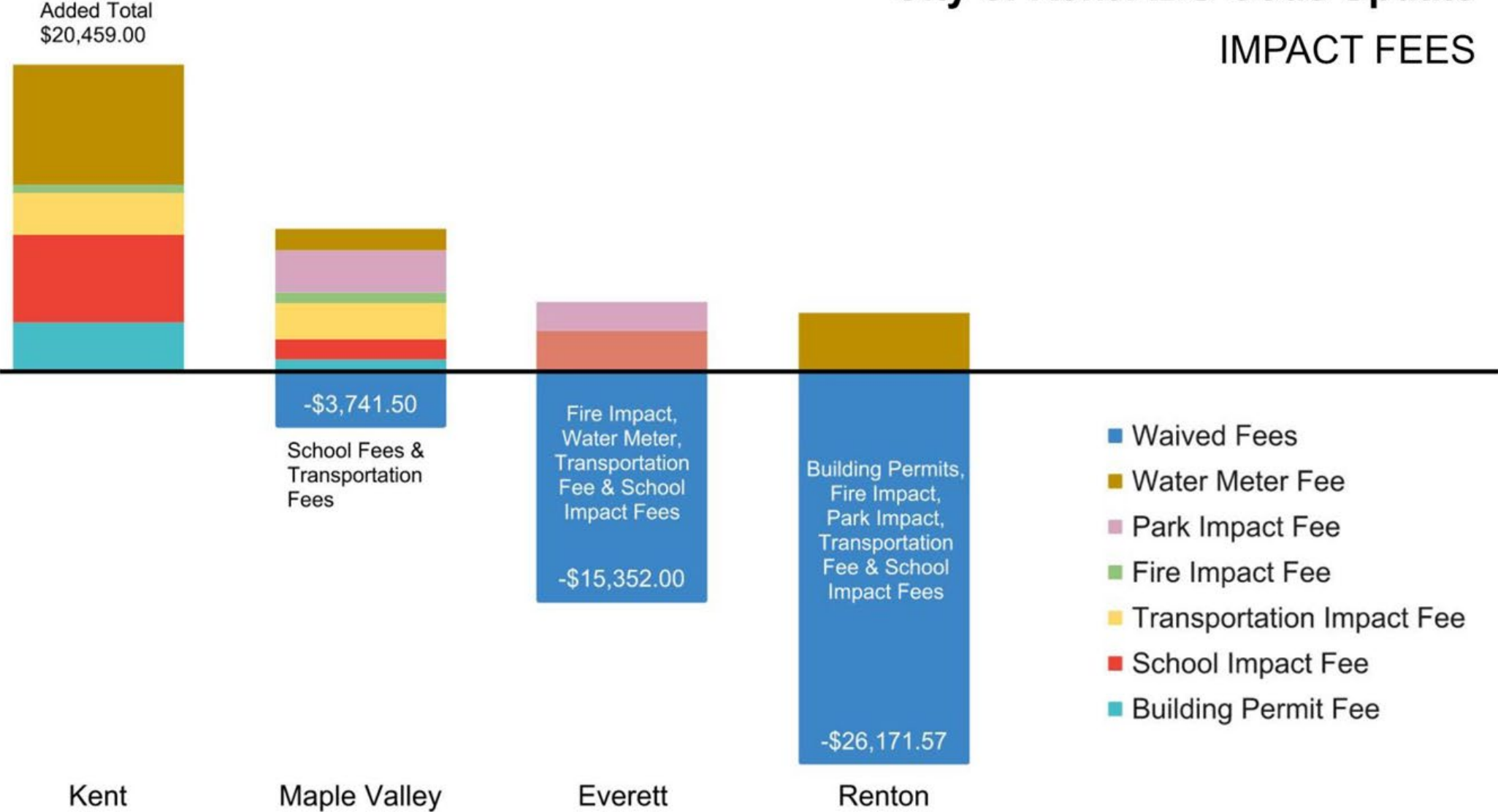
Impact Fees: \$17,191.75

Total: \$20,459.75

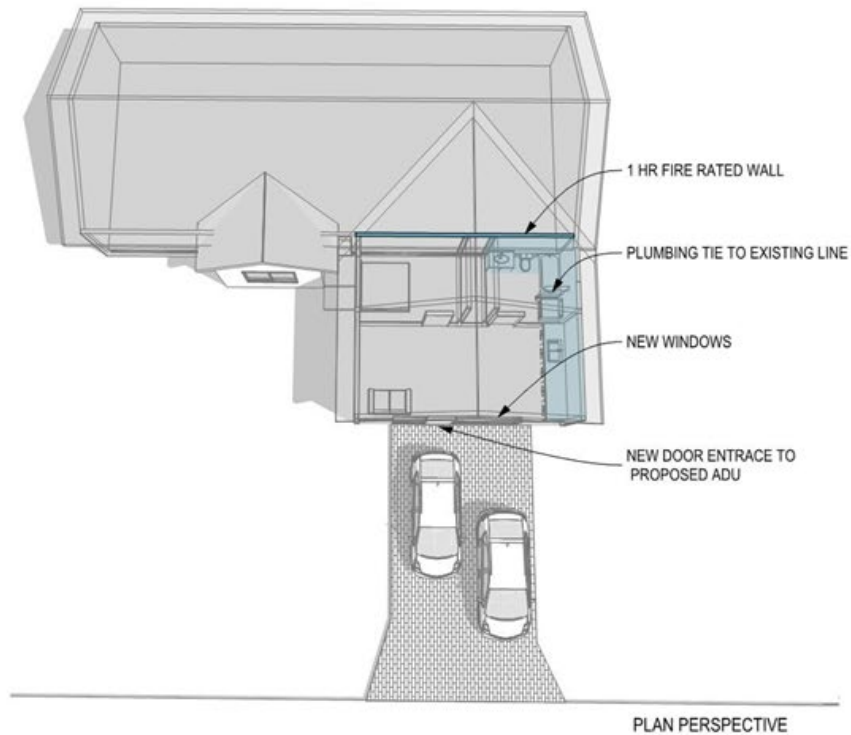


City of Kent ADU Code Update

IMPACT FEES



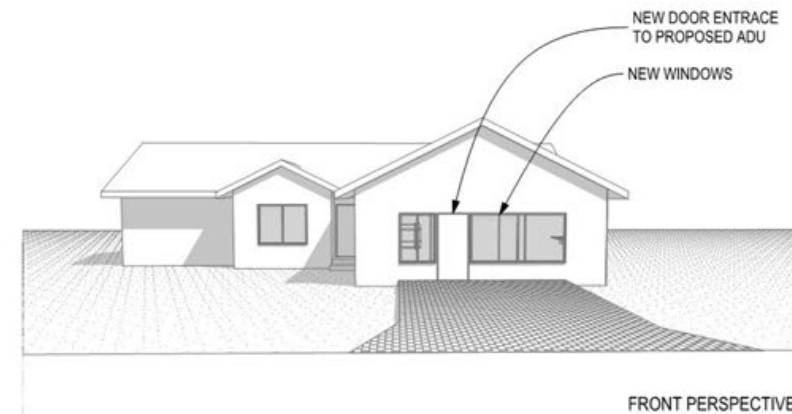
GARAGE CONVERSION
PROPOSED PLAN | FRONT SCHEME VIEW



PLAN PERSPECTIVE

OBSERVATIONS

- New proposed ADUs located in existing 2 car garage.
- While using the existing footprint it creates more value to the existing lot coverage percentage.
- By adding the windows and a new access of entry it does not affect the front perspective view.
- You may conserve the existing 2 parking garage in the existing driveway.



