

CITY OF LAKE STEVENS  
LAKE STEVENS, WASHINGTON

**ORDINANCE NO. 1030**

AN ORDINANCE OF THE CITY OF LAKE STEVENS, WASHINGTON, AMENDING LAKE STEVENS MUNICIPAL CODE SECTIONS 14.08.010, TABLE 14.40-I, 14.44.065, 14.48.020, TABLE 14.72-I, AND ADDING SECTION 14.44.045 RELATING TO ACCESSORY DWELLING UNITS (ADU), PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, RCW 43.63A.215 requires cities with populations greater than twenty thousand to include provisions for ADUs in their development regulations; and

WHEREAS, the city's Housing Element in the Comprehensive Plan encourages the development of ADUs to promote affordable and diverse housing; and

WHEREAS, residential property owners have a means of obtaining rental income, companionship, security, and services to help them remain in their homes and neighborhoods despite rising costs of living; and

WHEREAS, on May 17, 2018, the City's SEPA Responsible Official complied with the State Environmental Policy Act (SEPA) by issuing a SEPA Determination of Non-Significance, complying with SEPA's procedural requirements; and

WHEREAS, on May 10, 2018, the proposed amendments contained herein were transmitted to the State Department of Commerce as required by law and on May 29, 2018, the Department of Commerce granted expedited review of the proposed code amendments;

WHEREAS, on June 6, 2018, following notice as required by law, the Planning Commission held a public hearing to receive staff and citizen input concerning the proposed code amendments and all persons who wished to be heard on the matter were heard; and

WHEREAS, the planning Commission adopted Findings, Conclusion and a Recommendation to the City Council which is attached hereto (**Exhibit A**) and incorporated by this reference; and

WHEREAS, following notice as required by law, the City Council held a public hearing on June 26, 2018 to receive staff and citizen input and to consider the recommendation of the Planning Commission and all persons who wished to be heard on the matter were heard; and

WHEREAS, the City Council has determined that it is in the public interest to adopt the proposed ADU regulations, as set forth below and in the attached **Exhibit B**.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKE STEVENS DO  
ORDAIN AS FOLLOWS:

SECTION 1. The City Council hereby makes the following findings:

- A. This ordinance amending the City's municipal code changing regulations governing ADUs, was sent to the Washington State Department of Commerce for expedited review on May 10, 2018 as required by the Growth Management Act and received approval on May 29, 2018.
- B. The requirements of Chapter 14.16C.075 LSMC for land use code amendments have been met.
- C. As required by LSMC 14.16C.075(f), the adoption and amendment of codes in ordinance sections in the attached Exhibit B are consistent with the Comprehensive Plan, comply with the Growth Management Act and serve to advance the public health, safety and welfare.
- D. The Findings of Fact, Conclusions and Recommendation of the Planning Commission attached hereto is hereby approved and adopted by the City Council as its own (**Exhibit A**).

SECTION 2. LSMC sections 14.08.010, 14.44.065, 14.48.020, Table 14.40-I, Table 14.72-I, and adding section 14.44.045 are hereby amended/created as set forth in **Exhibit B which is incorporated herein by this reference**. All other provisions set forth in Chapters 14.08, 14.40, 14.44, 14.48, 14.72 LSMC, shall remain in full force and effect, unchanged.

SECTION 3. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

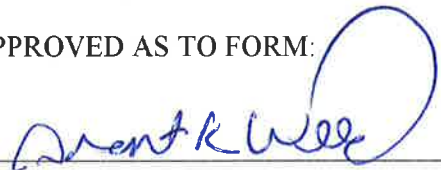
SECTION 4. Effective Date and Publication. The summary of this ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall take effect five (5) days after the date of publication and shall apply to all final plat applications submitted after the effective date. Any final plat application submitted prior to the effective date shall follow the regulations that were in place at the time of submittal.

PASSED by the City Council of the City of Lake Stevens this 26<sup>th</sup> day of June, 2018.

