

ORDINANCE NO. 24-007

AN ORDINANCE adopting an emergency interim ordinance pursuant to RCW 35A.63.220 and RCW 36.70A.390, amending Section 18.27.050 of the Camas Municipal Code relating to Development Standards for Accessory Dwelling Units, establishing a work plan as required by law, and declaring an emergency necessitating immediate adoption of the interim regulations.

WHEREAS, RCW 35A.63.220 and RCW 36.70A.390 allow a City to adopt emergency interim regulations associated with zoning matters, on certain conditions; and

WHEREAS, the City of Camas provides for the development of accessory dwelling units (ADUs) in order to provide for a range of housing choices in the City; and

WHEREAS, Camas Municipal Code Chapter 18.27 sets for certain regulations for ADUs to ensure that the development of an ADU does not cause unanticipated impacts on the character or stability of single-family neighborhoods; and

WHEREAS, the Camas Municipal Code Chapter 18.27 includes developmental standards related to architectural compatibility, building height, and building size to ensure neighborhood compatibility; and

WHEREAS, recent ADU developments have highlighted the need for immediate review of these standards; and

WHEREAS, during the 2023 Washington State Legislature, the Legislature approved and Governor Inslee signed into law Engrossed House Bill 1337, amending RCW 36.70A which requires local jurisdictions to enact significant changes to how ADUs are regulated; and

WHEREAS, RCW 36.70A limits a local jurisdiction's ability to regulate height, size, and ADU design; and

WHEREAS, the City of Camas must amend its ADU regulations to comply with RCW 36.70A within six months of its comprehensive plan update deadline of December 31, 2025; and

WHEREAS, the City of Camas is now conducting a periodic review and update of its comprehensive plan which will address the new requirements of EHB 1337 and other topics; and

WHEREAS, the City Council finds that immediate interim changes to Camas Municipal Code Chapter 18.27 are necessary for the immediate preservation of the public peace, health, and safety, and for the immediate support of City government and its existing public institutions; and

WHEREAS, the City Council held a Public Hearing, duly advertised according to law, on May 6, 2024 for consideration of this interim ordinance.

NOW, WHEREFORE, THE COUNCIL OF THE CITY OF CAMAS DO ORDAIN AS FOLLOWS:

I

The purpose of the interim ordinance is to address developmental standards for ADUs related to building height, building size, and neighborhood compatibility and privacy while the City of Camas completes its comprehensive plan periodic update and develops permanent ADU regulations consistent with the new requirements of EHB 1337 and RCW 36.70A.

II

Section 18.27.050 – Development Standards shall be amended to provide as set forth in the attached Exhibit "A".

III

This interim zoning ordinance must be adopted to be effective immediately in order to ensure that new ADUs do not cause unanticipated impacts on the character or stability of single-family neighborhoods while the City reviews and revises, as appropriate and necessary according to

state law, its comprehensive plan and development regulations relating to ADUs, and to prevent new permit applicants from potentially establishing vested rights inconsistent with the City's future ADU regulations to be considered and adopted while the interim ordinance is effective. The findings and conclusions above are adopted by the City Council in support of the designation of this ordinance as a public emergency necessary for the protection of the public peace, health, and safety.

IV

This interim ordinance shall be effective upon adoption by the Council, by a vote of a majority of the Council plus one, and shall be in effect until May 6, 2025, unless extended or cancelled pursuant to the work plan described herein. While this interim ordinance is in effect, the City will complete its comprehensive plan periodic update and receive public input on what measures of this interim ordinance should be made permanent and/or how to implement the new requirements of EHB 1337 and RCW 36.70A.

Work Plan:

The City of Camas is now undergoing a periodic review and update of its comprehensive plan with a completion date of December 31, 2025, pursuant to RCW 36.70A.130. The City is required to comply with the new requirements of EHB 1337 and RCW 36.70A within six months of December 31, 2025, and as part of the update process will develop permanent revisions to Camas Municipal Code Chapter 18.27 to comply with these requirements and will consider whether the measures of this interim ordinance should be made permanent.