FRONT PERSPECTIVE



ONCE YOU ADOPT, THE FUN DON'T STOP (ADOPTION)

Presentation by Sam Alcorn, City of Kent



Implementation

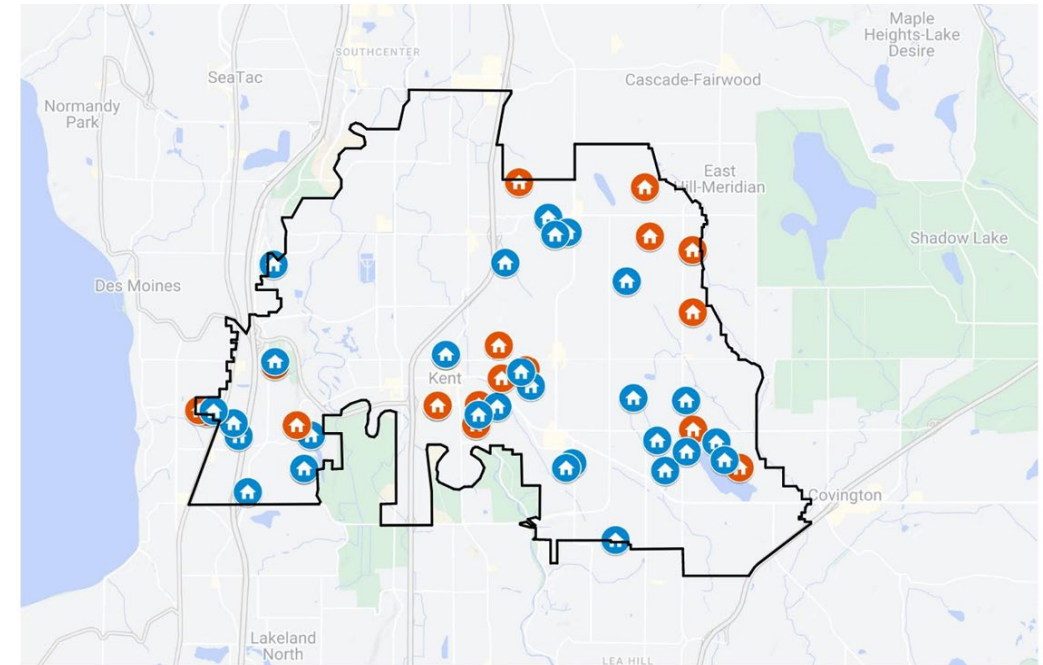
Main goals:

- Improve communication and customer service.
- When shared utilities are used, ensure a notice is recorded on title so that just future owners or condominiums know there are shared utilities.
- Provide the public with information about “next steps” if they are interested in condo-izing the principle unit and ADU(s).



Implementation

- Since 1999 Kent has received 103 total ADU permit applications.
- 46 ADU permits have been issued since 1999
- 33 ADUs constructed (17 attached, 16 detached)
- Since Kent updated its ADU code in summer 2022:
 - 32 ADU permits submitted
 - 4 issued so far



PERMITTED & BUILT (28)
PERMITTED, NOT BUILT (17)



Working with the Public

- Improve communication and customer service.
 - New ADU Handout explaining what ADUs are, relevant regulations, contact information for city departments, and information on how to submit permits.
 - Update permit forms
 - Require water & sewer availability certificates
 - Include notice on title form to be recorded for ADUs with shared utilities
 - Contacts for utility districts to provide to applicants
 - Inform City staff about these updates to provide better customer service



Working with Utilities

- When shared utilities are used, ensure a notice is recorded on title so that just future owners or condominiums know there are shared utilities.
 - Kent staff reached out to all utility districts that provide service to the city to verify what their shared utility policies are.
 - Several utility districts were in the process of updating shared utility policies
 - Requiring ADU permit applicants to provide utility availability certificates at the time of application ensure coordination with utility districts
 - Kent will require property owners to have a notice completed and notarized and Kent staff will record to ensure consistency and accuracy.