  
 \_\_\_\_\_  
 John Spencer, Mayor

ATTEST/AUTHENTICATION:

By:   
 \_\_\_\_\_  
 Kathy Pugh, City Clerk

APPROVED AS TO FORM:  
  
 \_\_\_\_\_  
 Grant K. Weed, City Attorney

First and Final Reading June 26, 2018:  
 Published: July 7, 2018  
 Effective Date: July 12, 2018

Exhibit A



**Planning & Community Development**

1812 Main Street  
P.O. Box 257  
Lake Stevens, WA 98258

June 6, 2018

Lake Stevens City Council  
1812 Main Street  
Lake Stevens, WA 98258

**Subject: Planning Commission Recommendation – Accessory Dwelling Unit (ADU) Code Amendment – LUA2017-0171**

Dear Council Members:

The Lake Stevens Planning Commission held two briefings on March 21 and May 2, 2018, to consider a code amendment to create more flexible and permissive ADU regulations than currently adopted. A public hearing was held on June 6, 2018 where the Planning Commission forwarded a recommendation to City Council to approve the code amendment.

**Commissioners Present:** Janice Huxford, Vicki Oslund, Tracy Trout, Linda Houtt and Jennifer Davis  
**Commissioners Absent:** Karim Ali

**PLANNING COMMISSION PUBLIC HEARING (June 6, 2018)**

City staff gave a brief presentation on the proposed code amendment, summarized the code amendment process and milestones reached and answered the Commission's questions related to the proposal.

Four members of the public provided testimony during the hearing. All testimony given was in support of the proposed code and one was in support of further changes to the code to be even more ADU-friendly. The supportive testimony focused on the benefits ADUs can provide to current residential property owners. Specifically, testimony was about how ADUs provide a lower cost housing option for folks just starting their careers, but can't afford the typical single family home. Also, how ADUs provide a means for obtaining rental income for people on a fixed income that are increasingly feeling squeezed by rising costs of living.

The Planning Commission discussion included members voicing their support for the amendment and a detailed discussion on the definition of ADU. To give staff the flexibility to determine what is and what is not an ADU, the phrase "or any combination of these" was left in the definition of ADU. In the past, applicants have tried to subvert ADU regulations by proposing additions to their homes that have everything needed to be a dwelling unit, except space for "cooking" facilities. Staff has previously determined that if an addition has a combination of facilities that provide basic requirements for living,

then it is considered a dwelling unit. Having the phrase “or any combination of these” in the definition of ADU explicitly allows staff to consider an addition with a separate entrance, insulation, kitchen sink, bathroom, bedroom and closets to be an ADU, even without including an oven in the addition.

**FINDINGS AND CONCLUSIONS:**

The Planning Commission hereby adopts staff’s findings and conclusions as outlined in this staff report and as described in the staff reports dated March 21, May 2 and June 6, 2018 and concludes that the proposed amendments comply with the following:

**1. Compliance with elements of the Comprehensive Plan**

- Housing Element Goal 3.1 – Provide fair and equal access to a range of housing types and choices to meet the existing and projected housing needs of all Lake Stevens residents regardless of income level or demographic status.
- Housing Element Policy 3.1.6 – Allow accessory dwelling units in all residential zones so long as the unit maintains an appropriate residential character and provides a quality living environment.
- Housing Element Goal 3.2 – Increase the opportunity for all residents and special needs populations to have access to affordable, safe, and sanitary housing.

**Conclusions** – The proposed code amendments are consistent with Comprehensive Plan goals as they relate to housing and land use.

**2. Compliance with the State Environmental Policy Act (SEPA) (Chapter 97-11 WAC and Title 16 LSMC)**

- A DNS was issued on May 17, 2018.
- No comments or appeals from agencies or the public were received regarding the SEPA determination.

**Conclusions** – The proposed code amendment has met local and state SEPA requirements.

**3. Compliance with the Growth Management Act (RCW 36.70A.106)**

- The city requested expedited review from the Department of Commerce on May 10, 2018.
- The Department of Commerce sent granted approval on May 29, 2018.
- Staff will file the final ordinance with the Department of Commerce within 10 days of City Council action.

