



Staff Report

March 18, 2023 Council Workshop Meeting

Accessory Dwelling Unit Code Amendments

Presenter: Alan Peters, Community Development Director and Madeline Sutherland, Planner

Time Estimate: 20 minutes

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BACKGROUND: Accessory dwelling units (ADUs) are small, self-contained residential units located on the same lot as an existing single-family home. ADUs are regulated in Camas by CMC Chapter 18.27 and are allowed in all zones where residential uses are permitted. In 2023 the Washington State Legislature passed HB 1337, a bill requiring cities to allow two ADUs per lot and limiting how cities can regulate ADUs. Staff discussed these new requirements with Council at a December 2023 workshop where concern was raised about a couple of larger ADUs recently constructed within the community. After a follow up presentation at the annual Council planning meeting in January, it was requested that staff present recommendations for code amendments to mitigate concerns about neighborhood compatibility.

SUMMARY: CMC 18.27 defines ADUs as “an additional smaller, subordinate dwelling unit on a lot with or in an existing or new house”. The code also states that ADUs should provide “minimal . . . disruption to existing neighborhoods” and “not cause not cause unanticipated impact on the character or stability of single-family neighborhoods”. These goals are supported by development standards which include height and size limitations as well as design guidelines summarized in Table 1 below.

Table 1: ADU Development Standards and Design Guidelines

Development Standards	Design Guidelines
25 ft. height limit	Exterior finishes duplicate or reflect those on the primary dwelling
40% of the size of the primary dwelling	ADUs taller than 15 ft. must match roof slope of the primary dwelling
Architectural compatibility with the primary dwelling	Additional requirements for historic structures

While the CMC does not include a maximum upper size limit for ADUs, ADUs are limited to 40% of the size of the primary dwelling. This ensures that ADUs are smaller and subordinate to the primary dwelling.

HB 1337 requires all GMA municipalities – regardless of population – to allow at least two ADUs per lot in all urban growth areas for lots that meet the minimum lot size required for the principal housing unit. The bill also includes several other restrictions on how cities can regulate ADUs. While these requirements will not apply to Camas until six months after our next comprehensive plan deadline, any changes that are made to the City’s ADU regulations should be consistent with HB 1337 so that they do not need to be changed yet again once HB 1337’s requirements apply in Camas. The following table includes limitations that HB 1337 places on development and design standards.

Table 2: Summary of HB 1337 limits on ADU design regulations

Development Standards	Design Guidelines
<p>ADU size limits must allow a gross floor area of at least 1,000 sq. ft.</p> <p>ADU height limits cannot be less than 24 ft.</p> <p>Cannot impose setback requirements, yard coverage limits, tree retention mandates, restrictions on entry door locations, aesthetic requirements for ADUs that are more restrictive than those for principal units</p>	<p>Cannot impose requirements for design review for ADUs that are more restrictive than those for principal units</p> <p>(HB 1293) Design requirements must be “clear and objective”</p>

Staff has identified several options for code amendments that align with HB 1337 and address ADU size, compatibility, and privacy for adjacent properties.

Set maximum size limit of 1,000 sq. ft.

“The city or county may not establish a maximum gross floor area requirement for accessory dwelling units that is less than 1,000 square feet” RCW 36.70A.681(1)(f)

A maximum size limit of 1,000 sq. ft. is consistent with HB 1337 and would establish an upper size limit on ADUs. Under the current 40% standard there is no upper size limit. Most ADUs are under 1,000 sq. ft. currently, but two ADUs were approved above 1,000 sq. ft. last year at 1,200 and 1,600 sq. ft.

Set maximum height of 24 ft.

“The city or county may not establish roof height limits on an accessory dwelling unit of less than 24 feet, unless the height limitation that applies to the principal unit is less than 24 feet, in which

case a city or county may not impose roof height limitation on accessory dwelling units that is less than the height limitation that applies to the principal unit” RCW 36.70A.681(1)(g)

A maximum height of 24 ft. is consistent with HB 1337 and less than the current 25 ft. height limit. The height limit for primary dwellings is 35 ft.

Require ADUs to match primary unit design elements exactly

“A city or county may not impose setback requirements, yard coverage limits, tree retention mandates, restrictions on entry door locations, aesthetic requirements, or requirements for design review for accessory dwelling units that are more restrictive than those for principal units” RCW 36.70A.681(1)(h)

While HB 1337 would prohibit Camas from adopting conventional design standards for ADUs because we do not have any such standards for single-family dwellings, design standards that require exact matching of design elements on the primary dwelling would not be in conflict with HB 1337.