Working with Utilities

- ADU development often triggers other engineering and utility concerns
 - When there is 2,000 sf of new or replaced impervious area, drainage review is required
 - Many ADUs will be under this, however a simple drainage plan is still needed to ensure items like splash pads under down spouts and other water control measures are being used
- ADUs add to the wastewater created by a property.
- King County Wastewater Division requires that added capacity to a property's wastewater be reported so an additional charge can be placed.
 - The city or sewer district that provides sewer service to that property would report their connection if they're in King County's wastewater service area.
 - KC has a capacity form that needs to be submitted to them.
 - Kent requires this form to be submitted for ADUs so we can transmit them to KC.



Understanding Condos

- Provide the public with information about “next steps” if they are interested in condo-izing the principle unit and ADU(s).
 - Many property owners are not familiar with condominiums and the differences from subdivision.
 - Kent staff created an informational handout to explain condominium process and provide useful resources.



ADUS AND CONDOMINIUMS

Terrance Wilson, Wilson Law Group of Washington



**ACCESSORY DWELLING
UNITS: BEYOND ADOPTION**

Condo Creation

- The Washington Uniform Common Interest Ownership Act (RCW 64.90) went into effect in July 2018.
- A condominium is legally created once the Declaration and condo map are recorded. The map is typically prepared by a licensed surveyor.
- Jurisdictions do not require any city or county review. Assessor's Offices typically review Maps and Declarations prior to recording to check for any errors or typos in contemplation of establishing assessed property values for the new Units.
- Why condo? It opens up opportunities for properties that cannot be otherwise subdivided, creates more affordable housing in urban areas, allows for increased density, and the process is quicker and less expensive than subdividing.