**Conclusions** – The proposed code amendment has met Growth Management Act requirements.

**4. Public Notice and Comments**

- The city published a joint notice of SEPA determination and notice of public hearing in the Everett Herald on May 17, 2018. The notice was also posted at City Hall and on the city’s website.
- Four comments were received to date.
  - i. The first comment from the Kellers noted their support for the proposed code amendment to give homeowners the legal flexibility to obtain the advantages of ADUs.
  - ii. The second comment from Mr. Ellis advocates for further loosening the proposed regulations to encourage more affordable housing in the city. To summarize the

comment, it requests among other things, allow property owners to conditionally provide two ADUs rather than one, reducing the parking requirements and removing the requirement to make the ADU entrance less visible than the existing home's entrance. Mr. Ellis also submitted a second written comment at the meeting that further clarified and slightly changed his initial written comment.

- iii. The third comment from Mr. Miller expressed support for the proposed code amendment.

**Conclusions** – The city has met public notice requirements per Chapter 14.16B LSMC. All comments will be included in the Council packet prior to the public hearing before City Council.

**PLANNING COMMISSION RECOMMENDATION**

**ADU Code Amendment:** Commissioner Davis made a motion to approve the recommendation to Council. Commissioner Hoult seconded the motion. Motion passed 5-0-0-1.

Respectfully submitted,

Lake Stevens Planning Commission



Janice Huxford, Chair

Exhibit A



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- iii. The third comment from Mr. Miller expressed support for the proposed code amendment.

**Conclusions** – The city has met public notice requirements per Chapter 14.16B LSMC. All comments will be included in the Council packet prior to the public hearing before City Council.

**PLANNING COMMISSION RECOMMENDATION**

**ADU Code Amendment:** Commissioner Davis made a motion to approve the recommendation to Council. Commissioner Hoult seconded the motion. Motion passed 5-0-0-1.

Respectfully submitted,

Lake Stevens Planning Commission



Janice Huxford, Chair



Exhibit B

**14.08.010 Definitions of Basic Terms.**

~~Residence, Primary with Accessory Apartment. A residential use having the external appearance of a single-family residence but in which there is located a second dwelling unit that comprises not more than 25 percent of the gross floor area of the building nor more than a total of 750 square feet.~~

~~Accessory Dwelling Unit. A residential use having the external appearance of a residence and located on the same parcel as the single-family dwelling that it accompanies. The dwelling unit is an independent self-sustaining unit that provides the basic requirements of shelter, heating, cooking and sanitation.~~

~~Residence, Two-Family Apartment. A two-family residential use other than a duplex, two-family conversion, or primary residence with accessory apartment.~~

**(All other definitions in LSMC 14.08 shall remain in full force and effect, unchanged.)**

**TABLE 14.40-I: TABLE OF PERMISSIBLE USES BY ZONES<sup>16</sup>**

Use Descriptions	SR	WR	UR	HUR	MFR	NC <sup>4</sup>	LB	CBD	MU <sup>1</sup>	PBD <sup>5</sup>	SRC	LI	GI	P/SP
1.220 <del>Primary residence with Accessory apartment Dwelling Unit</del>	P <sup>3</sup>	P <sup>3</sup>	P <sup>3</sup>	P <sup>3,8</sup>	P <sup>8</sup>				P					
1.115 Class A, B, or C mobile home or apartment used exclusively for a night watchman and his/her family <sup>7</sup>												A	A	

<sup>7</sup> ~~Subject to Section 14.44.065 (Accessory Apartment in Industrial Zones).~~

<sup>8</sup> ~~Accessory dwelling units in the HUR and MFR zones shall only be permitted on lots larger than 125% of the minimum lot size for that zone.~~

**14.44.065 Accessory Apartment in Industrial Zones.**

Any accessory apartments permitted in the Light or General Industrial Zone pursuant to Use Class 1.417-115 shall meet the following standards:

- (a) The total number of accessory dwellings on a site shall not exceed one.
- (b) The gross floor area of an accessory apartment site shall not exceed 1,000 square feet.
- (c) The accessory apartment shall be integrated into a larger building which also houses activities for the principally permitted use.
- (d) The apartment use shall not enjoy the protection of the Manufacturing and Processing Performance Standards as contained in Part III of Chapter 14.40. (Ord. 606, 1999)

