



MEMORANDUM

TO: City Council Members

FROM: Krista Loney

DATE: May 25, 2023

SUBJECT: 17.08 Definitions

The Short-Term Rental Workgroup has been working diligently and has several recommendations to Council to make to BMC 17.08 Definitions.

1. The workgroup recommends that Council update definition of Hotel to match White Salmon's definition.
2. The workgroup recommends that Council maintain the existing definitions for:
 - a. Motel
 - b. Bed and Breakfast
 - c. Vacation Home Rental
 - d. Hosted Homeshare
3. The workgroup recommends that Council add a definition of Total Housing Stock.

BINGEN MUNICIPAL CODE

Chapter 17.08

DEFINITIONS

Sections:

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17.08.011	Accessory dwelling unit.
17.08.015	Accessory use of structure.
17.08.016	Administrator.
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17.08.010 Definitions generally.

For the purpose of this title certain terms are defined. When not inconsistent with the context, words used in the present tense include the future, words in the singular number include the plural, and words in the plural number include the singular; the word “person” may be taken for persons, associations, firms, copartnerships or corporations; the word “structure” includes building; the word “occupied” includes premises designed or intended to be occupied; the word “used” includes designed or intended to be used; and the word “shall” is always mandatory and not merely directive. (Ord. 440, Att. A (part) 1997).

17.08.011 Accessory dwelling unit.

“Accessory dwelling unit (ADU) means a habitable living unit added to, created within, or detached from the principal single-family dwelling that provides basic requirements for living, sleeping, eating, cooking and sanitation. (Ord. 726, 2022).

17.08.015 Accessory use or structure.

“Accessory use or structure” means one which is subordinate to the principal use of a building on the lot serving a purpose customarily incidental to the principal use of a building. (Ord. 440, Att. A (part) 1997).

17.08.016 Administrator.

“Administrator” means the person who is charged with the responsibility of administering this title. (Ord. 440, Att. A (part) 1997).

17.08.020 Alley.

“Alley” means a public right-of-way not over thirty feet wide which affords, generally, a secondary means of access to abutting lots, not intended for general use. (Ord. 440, Att. A (part) 1997).

17.08.025 Apartment house.

“Apartment house” means a building or portion thereof used or intended to be used as a home with three or more families or householders living independently of each other. (Ord. 440, Att. A (part) 1997).

17.08.030 Basement.

“Basement” means a portion of a building included between a floor with its level two feet or more below the level from which the height of the building is measured and the ceiling next above said floor. (Ord. 440, Att. A (part) 1997).

17.08.033 Bed and breakfast.

“Bed and breakfast” means an establishment in a residential district that contains up to five guest bedrooms, is owner or manager occupied, provides a morning meal, and limits the length of stay to fifteen consecutive days per month. (Ord. 726, 2022).

17.08.035 Billboard.

“Billboard” means an outdoor advertising sign, any structure or portion thereof, situated on private premises, upon which lettered or pictured material is displayed for advertising purposes, other than the name and occupation of the user, or the nature of the business conducted on such premises or the products primarily sold or manufactured thereon. (Ord. 440, Att. A (part) 1997).

17.08.040 Building.

“Building” means any structure, permanent, mobile, demountable or movable, built or used for the support, shelter, or enclosure of any person, animals, goods, equipment, or chattels and property of any kind. (Ord. 440, Att. A (part) 1997).

17.08.045 Building line.

“Building line” means a line established by this title to govern placement with respect to highways, streets and alleys. The front property line shall be the front line as shown upon official plats of the property in all subdivisions platted. In all other cases the front line shall be according to the comprehensive plan or the determination of the administrator. (Ord. 440, Att. A (part) 1997).

17.08.050 Bulk plant.

“Bulk plant” means an establishment where flammable liquids are received by tank vessel, pipeline, tank car, or tank vehicle, and are stored or blended in bulk for the purpose of distributing such liquids by tank vessel, pipeline, tank car, tank vehicle or container. (Ord. 440, Att. A (part) 1997).

17.08.055 Clinic.

“Clinic” means a building or portion of a building containing offices and facilities for providing medical, dental or psychiatric services for out patients only. (Ord. 440, Att. A (part) 1997).

17.08.057 Cogeneration facility.

“Cogeneration facility” means a facility used to produce electrical energy and to produce forms of thermal energy (such as heat or steam) for commercial or industrial purposes, but does not include such facilities or uses to which a cogeneration facility may be interconnected and that may receive energy from a cogeneration facility for commercial or industrial purposes. (Ord. 440, Att. A (part) 1997).

17.08.060 Comprehensive Plan.

“Comprehensive plan” means the Bingen Comprehensive Plan as adopted by the city council. (Ord. 440, Att. A (part) 1997).