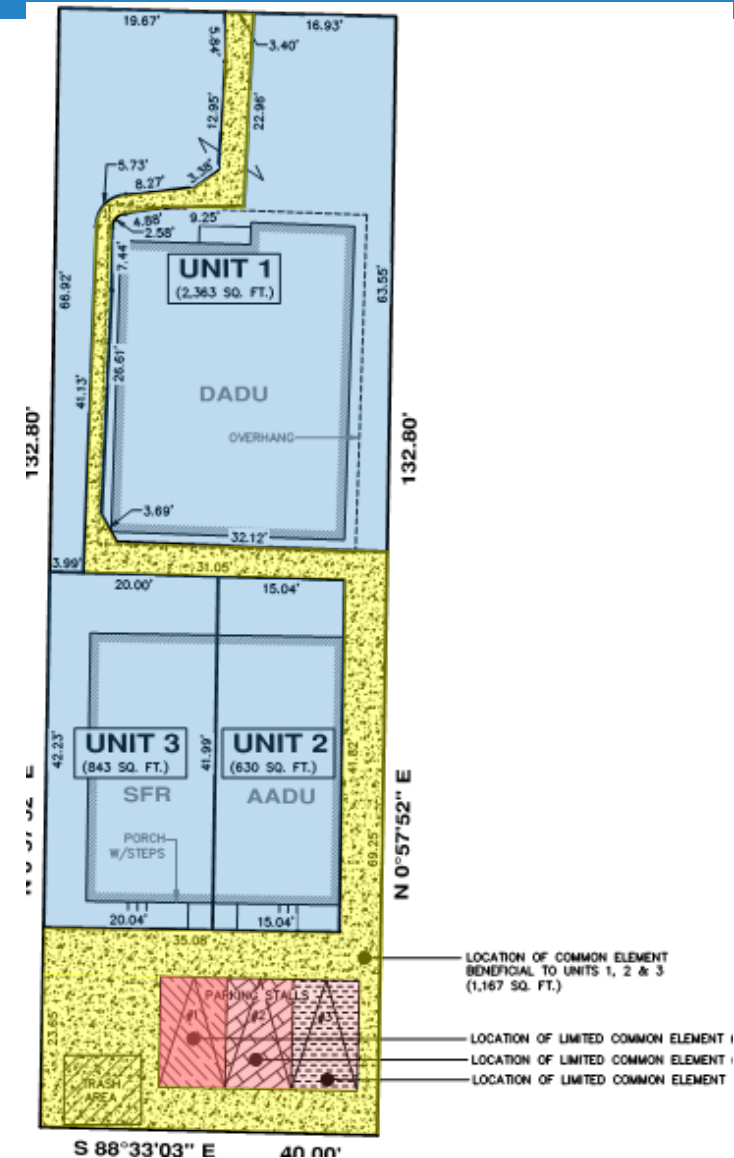


Condo Elements

- Units: portions of the condo that are sold for individual ownership.
- Common Elements: portions of the condo that are for the use of all owners (such as a common driveway or walkway).
- Limited Common Elements: portions of the condo that are for the use of fewer than all owners (such as a parking stall assigned to one unit).



Condo Elements



WLG | WILSON LAW GROUP
OF WASHINGTON



**ACCESSORY DWELLING
UNITS: BEYOND ADOPTION**

What can you condo? How long does the process take?

- Short answer: you can condo almost anything.
- More helpful answer: a general best practice is that if plans can be approved, then we can condo it.
- The condo map and Declaration can typically be drafted and recorded in 4-10 weeks (depending on the surveyor's availability and responsiveness).
- Clients typically wait until they have approved building permits before they record the condo map, but it's not a requirement unless units are defined by physical features.



Water, Sewer, and Garbage

- Most 2- and 3-unit Seattle condos have one shared water line, and SPU will only provide one invoice for water, sewer, and garbage.
- This is typically handled by:
 - Assigning a flat percentage of responsibility to each Unit (can be split equally, based on square footage, etc.); or
 - Installing submeters and having a submetering company monitor their usage; or
 - Installing submeters and having the owners monitor their usage.



Owners' Association

- All condos are required to have an Owners' Association.
- These Associations are typically small and have minimal expenses and responsibilities.
- The biggest expense is typically the Association's insurance (property insurance on the attached units, if any, and the common elements; commercial general liability insurance on the common elements; and fidelity insurance).
- WUCIOA requires a transition meeting to transfer the Association management responsibilities to the new owners. We typically conduct the transition meeting via Zoom. We address board member and officer positions, assign the annual tasks, discuss and ratify the budget, discuss the Association bank account, and decide who will be listed as contacts for the Secretary of State and IRS.



Owners' Association Budgets

No Common Elements

EXPENSES	
Professional Services	
HOA Management Company / Annual Report	\$10.00
Accounting / Tax Preparation	
Total Professional Services	\$10.00
Administrative	
HOA Insurance	\$95.00
Bank Fees and Charges	
Clerical / Administrative (e.g., postage, copies, supplies, etc.)	
Licenses and Permits	
Total Administrative	\$95.00
Maintenance	
Maintenance / Repair	
Landscaping Maintenance	
Total Maintenance	\$0.00
Utilities	
Power	
Natural Gas	
Cable Television	
Water - Submeter Solutions fee	
Sanitary Sewer	
King County Sewer Capacity Charge	
Storm Drainage	
Irrigation	
Total Utilities	\$0.00
GRAND TOTAL EXPENSES	\$105.00
ASSESSMENT BREAKDOWN	
Annually	\$52.50
Quarterly	\$13.13
Monthly	\$4.38

Common Elements

EXPENSES	
Professional Services	
HOA Management Company / Annual Report	\$10.00
Accounting / Tax Preparation	
Total Professional Services	\$10.00
Administrative	
HOA Insurance	\$500.00
Bank Fees and Charges	
Clerical / Administrative (e.g., postage, copies, supplies, etc.)	
Licenses and Permits	
Total Administrative	\$500.00
Maintenance	
Maintenance / Repair	
Landscaping Maintenance	
Total Maintenance	\$0.00
Utilities	
Power	
Natural Gas	
Cable Television	
Water	
Sanitary Sewer	
King County Sewer Capacity Charge	
Storm Drainage	
Irrigation	
Total Utilities	\$0.00
GRAND TOTAL EXPENSES	\$510.00
ASSESSMENT BREAKDOWN	
Annually	\$255.00
Quarterly	\$63.75
Monthly	\$21.25

