

**SULTAN CITY COUNCIL
AGENDA ITEM COVER SHEET**

ITEM NO: D-2

DATE: October 22, 2009

SUBJECT: Accessory Dwelling Units
SMC 16.25

CONTACT PERSON: Robert Martin, Community Development Director

ISSUE:

Current Code Standards for Accessory Dwelling Units; Statutory Requirements; and Council intent for Accessory Dwelling Units in Sultan.

STAFF RECOMMENDATION:

1. Review RCW 43.63A.215 and SMC 16.25
2. Discuss the Council's interest and or need to review the Accessory Dwelling Unit Regulations
3. Direct Staff to return with additional information if needed.

BACKGROUND:

In the 1940's and 1950's many families rented out an extra apartment over their garage or in their basements as a way to earn extra money and to provide additional housing when shortages were more the rule than the exception. Since that time, zoning standards have favored/required only single-family housing on most residential property.

In 1993, the Washington Legislature adopted RCW 43.63A.215. This Statute (Attachment A) was a State-level override of local Zoning Codes, requiring that local jurisdictions: (Counties exceeding population of 125,000; and Cities exceeding 20,000) provide for "Accessory Apartments" in their Single-Family Residential Zones. The purpose was to provide a tool to increase densities in Urban Areas, and provide more Affordable Housing.

In 1993, even though the City of Sultan was not specifically covered by the Statute (population under 20,000) the City Council adopted Ordinance 823-03 creating SMC Chapter 16.25, "Accessory Dwelling Units" (ADU's) (Attachment B).

Two ADU's have been applied for and approved by the City in the last 18-months.

DISCUSSION:

ADU's in SMC 16.25 can be either attached to, or detached from the primary residential unit. They are limited to 650 sq.ft. One ADU is allowed on any lot that is occupied by a single-family residence that has sufficient room for the both structures to meet yard requirements and setbacks. The property owner is required to occupy one of the units as their "permanent and principal residence" and the ADU must be removed (or decommissioned if an attached unit) if the property owner no longer resides on the property.

A second ADU may be applied for under a Conditional Use Permit (SMC 16.25.010 B.) if the property is of sufficient size to accommodate all units.

As with all Land Uses, the issue depends on whether a citizen wants to use a Code provision to meet a need or whether another sees the use as an intrusion into their current situation. Someone with an elderly family member or in need of additional income to meet mortgage payments can see the ADU provisions as a wonderful answer to a serious need. A neighbor can see the same situation as a disruption of their expectations for a single-family neighborhood.

As stated above, the State decided that issue for Cities with populations in excess of 20,000. The Legislature determined that the cause of Affordable Housing and the interest in less restriction of property rights (ie. allowing ADU's) won out over the interest of exclusive single-family neighborhoods.

As it was not covered in RCW 43.63A.215 the City of Sultan has both the opportunity and the responsibility to decide its own balance in this issue. In 1993, the Council adopted an Ordinance that places few restrictions on the type of ADU that can be located. Detached units, (conversion of existing detached garages, or new construction of separate living units) is allowed. ADU's can be located without regard for who lives in them as long as the property owner occupies one of the units (either the principal residence or the secondary ADU).

A less liberal treatment of the concept would be to limit ADU's to conversion of attached garages, or addition to the footprint of existing dwellings. Occupancy of ADU's could be limited to relatives or those in need of long-term care. Note that monitoring occupancy is an ongoing task, and enforcement is difficult.

RECOMMENDATION:

1. Review RCW 43.63A.215 and SMC 16.25
2. Discuss the Council's interest and or need to review the Accessory Dwelling Unit Regulations
3. Direct Staff to return with additional information if needed.

ATTACHMENTS

Attachment A: RCW 43.63A.215

Attachment B: SMC Chapter 16.25