17.08.063 Condominium unit.

"Condominium unit" means one of a group of housing units where each homeowner owns their individual unit space, and all dwellings typically share ownership of areas of common use. Individual units normally do but are not required to share common walls. A condominium project limits the individual ownership to that of the units rather than dividing the ownership of

a parcel of land by subdivision or short subdivision. All or most of the land in the project is owned in common by all the homeowners. The maintenance responsibility for common land and amenities is managed by an association established by the declaration or bylaws and supported by dues paid by owners of the individual units. Each owner pays taxes on their individual condominium unit and is free to sell at will. The exterior walls and roof of units are typically insured by the condominium association, while all interior walls and items are typically insured by the individual owner. Zoning regulations, standards, and criteria are applicable to condominium development. In addition to required compliance with ~~RCW~~ Chapter 64.34 RCW, Condominium Act, and all other state and federal regulations, a condominium project must comply with all land use and environmental review. Maximum dwelling unit densities, all standards applicable to specified housing and structure types, and all site and street standards are applied to proposed condominium projects through the site plan review process and approval of a binding site plan is required prior to development of any condominium project regardless of the need or lack of need to subdivide the land. (Ord. 726, 2022).

17.08.065 Council.

“Council” means the city council. (Ord. 440, Att. A (part) 1997).

17.08.070 Density provisions.

“Density provisions” means requirements for each land use district to encourage, protect and preserve the health, safety and general welfare of the area, through standards which include yards, height bulk, lot area, lot coverage and occupancy limitations. (Ord. 440, Att. A (part) 1997).

17.08.075 Director of planning.

“Director of planning” means the person designated by the planning commission who is charged with the responsibility of administering this title in terms of the comprehensive plan and in accordance with the decisions of the planning commission, the board of adjustment and the city council; the “administrator” defined in Section 17.08.016. (Ord. 440, Att. A (part) 1997).

17.08.080 District or zone.

“District or zone” means a section or district of the city within which the standards governing the use of buildings or premises are uniform. (Ord. 440, Att. A (part) 1997).

17.08.085 Dwelling group.

A “dwelling group” shall consist of three or more detached dwelling structure located on the same lot. (Ord. 440, Att. A (part) 1997).

17.08.090 Dwelling unit.

“Dwelling unit” means a family combination with housekeeping and cooking facilities. A “bachelor unit” shall be computed as one-half the size requirement of a family or dwelling unit, providing such units are designed as separate apartments and not merely rooming accommodations and subject to specific limitations by district. Hotel, motel, room and boarding units shall not be considered as dwelling units. (Ord. 440, Att. A (part) 1997).

17.08.095 Exception.

“Exception” means a use permitted only after review of an application therefore by the board of adjustment, rather than administrative officials. (Ord. 440, Att. A (part) 1997).

17.08.100 Family.

“Family” means a person living alone, or two or more persons customarily living together as a single household or housekeeping unit and using common cooking facilities, as distinguished from a group occupying a hotel, club, board or lodginghouse. (Ord. 440, Att. A (part) 1997).

17.08.105 Floor area ratio.

“Floor area ratio” means the ratio of usable floor area of a structure to the total area of the lot or land area occupied by such structure. (Ord. 440, Att. A (part) 1997).

17.08.110 Height of building.

“Height of building” means the vertical distance at the center of a building’s principal front, measured from the level of the first floor above grade to the highest point of the roof beams in the case of flat roofs, the deck line of mansard roofs, or the center height between eaves and ridges for gable, hip or gambrel roofs. For buildings set back from the street line, the height may be measured from average elevation of the finished grade along the front of the building. (Ord. 440, Att. A (part) 1997).

17.08.115 Home occupation.

“Home occupation” means a use customarily carried on within a dwelling by the inhabitants thereof which use is incidental to the residential use, and not primarily considered as a business. (Ord. 440, Att. A (part) 1997).

17.08.117 Hosted homeshare.

"Hosted homeshare" means the short-term rental of a portion of a dwelling or an attached or detached separate accessory dwelling unit (ADU) on the property of the licensee's primary address, where the licensee is present during rental periods. (Ord. 726, 2022).

17.08.120 Hotel.

~~“Hotel” means a building in which lodging is provided and offered to the public for compensation and which is opened to transient guests. (Ord. 440, Att. A (part) 1997).~~

“Hotel” means a commercial property on one or more adjacent parcels designed and intended to provide overnight lodging to transient guests for a fee. A hotel generally consists of a lobby, rented units that are entered from the inside of the building, has a minimum of seven rental units, on-site staff, and a transient lodging license as issued and administered by the Washington State Department of Health. A hotel is not a short-term rental.”

17.08.125 Junkyard.

“Junkyard” means a place where waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled or handled, including house wrecking yards, used lumber yards, and yards for use of salvaged house wrecking and structural steel materials and equipment. (Ord. 440, Att. A (part) 1997).