Shared Walls and a CE

EXPENSES	
Professional Services	
HOA Management Company / Annual Report	\$10.00
Accounting / Tax Preparation	
Total Professional Services	\$10.00
Administrative	
Property Insurance for Units 2 and 3	\$1,419.00
General Liability and Fidelity Insurance	\$300.00
Bank Fees and Charges	
Clerical / Administrative (e.g., postage, copies, supplies, etc.)	\$10.00
Licenses and Permits	
Total Administrative	\$1,729.00
Maintenance	
Maintenance / Repair	
Landscaping Maintenance	
Total Maintenance	\$0.00
Utilities	
Power	
Natural Gas	
Cable Television	
Water	
Sanitary Sewer	
King County Sewer Capacity Charge	
Storm Drainage	
Irrigation	
Total Utilities	\$0.00
GRAND TOTAL EXPENSES	\$1,739.00
ASSESSMENT BREAKDOWN	
For Unit 1	
Annually	\$106.67
Quarterly	\$26.67
Monthly	\$8.89
For Units 2 and 3	
Annually	\$816.17
Quarterly	\$204.04
Monthly	\$68.01
	\$1,739.00



**ACCESSORY DWELLING
UNITS: BEYOND ADOPTION**

WLG | WILSON LAW GROUP
OF WASHINGTON

Public Offering Statement

- The Public Offering Statement is a packet of information that is required to be provided to every buyer. Per WUCIOA, buyers have a 7-day right of rescission, which starts the day they receive the complete Public Offering Statement.
- The Public Offering Statement does not get recorded, and it does not have any effect on when the condominium map and Declaration can be recorded.
- Typically, the seller's agent is the one who provides the Public Offering Statement to buyers, so we prefer to coordinate directly with Seller's agents to ensure they know what they need to provide to the buyers.
- The buyer's receipt (and signature) of the completed Public Offering Statement starts the 7-day clock, so it is important to make sure that buyers get a completed Public Offering Statement as early as possible.



Implied Warranty of Quality

- All condos have a statutory four-year implied warranty of quality, regardless of any express warranty that the developer provides (such as a builder's one-year warranty), for new construction as well as remodels.
- If the developer knows something isn't functioning properly, they can except that specific thing out in the PSA documents, and then they wouldn't be responsible for it under this warranty.
- The exception must be detailed and an actual issue at the time of sale. (RCW 64.90.675)
- Generally, the clock begins on the date of sale, regardless of the purchaser's lack of knowledge. (RCW 64.90.680). This is a big change from the previous condo act, and it has created some additional protections for the developer by tightening up the timeframe.