V

The City adopts the following work schedule:

1. Housing Needs Assessment – May 2024 - August 2024

Staff will conduct an audit of the City's comprehensive plan housing element, the City's housing action plan, and review local housing development trends.

2. Public Participation – May 2024 - May 2025

Staff will receive public input related to housing as part of its public engagement strategy for the comprehensive plan update process.

3. Draft Comprehensive Plan Policies – September 2024 - April 2025

Staff will draft new comprehensive plan housing policies which will be informed by the housing needs assessment and public participation.

4. Draft Accessory Dwelling Unit Regulations – December 2024 - May 2025

Staff will draft new ADU regulations based on new comprehensive plan housing policies and review of Department of Commerce guidance related to EHB 1337.

5. Planning Commission Review – February 2025 - April 2025

6. City Council Review – March 2025 - May 2025

7. Adoption of permanent Accessory Dwelling Unit Regulations – May 2025

VI

This ordinance has been passed by a majority plus one vote of the whole membership of the City Council, shall take force and be in effect immediately upon passage.

PASSED by the Council and APPROVED by the Mayor this 6th day of May,
2024.

SIGNED:


Mayor

ATTEST: Sydney Balu
Clerk

APPROVED as to form:

[Signature]
City Attorney

EXHIBIT “A”

Title 18 - ZONING Chapter 18.27 ACCESSORY DWELLING UNITS

Chapter 18.27 ACCESSORY DWELLING UNITS

18.27.010 Purpose.

Accessory dwelling units are intended to:

- A. Provide for a range of choices of housing in the city;
- B. Provide additional dwelling units, thereby increasing densities with minimal cost and disruption to existing neighborhoods;
- C. Allow individuals and smaller households to retain large houses as residences; and
- D. Enhance options for families by providing opportunities for older or younger relatives to live in close proximity while maintaining a degree of privacy.
- E. Ensure that the development of an ADU does not cause unanticipated impact on the character or stability of single-family neighborhoods.

18.27.020 Scope.

Accessory dwelling units shall meet the requirement of this chapter, and may be allowed in all zones where residential uses are permitted.

18.27.030 Definition.

An "accessory dwelling unit (ADU)" means an additional smaller, subordinate dwelling unit on a lot with or in an existing or new house. These secondary units contain a private bath and kitchen facilities comprising an independent, self-contained dwelling unit. An ADU is not a duplex because the intensity of use is less due to the limitations of size.

18.27.040 Establishing an accessory dwelling unit.

An accessory dwelling unit may be created through:

- A. Internal conversion within an existing dwelling;
- B. The addition of new square footage to the existing house, or to a garage;
- C. Conversion of an existing garage provided it is not larger than the primary residence.
- D. Inclusion in the development plans for, or as part of, the construction of a new single-family detached dwelling unit; or
- E. A separate detached dwelling unit on the same lot as the primary dwelling unit.