17.08.130 Lot.

“Lot” means a parcel of land, under one ownership, used or capable of being used under the regulation of this title, including both the building site and all required yards and other open spaces. (Ord. 440, Att. A (part) 1997).

17.08.135 Lot coverage.

“Lot coverage” means that portion of a lot that is occupied by the principal building and its accessory buildings, expressed as a percentage of the total lot area. It shall include all projections except eaves. (Ord. 440, Att. A (part) 1997).

17.08.140 Lot depth.

“Lot depth” means the horizontal distance between the front and rear lot lines. (Ord. 440, Att. A (part) 1997).

17.08.145 Lot width.

“Lot width” means the distance between side lot lines measured at the front yard building line; in case of irregularly shaped lots, the lot shall be measured at a point midway between the front and rear lot lines. (Ord. 440, Att. A (part) 1997).

17.08.150 Major thoroughfares.

“Major thoroughfares” means primary and secondary arterials and state highways as shown on the comprehensive plan. (Ord. 440, Att. A (part) 1997).

17.08.155 Manufacture.

“Manufacture” means the converting of raw unfinished materials or products, or any or either of them into an article or articles or substance of a different character or for use for a different character or for use as a different purpose. (Ord. 440, Att. A (part) 1997).

17.08.056 Manufactured home.

“Manufactured home” means a factory built home constructed after June 15, 1976, in accordance with United State Department of Housing and Urban Development requirements for manufactured housing, and bearing the appropriate insignia indicating such compliance, which dwelling unit: (1) is comprised of at least two fully enclosed parallel sections each not less than twelve feet wide by thirty-six feet long; (2) was originally constructed with and now has a composition or wood shake or shingle, coated metal, or similar roof of not less than 3:12 pitch; and (3) has exterior siding similar in appearance to siding materials commonly used on conventional site-built Uniform Building Code single family residences. (Ord. 440, Att. A (part) 1997).

17.08.057 Manufactured home accessory structure.

“Manufactured home accessory structure” means any attached or detached addition to a manufactured home, such as an awning, carport, porch, or storage structure, which is ordinary appurtenant. (Ord. 440, Att. A (part) 1997).

17.08.058 Manufactured home skirting.

“Manufactured home skirting” means that weather-resistant material used to enclose the entire span underneath a manufactured home, having removal panels allowing access and securely anchored, all as approved by the building official. (Ord. 440, Att. A (part) 1997).

17.08.059 Manufactured home stand.

“Manufactured home stand” means an area of a manufactured home development improved as a pad to support a manufactured home, including its enclosed extensions and structural additions. (Ord. 440, Att. A (part) 1997).

17.08.160 Mobile home.

“Mobile home” means a single-family dwelling unit transportable in one or more sections that are eight feet or more in width and thirty-two feet or more in length, built on a permanent chassis, designed to be used as a permanent dwelling unit and constructed before June 14, 1976. (Ord. 440, Att. A (part) 1997).

17.08.165 Mobile home park.

“Mobile home park” means any property used for the accommodation of inhabited trailer or mobile home coaches. (Ord. 440, Att. A (part) 1997).

17.08.170 Modular home.

“Modular home” means a single-family dwelling constructed in a factory in accordance with the Uniform Building Code and bearing the appropriate gold insignia indicating such compliance. The term includes “factory-built,” “pre-fabricated,” and “panelized” units. (Ord. 440, Att. A (part) 1997).

17.08.173 Motel.

"Motel" means a commercial property with a single or multiple buildings on one or more adjacent parcels designed and intended to provide overnight lodging to transient guests for a fee. A motel shall consist of on-call staff located on the same premises. Rented units are entered from the outside of the building; the facility has a minimum of five rental units and a transient lodging license as issued and administered by the Washington State Department of Health. A motel is not a short-term rental. (Ord. 726, 2022).

17.08.175 Multiple-family residence.

“Multiple-family residence” means a building arranged to be occupied by more than two families. (Ord. 440, Att. A (part) 1997).

17.08.180 Net area.

“Net area” means the total usable area exclusive of space dedicated to such things as streets, easements, and uses out of character with the principal uses. (Ord. 440, Att. A (part) 1997).

17.08.185 Nonconforming use.

“Nonconforming use” means a principal use or an activity involving a building or land occupied or in existence at the effective date of this title or at the time of any amendments thereto which does not conform to the standards of the zoning district in which it is located. (Ord. 440, Att. A (part) 1997).

17.08.190 Off-street parking space.

“Off-street parking space” means a permanently surfaced area not situated within a public right-of-way for the parking of a motor vehicle. (Ord. 440, Att. A (part) 1997).