**14.48.020 Duplexes in Single-Family Zones.**

Duplexes, ~~and two-family conversions, and primary residences with an accessory apartment,~~ in single-family zones, shall be allowed only on lots having at least 150 percent of the minimum square footage required for one dwelling unit on a lot in such district. (Ord. 676, Sec. 44, 2003; Ord. 590, 1998; Ord. 468, 1995)

**TABLE 14.72-I: TABLE OF PARKING REQUIREMENTS**

1.200	Two family residences.	2 spaces for each dwelling unit, except that one-bedroom units require only one space.
<u>1.220</u>	<u>Accessory Dwelling Unit</u>	<u>Single family detached residences with accessory dwelling units require 1 space in addition to the 2 spaces required for the principal dwelling.</u>

**14.44.045 Accessory Dwelling Units (ADU).**

The installation of an ADU in new and existing single-family dwellings shall be allowed in residential zones subject to specific development and design standards.

(a) Purpose. The purpose of allowing ADUs is to:

1. Offer a means for residents to remain in their homes and neighborhoods, despite rising costs of living; while obtaining rental income, companionship, security and services.
2. Expand housing options for residential property owners, particularly family caregivers, adult children, aging parents, and families seeking smaller households.
3. Provide another means for homeowners to reinvest in and improve their residential property.
4. Develop housing units in single-family neighborhoods that are appropriate for people at a variety of stages in the life cycle.
5. Promote a broader range of affordable housing options in Lake Stevens.
6. Comply with RCW 43.63A.215, which requires cities with populations greater than twenty thousand to include provisions for ADUs in their development regulations.
7. Comply with the goals and policies of the Housing Element in the Comprehensive Plan.
8. Protect neighborhood stability, property values, and the single-family residential appearance of the neighborhood by ensuring that ADUs are installed under the conditions of this Ordinance.

(b) Development Standards.

1. The ADU may be, within, attached to, or detached from, the principal dwelling unit or as part of a detached garage.
2. Only one ADU may be constructed per residence. Residential lots with a duplex are not eligible to construct an ADU.
3. An ADU can be constructed to a maximum size of up to 50% of the principal dwelling unit's total gross floor area, or to a maximum size of 800 square feet of total gross floor area, whichever is less.
  - i. Buildings and garages detached from the principal dwelling shall be excluded from the total gross floor area calculation.
  - ii. If the ADU is completely located on a single floor of the principal dwelling unit, the Director or designee may allow an increased size to efficiently use the floor area, so long as all other standards set forth in this section are met.
4. An ADU shall not be smaller than 250 square feet of gross floor area.
5. In High Urban Residential and Multi-Family Residential zoning districts, ADUs may only be constructed on lots larger than 125% of the minimum lot size for that zone.
6. An ADU shall not be segregated from the ownership of the principal dwelling unit through any process that would subvert state and local statutes and ordinances.



7. The construction of an ADU shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire and any other applicable codes, laws, rules, and regulations as adopted by the city and/or state, including but not limited to the development standards applicable to the underlying zone where the ADU is being proposed.
8. An ADU shall be on a foundation as regulated by the current International Residential Code.
9. Applicants shall obtain all necessary approvals from agencies with jurisdiction over utility infrastructure.
10. The construction of ADUs shall not require the construction of frontage improvements in the public right-of-way pursuant to LSMC 14.56.170.
11. For the purposes of calculating impact fees, an ADU shall be considered an Apartment in the currently adopted fees resolution.

(c) Design Standards.

1. ADUs shall include architectural and design features that are visually compatible with single-family homes. Examples of these features may include using matching materials, colors, window style, or roof design. An ADU may be exempt from this design requirement if the structure is substantially screened from view of surrounding properties.
2. The privacy of dwelling units on adjacent lots and ADUs shall be protected to a reasonable extent by including a landscape screen, fencing, strategic window and door placement, or orienting the ADU to maximize privacy.
3. If the ADU's primary entrance is not the same as that for the principal dwelling unit, it shall be less visible from the street than the main entrance of the principal dwelling unit, and the ADU's stairways may not be constructed on the front of the principal dwelling unit.