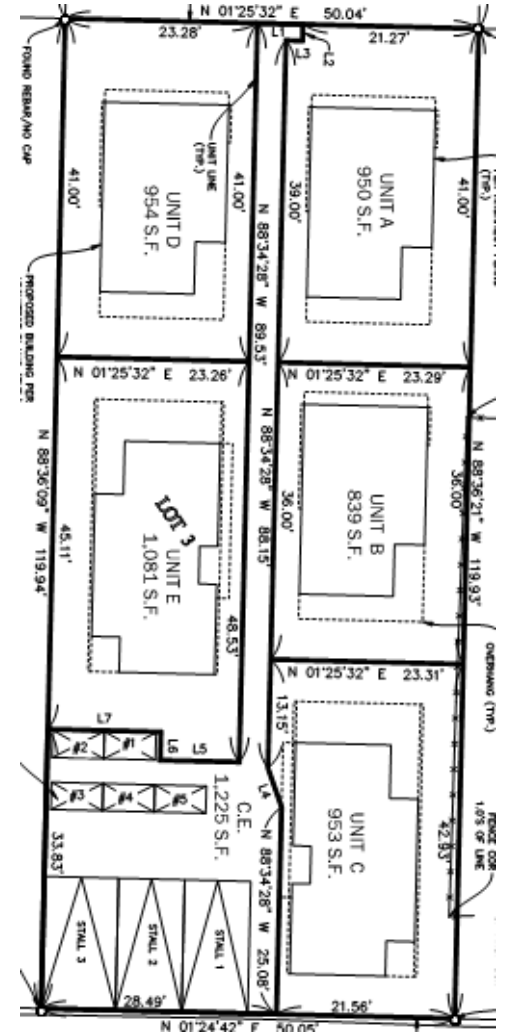
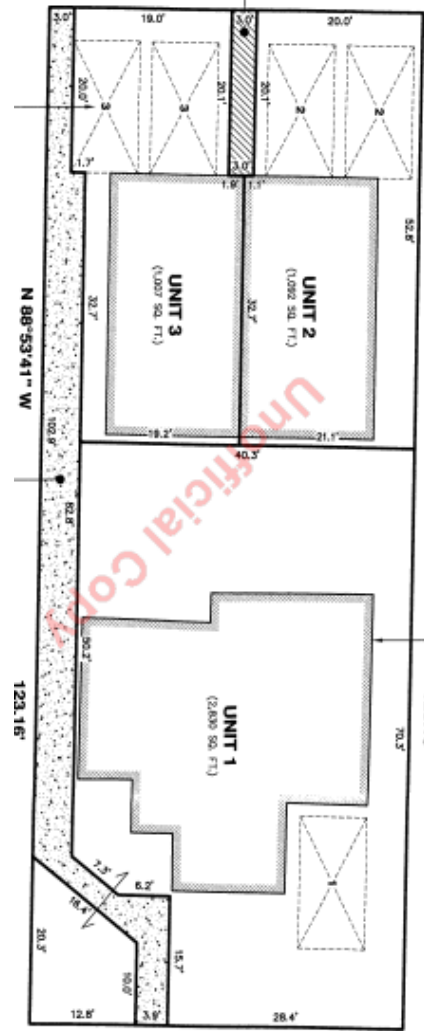
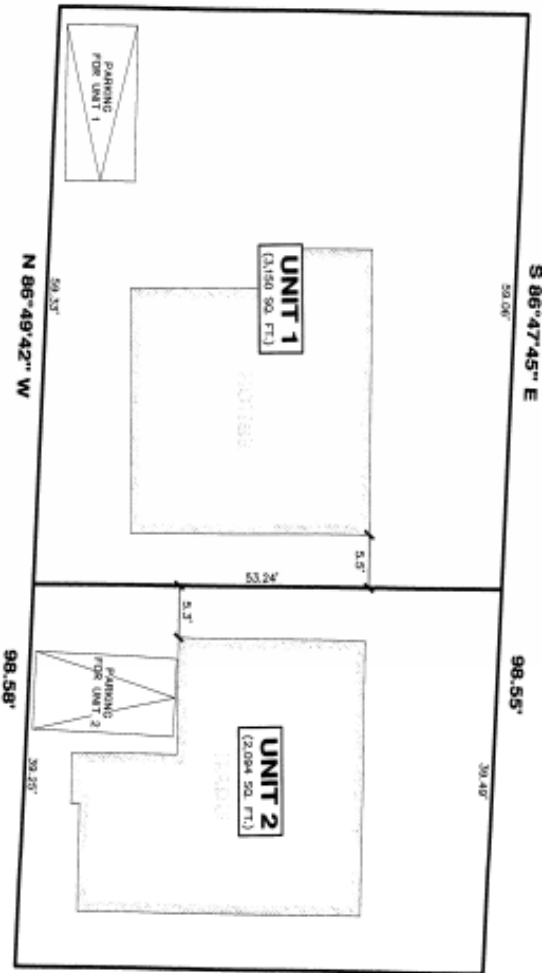


