

**SULTAN PLANNING BOARD  
AGENDA COVER SHEET**

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**ITEM NO:** H-1

**DATE:** February 16, 2010

**SUBJECT:** Accessory Dwelling Units (ADU's), Sultan Municipal Code (SMC) 16.25

**CONTACT PERSON:** Robert Martin, Community Development Director

**ISSUE:**  
Conduct Public Hearing on Removal of Accessory Dwelling Unit provisions from SMC.

**STAFF RECOMMENDATION:**  
Staff recommends that the Board conduct the Public Hearing as advertized for this date, take public comment, close the Hearing, and take up action on the topic under Agenda Item A-1.

**BACKGROUND:**  
At the October 22, 2009 meeting, the Council received public input and discussed issues related to the existing code provisions for Accessory Dwelling Unit (ADU's).

ADU's are secondary residential units on properties containing an existing single-family residence. Current Code, SMC 16.25 (Attachment A), allows a wide range of housing types for ADU's including detached site-built and mobile units. The size is limited to an area of not more than 650 sq.ft.

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.

Property owners are required to certify that they occupy one of the residences (either primary or ADU) and record this Certification. Standards establishing residency are not included in current Code language.

Based on discussion at the October 22, 2009 meeting, Council directed Staff to return with additional information and recommendations on further action up to and including consideration of a moratorium on further ADU Applications.

At its November 12, 2009 meeting, the Council, in the Discussion Section of the Agenda, made a consensus referral of the Accessory Dwelling Unit issue to the Planning Board, recommending that the Board proceed with actions leading to removal of Chapter 16.25 from the Municipal Code. The Planning Board reviewed a revised Prioritized Work Plan that included addition of the ADU topic at their November 24, 2009 meeting.

At its December 19, 2009 meeting, the Council Adopted an emergency moratorium on acceptance of applications for additional ADU's until conclusion of the Code Amendment process (Ordinance 1070-090).

At its January 28, 2010 meeting the Council conducted a Public Hearing on the emergency moratorium and ratified continuation of the moratorium through adoption of Ordinance 1071-09.

At its December 8, 2009 meeting, the Planning Board responded to the Council's direction by setting a Public Hearing on the code amendment to remove the ADU provisions from the SMC.

February 16, 2010 is the advertised date for the Public Hearing as provided by SMC 16.134.050 for Level IV Code Amendment Procedures.

### **CODE MODIFICATIONS:**

Following is a listing of the sections of the SMC that will be removed if ADU's are removed from the code: *(Italic indicates language or reference to be removed)*.

1. Chapter 16.25, *Accessory Dwelling Units, in its entirety*
2. Chapter 16.12.010 B. 1. c.: *(including accessory dwellings)*
3. Chapter 16.12.010 Table of Dimensional and Density Requirements *(Accessory Dwelling Unit Provisions including Footnote #1)*
4. Chapter 16.12.120 B. 1. c.: *(including accessory dwellings)*
5. Chapter 16.12.120 Table of Dimensional and Density Requirements *(Accessory Dwelling Unit Provisions including Footnote #1)*
6. Chapter 16.12.130 B.1. g.: *(including accessory dwellings)*
7. Chapter 16.12.130 Table of Dimensional and Density Requirements *(Accessory Dwelling Unit Provisions including Footnote #3)*

Other references to ADU's in the Code, including the Definition at 16.150.010. 6. a. are retained to provide code provisions for management of existing ADU's.

### **ALTERNATIVES:**

1. Conduct Public Hearing as advertised.
2. Do not conduct Public Hearing and forward information to Council on alternatives to Council direction.

### **RECOMMENDATION:**

Staff recommends that the Planning Board conduct the Public Hearing as advertised.

No other action is required in this Agenda Item. Action will be considered under the following Agenda Item A-1.

### **ATTACHMENTS**

**Attachment A:** SMC Chapter 16.25

## Agenda Item H-1

### Attachment A

#### Chapter 16.25 ACCESSORY DWELLING UNITS

##### Sections:

<a href="#">16.25.010</a>	Standards and regulations for residential accessory dwelling units (ADUs).
<a href="#">16.25.020</a>	Utility and solid waste costs and fees.
<a href="#">16.25.030</a>	Addressing single-family and ADU units.
<a href="#">16.25.040</a>	Additional criteria for additional accessory dwelling units (ADUs).

