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**COMMUNITY PLANNING &
ECONOMIC DEVELOPMENT DEPARTMENT**

Joshua Cummings, Director

Creating Solutions for Our Future

MEMORANDUM

TO: Thurston County Planning Commission

FROM: Andrew Boughan, Associate Planner
Jennifer Davis, Community Planning Manager

DATE: August 19, 2020

SUBJECT: Planning Commission Requested Options- Rural Accessory Dwelling Unit (ADU) regulations- Allowing ADUs in rural Thurston County (A-21 on the 2020-2021 Official Docket of Development Code Amendments)

Background

After the public hearing on August 5, a majority of Planning Commissioners directed staff to research options on the following three issues: minimum parking standards, the sequence of building an ADU relative to a principal residence, and options to allow an existing Family Member Units (FMU) to be converted to an ADU.

Questions to Staff

Parking Standards

Staff reviewed four (4) peer counties referenced in ADU staff report Attachment D - Washington ADU County Comparison Chart provided to the Planning Commission on August 5, 2020, as well as standards from the four (4) Urban Growth Areas (UGA), and five (5) cities located within Thurston County. All jurisdictions currently require a single parking stall, with the exception of Whatcom County which does not require a parking stall for an ADU.

Effective June 11, 2020 Senate Bill 6617 prohibits cities from requiring off-street parking for an ADU that is located within one-quarter mile of a major transit stop. However, there are some exceptions when a city has substantial amendments to their ADU regulations within the previous four (4) years or if the city could prove that an area lacked the necessary access to street parking, physical space impediments, or other reasons supported by evidence that would make on-street parking infeasible for the ADU.

There is no statutory requirement for a municipality to require parking for an ADU. That discretion falls to the individual municipality to determine the best option for their community. Staff has provided three (3) options below for the Planning Commission to consider:

- Option 1: Maintain the existing code language that incorporates Accessory Dwelling Unit (ADU) into the 20.44 - Parking and Loading* chapter requiring one (1) parking stall.
- Option 2: Remove the parking requirement for ADUs.
- Option 3: Amend proposed section to incorporate a notice on parking that will read:
 8. Access and Parking
 - a. Accessory Dwelling Units may share or have a secondary driveway to the public right-of-way. The maximum coverage for hard surfaces applies. ADU parking facilities can be incorporated into the existing parking facility or shared with the principal structure. This section does not require a new off-street parking facility be constructed.

Sequence of Building

The Planning Commission requested information on if an ADU could be constructed first as a principal structure, and then down the road the owners construct a new principal structure, and convert the former structure to the ADU.

Accessory Dwelling Units are considered an accessory use which is defined as a use or building which is clearly subordinate to and customarily found in association with a principal use. This would mean that an ADU could not be constructed without a principal structure existing on the property. Creating code language that could permit a resequencing of buildings would be difficult for staff to administer and could pose administrative burdens on the process.

However, the existing proposed code language would not stop a property owner from constructing the first principal structure while making sure that the structure will comply with the ADU standards later on. When the time comes that the property owner wishes to construct the new principal structure, they would construct it based on the size and density requirements outlined in the ADU standards and reclassify the existing principal structure to an ADU. This course puts responsibility on the property owner to plan ahead to ensure the first and second structures meet the standards. Coordination with the permitting staff on a case-by-case basis would be important.

The conversion option would not apply in this scenario because each structures, when originally constructed, would be considered a single dwelling structure at the time of construction and not qualify for the conversion clause proposed in the ADU regulations. The conversion clause only applies to existing accessory structures that are converted to an ADU, like a garage, barn, or guest house.

Conversion of Family Member Unit (FMU) to Accessory Dwelling Unit (ADU)

The Planning Commission also requested more information on if an existing Family Member Unit (FMU) could be converted to an Accessory Dwelling Unit (ADU).

FMUs are a separately permitted, temporary residential use intended to be removed once family members no longer occupy the residence. FMUs are mobile or manufactured homes, which are defined in code as single-family dwellings. Because they are considered temporary, density restrictions do not apply (e.g., a 5-acre lot within the RRR 1/5 zoning district can have a temporary FMU permitted). The review and approval process for an FMU requires an affidavit to be filed ensuring only family members occupy the structure, and it must be removed upon sale of the property or when a family member no longer occupies it

The proposed conversion language is intended to apply to existing, accessory structures such as a garage or other outbuilding (or internal conversions of a principle house).

The Planning Commission previously directed that mobile or manufactured homes be allowable as detached ADUs. The Planning Commission also directed that FMUs should remain an option for residents. Under the current proposal, The existing mobile or modular home could be repurposed and used as a new detached ADU so long as it complied with the density requirements of the zoning district and ADU standards. This will ensure that we continue to comply with the density verdict guidance from 1000 Friends of Washington v. Snohomish County.

To allow an existing, temporary FMU to change its status to a permanent ADU without applying density restrictions may increase legal risk.