Example language may include:

Exterior Materials. Exterior building materials such as trim and siding, shall be of the same type, size, color and placement as those of the primary dwelling unit.

Window Style and Placement. Windows shall be of the same style and be located in a similar location as the primary dwelling unit.

Adopt window placement standards to address neighbor privacy

“A city or county may not impose setback requirements, yard coverage limits, tree retention mandates, restrictions on entry door locations, aesthetic requirements, or requirements for design review for accessory dwelling units that are more restrictive than those for principal units” RCW 36.70A.681(1)(h)

While HB 1337 includes strict limits on ADU design regulations, it does not appear to limit regulation of window placements. In fact, guidance from the Department of Commerce states, “In some cases, standards may be used to address privacy, for example making sure that the ADU’s windows are located to preserve privacy between the ADU and neighboring properties or private open space.” (Guidance for Accessory Dwelling Units in Washington State).

Example language may include:

Privacy. Locate and design the ADU to minimize disruption of privacy and outdoor activities on adjacent properties. Strategies to accomplish this include, but are not limited to:

- a. Windows and doors shall not align with such features on abutting properties.*
- b. Upper level windows, entries and decks that face common property lines shall be avoided to reduce overlook of a neighboring property.*
- c. Landscaping shall be installed if it provides privacy and screening of abutting property.*

BENEFITS TO THE COMMUNITY: The identified code amendments would support the stated purpose of the City's ADU regulations in CMC 18.27:

- 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.*

POTENTIAL CHALLENGES: The City is currently undergoing a comprehensive plan update that will address new state requirements related to ADUs and middle housing. ADU regulations must be compliant with HB 1337 within six months of the comprehensive plan update deadline. Any ADU amendments should align with HB 1337. A summary of changes that would be needed to comply with HB 1337 are included in Table 3.

RECOMMENDATION: Staff recommends that Council provide direction on code amendments.

Table 3: Comparison of HB 1337 with CMC requirements

	HB 1337 Regulations	Current Camas Code	Comply with HB 1337?	Possible Solutions
1	Fees may not exceed 50% of primary dwelling.	25%-internal or 35%-external	Yes	N/A
2	ADUs may be detached.	Allows for internal, attached, or detached.	Yes	N/A
3	Allow ADUs on lots that meets min. lot size for the zoning.	No restriction on lot size for ADUs.	Yes	N/A
4	Allow existing structures to be converted into ADUs.	Existing structures may be converted if ADU code is met.	Yes	N/A
5	Cannot require more than one parking space on lots smaller than 6,000sf.	Requires up to one parking space if no on street parking is allowed.	Yes	N/A
6	Cannot require more than two parking spaces on lots greater than 6,000sf.	Requires up to one parking space if no on street parking is allowed.	Yes	N/A
7	Height cannot be limited to less than 24 ft, unless limit for primary dwelling is less than 24 ft.	Maximum height of 25ft.	Yes	Option 1 - No changes Option 2 - Reduce height limit to 24 ft.
8	Cannot require off-street parking if within 1/2 mile of major transit stop.	No major transit stops.	N/A	N/A
9	Allow zero lot line for ADUs along a public alley, unless city plows snow on alley.	5 ft rear/side setback, or 20 ft to a side lot line along a flanking street of a corner lot.	No	Allow of zero lot line detached ADUs along public alley's.
10	Cannot require owner occupancy.	Requires owner occupancy of either ADU or primary dwelling.	No	Delete owner occupancy requirement.
11	Allow for ADUs to be sold as a condo.	Does not regulate condo ownership or address in code.	No	Add language to allow for ADU condos.
12	Not require public street improvements with ADU permit.	Case by case basis.	No	Not require public street improvements with ADU.
13	Two ADUs per lot.	Limited to one ADU per lot.	No	Allow for two ADUs.
14	Max floor area cannot be less than 1,000 sf.	Up to 40% of primary dwelling sf.	No	Limit size to 1,000sf.
15	Cannot impose more restrictive standards (setbacks, yard coverage, tree retention, entry door location, design) than that of the primary dwelling. Standards need to be objective.	Subjective design standards and entry door location requirements.	No	Option 1 - Delete front door entry requirement. Option 2 - Delete Architectural Standards (18.27.050.G). Option 3 - Adopt objective design standards that require compatibility and are not more restrictive than primary dwelling. Option 4 - Add privacy requirements.