Property Taxes in King County

- Condos that record after June-August (depending on the year), will not be added to the tax rolls until after the new parcel numbers are assigned, which isn't until the following calendar year. We recommend that this get addressed in the PSA to specify who will pay for the following year's property taxes. For example:
 - "Buyer acknowledges that the 2024 property taxes for the Property may be billed as part of a lump-sum bill for the entire property comprising _____, a Condominium because each unit's individual tax obligation will not be calculated by the Assessor in time to be added to the 2024 tax rolls. The remainder of the 2024 tax bill and the 2025 lump-sum property tax bill shall be allocated to the units as follows:
 - Unit 1: ____ percent
 - Unit 2: ____ percent
- Buyer agrees to waive any right to reimbursement or pro-rata share payment of said property taxes by Seller.
- The provisions in this Addendum shall survive Closing."



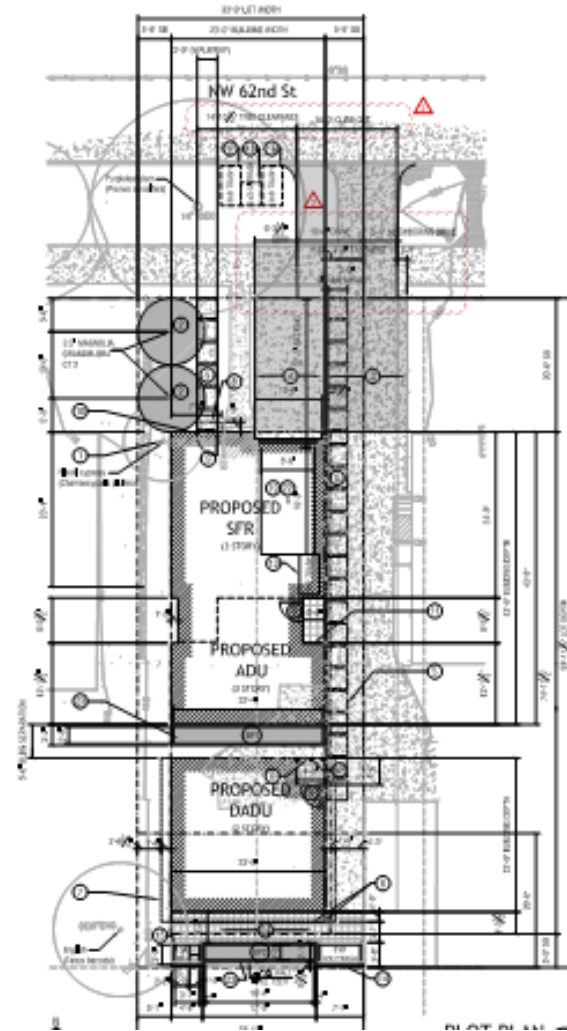
Seattle condo layout examples



ACCESSORY DWELLING
UNITS: BEYOND ADOPTION

WLG | WILSON LAW GROUP
OF WASHINGTON

Seattle condo layout examples



**ACCESSORY DWELLING
UNITS: BEYOND ADOPTION**

WLG | WILSON LAW GROUP
OF WASHINGTON



Terrance Wilson:

206-550-3189

TWilson@WilsonLawGroupWA.com

PO Box 158 Kent, WA 98035

WILSON LAW GROUP



**ACCESSORY DWELLING
UNITS: BEYOND ADOPTION**

THANK YOU!

Kristen Holdsworth, AICP | Long Range
Planning Manager | City of Kent |
KHoldsworth@KentWA.gov

Matt Hutchins, AIA CPHD | Principal |
CAST Architecture |
Matt@CastArchitecture.com

Sam Alcorn, AICP | Senior Planner | City of
Kent | SAlcorn@KentWA.gov

Terrance Randall Wilson | Managing Partner |
Wilson Law Group of WA |
TWilson@WilsonLawGroupWA.com



**ACCESSORY DWELLING
UNITS: BEYOND ADOPTION**