18.27.050 Development standards.

- A. Number. No more than one accessory dwelling unit per legal lot is permitted, and it must be accessory to a single-family residence. A lot of record lawfully occupied by two or more single-family residences shall not be permitted to have an accessory dwelling unit, unless the lot is short platted under Title 17 of this code. If a short plat is approved, an accessory dwelling unit for each dwelling unit is permitted only if all dimensional standards of the underlying zone, and all other provisions of this chapter are met.
 - B. Building Permit. The applicant must apply for a building permit for an accessory dwelling unit. An ADU shall comply with applicable building, fire, health, and safety codes. Addressing of the ADU shall be assigned by the building department, with approval by the fire department. An ADU cannot be occupied until a certificate of occupancy is issued by the building department.
 - C. Conformance to Zoning. The addition of an accessory dwelling unit shall not make any lot, structure or use nonconforming within the development site. An accessory dwelling unit shall conform to existing requirements for the primary residence, unless stated otherwise in this chapter. Building height is limited to twenty four~~twenty five~~ feet for a detached ADU. Building height requirements of the underlying zone apply to the ADU for internal conversion, or structural addition to the existing primary dwelling.
 - D. Placement. An accessory dwelling unit shall not project beyond the front building line. A detached ADU shall not be located closer than five feet to a side or rear lot line, or not closer than twenty feet to a side lot line along a flanking street of a corner lot.
 - E. Total Floor Area. The total gross floor area of an accessory dwelling unit shall not exceed forty percent of the primary unit, up to a maximum of 1,000 square feet.~~of the area of the primary dwelling's living area.~~ The living area of the primary unit excludes uninhabitable floor area and garage or other outbuilding square footage whether attached or detached.
 - F. Parking. An accessory dwelling unit shall have a minimum of one on-site parking space, in addition to the primary dwelling unit's designated parking spaces if there is not on street parking allowed.
 - G. Architectural Design. The exterior appearance of an addition or detached accessory dwelling unit shall be architecturally compatible with the primary residence. Compatibility includes coordination of architectural style, exterior building materials and color, roof material, form and pitch, window style and placement, other architectural features, and landscaping.
 - H. Entrances. For an accessory dwelling unit created by internal conversion or by an addition to an existing primary dwelling, only one entrance may be located on the front of the house, unless the house contained additional front doors before the conversion. Secondary entrances should be located on the side or rear of the primary residence to the extent possible.
 - G. Privacy. ADUs shall be designed and located to minimize disruption of privacy and outdoor activities on adjacent properties. Strategies to accomplish this include, but are not limited to:
 - a. Stagger windows and doors to not align with such features on abutting properties.
 - b. Avoid upper level windows, entries and decks that face common property lines to reduce overlook of a neighboring property.
 - c. Install landscaping as necessary to provide for the privacy and screening of abutting property.
 - ~~H.~~ Utilities. An accessory dwelling unit shall connect to public sewer and water. A home or lot not connected to public sewer and water, which adds an accessory dwelling unit, shall connect to public sewer and water. ~~An ADU may have shared or separate public sewer and water services.~~
 - ~~I.~~ Nonconformity. A home or lot which has an accessory dwelling unit which was established prior to adoption of this chapter may be approved for a building permit, subject to the provisions of Chapter 18.41 "Nonconforming Lots, Structures and Uses."
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~~K. Reserved.~~

JL. Owner Occupancy. Prior to the issuance of a building permit establishing an accessory dwelling unit, the applicant shall record the ADU as a deed restriction with the Clark County auditor's office. Forms shall be provided by the city stating that one of the dwelling units is and will continue to be occupied by the owner of the property as the owner's principal and permanent residence for as long as the other unit is being rented or otherwise occupied. The owner shall show proof of ownership, and shall maintain residency for at least six months out of the year, and at no time receive rent for the owner occupied unit. Falsely certifying owner occupancy shall be considered a violation of the zoning ordinance, and is subject to the enforcement actions.

18.27.060 Design guidelines.

- A. Exterior Finish Materials. Exterior finish materials must duplicate or reflect the exterior finish material on the primary dwelling unit.
- B. Roof Slopes. For buildings over fifteen feet in height, the slope of the accessory dwelling unit roof must be the same as that of the predominate slope of the primary dwelling structure.
- C. Historic Structures. If an accessory dwelling unit is on the same lot as, or within an historic structure which has been designated on the national, state, or local historic register, the following design guidelines are applicable:
 - 1. Exterior materials shall be of the same type, size, and placement as those of the primary dwelling structure.
 - 2. Trim on edges of elements of an ADU shall be the same as those of the primary structure in type, size, and placement.
 - 3. Windows in any elevation which faces a street shall match those in the primary structure in proportion, i.e., same height, width, and orientation (horizontal or vertical).
 - 4. Pediment and Dormers. Each accessory dwelling unit over twenty feet in height shall have either a roof pediment or dormer, if one or the other of these architectural features are present on the primary dwelling.