##### 16.25.010 Standards and regulations for residential accessory dwelling units (ADUs).

In the low/moderate, moderate, and high density zoning districts in which an accessory dwelling to a single-family use is listed as a permitted use, the following standards and regulations shall apply to all proposed accessory dwelling units:

A. An accessory dwelling unit may be established in an existing single-family dwelling unit or in a detached structure on a legal building lot by any one or by a combination of the following methods:

1. Alteration of interior space of the dwelling; or
2. Conversion of an attic, basement, attached or detached garage, or other previously uninhabited portion of a dwelling; or
3. Addition of attached living area onto an existing dwelling; or
4. Construction of a detached living area.

B. Each single-family dwelling on a legal building lot shall have not more than one accessory dwelling unit unless a conditional use permit is granted for an additional unit. The floor area of the accessory dwelling unit shall not exceed 650 square feet.

C. One of the dwellings shall be occupied by one or more owners of the property as the owner's permanent and principal residence. "Owners" shall include titleholders and contract purchasers. The owner shall file a certification of owner-occupancy with the building department prior to issuance of the permit to establish an accessory dwelling unit.

D. Three off-street parking spaces shall be provided for the principal and accessory dwelling units. When the property abuts an alley, the off-street parking space for the accessory dwelling unit shall gain access from the alley, unless topography makes such access impossible.

E. The single-family appearance and character of the dwelling shall be maintained when viewed from the surrounding neighborhood. Only one entrance to the residential structure may be located on any street side of the structure; provided, 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 chapter.

F. Only one electric, one gas, and one water meter shall be allowed for the entire building, serving both the principal and accessory dwelling unit.

G. The accessory and principal dwelling unit shall comply with all applicable requirements of SMC Title [15](#), Building and Construction, and this title, as adopted or amended by the city.

H. A permit for an accessory dwelling unit shall not be transferable to any lot other than the lot described in the application.

I. In addition to the conditions which may be imposed by the city under subsection (G) of this section, all accessory dwelling units shall also be subject to the condition that such a permit shall automatically be revoked and or expire whenever:

1. The accessory dwelling unit is substantially altered and is thus no longer in conformance with the plans approved by the building official;
2. The subject lot ceases to maintain at least three off-street parking spaces; or
3. The owner does not occupy one of the dwelling units.

J. The applicant shall sign and file a covenant, provided by the city, with the county auditor, requiring the owner of the property to notify a prospective buyer of the limitations of this section and to provide for the removal of improvements added to convert the premises to an accessory dwelling unit and the restoration of the site to a single-family dwelling in the event that any condition of approval is violated. (Ord. 823-03 § 1)

#### 16.25.020 Utility and solid waste costs and fees.

Utility services, involving city water and sewer, for each detached ADU, shall be assessed 50 percent of the facilities charge as provided for in SMC Title [13](#) for water and sewer at the time of issuance of a building, remodeling or development permit.

In addition, each ADU shall pay a monthly fee for water, sewer and solid waste services based on the occupancy of each of the units. (Ord. 823-03 § 1)

#### 16.25.030 Addressing single-family and ADU units.

The addressing of the existing single-family residence shall be changed to identify the existing family residence as (Unit A) and the new ADU as (Unit B) prior to issuance of a certificate of occupancy. (Ord. 823-03 § 1)

#### 16.25.040 Additional criteria for additional accessory dwelling units (ADUs).

The following additional criteria apply to allow an additional accessory dwelling unit (ADU).

A. The lot size for a detached ADU shall be a minimum of 11,890 square feet in the low/moderate density zone, 8,200 square feet in the moderate density zone and 5,500 square feet in the high density zone.

B. The accessory dwelling unit may be established by any one of the following methods:

1. Alteration of interior space of the dwelling; or
2. Conversion of an attic, basement, attached or detached garage, or other previously uninhabited portion of a dwelling; or
3. Addition of an attached living area onto an existing dwelling; or
4. Construction of a detached living area.

C. Three off-street parking spaces shall be provided; two spaces for the principal use and one space for the ADU.

D. All additional standards and regulations in SMC [16.25.010](#) not specifically noted in this section shall apply. (Ord. 823-03 § 1)