17.08.194 Principal use.

“Principal use” means the main use of land or structures as distinguished from a subordinate or accessory use. (Ord. 440, Att. A (part) 1997).

17.08.195 Principal uses permitted outright.

“Principal uses permitted out right” means uses allowed as a matter of right within certain land use districts without public hearing, zoning permit, conditional exception, or variance; provided, that such use is in accordance with requirements of a particular district and general conditions stated elsewhere in this title. (Ord. 440, Att. A (part) 1997).

17.08.200 Prohibited uses.

“Prohibited uses” means any which is not specifically enumerated or interpreted as allowable in that district. (Ord. 440, Att. A (part) 1997).

17.08.202 Recreational Vehicle.

“Recreation vehicle” means a vehicular-type portable structure without permanent foundation designed and manufactured for recreational use, which can be towed, hauled or driven. The term includes, but is not limited to, self-propelled motor home, travel trailer, truck camper, or camping trailer. “Permanent” for the purposes of this chapter is defined as occupancy for more than four weeks in one consecutive twelve-month period. (Ord. 440, Att. A (part) 1997).

17.08.203 Rental unit.

“Rental unit” means a dwelling that is not owner-occupied and is rented or available to rent. (Ord. 726, 2022).

17.08.205 Service station.

“Service station” means a retail establishment for the sale on the premises of motor vehicle fuel and other petroleum products and automobile accessories, and for the washing, lubrication, and minor repair of automotive vehicles. (Ord. 440, Att. A (part) 1997).

17.08.207 Short-term rental.

“Short-term rental” means a lodging use that is not a hotel or motel or bed and breakfast in which a dwelling unit, or portion thereof, that is offered or provided to a guest(s) by the property owner or operator for a fee for fewer than thirty consecutive nights. (Ord. 726, 2022).

17.08.210 Story.

“Story” means that portion of a building included between the surface of any floor and the surface of the floor next above, or if there is no floor above, then the space between such floor and the ceiling next above it. First story means any floor not over four and one-half feet above the established grade, or if set back, not over four and one-half feet above average ground level at the front line of the building. (Ord. 440, Att. A (part) 1997).

17.08.215 Story, half.

“Half story” means a space under a sloping roof which has the line of intersection of roof decking and wall face not more than four feet above the top floor level. A half-story containing independent apartments or living quarters shall be counted as a full story. (Ord. 440, Att. A (part) 1997).

17.08.220 Street.

“Street” means a public way which affords a primary means of access to property. (Ord. 440, Att. A (part) 1997).

17.08.222 Tiny house.

"Tiny house" and "tiny house with wheels" means a dwelling to be used as permanent housing with permanent provisions for living, sleeping, eating, cooking, and sanitation built in accordance with the state building code and constructed in accordance with WAC 51-51-60104 and does not have an interior habitable area greater than four hundred square feet excluding sleeping lofts. (Ord. 726, 2022).

17.08.223 Total Housing Stock.

“Total housing stock” means the total number of dwelling units within Bingen city limits.

17.08.223224 Townhouse.

"Townhouse" means a single-family dwelling unit constructed as one of two or more attached units separated by property lines at common walls with open space on at least two sides. (Ord. 726, 2022).

17.08.225 Use.

“Use” means an activity or purpose for which land or premises or a building is designed, arranged or intended, or for which it is occupied or maintained, let or leased. (Ord. 440, Att. A (part) 1997).

17.08.227 Vacation Home Rental

“Vacation home rental” means the short-term rental of an entire primary dwelling unit in allowed residential zones. This does not include accessory dwelling units (ADUs) which are permitted under the "hosted homeshare" definition. (Ord. 726, 2022).

17.08.230 Variance.

“Variance” means a modification of the regulations of this title when authorized by the board of adjustment after finding that the literal application of the provisions of this title would cause

undue and unnecessary hardship in view of certain facts and conditions applying to a specific parcel of property. (Ord. 440, Att. A (part) 1997).

17.08.235 Vicinity.

“Vicinity” means the area surrounding a use in which such use produces a discernable influence by aesthetic appearances, traffic, noise, glare, smoke, or similar influences. (Ord. 440, Att. A (part) 1997).

17.08.240 Yard.

“Yard” means land unoccupied or unobstructed, from the ground upward, except for such encroachments as may be permitted by this title surrounding a building site. (Ord. 440, Att. A (part) 1997).

17.08.245 Yard, front.

“Front yard” means an open space, other than the court, on the same lot with the building, between the front line of the building (exclusive of steps) and the front property line. (Ord. 440, Att. A (part) 1997).

17.08.250 Yard, rear.

“Rear yard” means an open space on the same line with the building between the rear line of the building (exclusive of steps, porches and accessory buildings) and the rear line of the lot. (Ord. 440, Att. A (part) 1997).

17.08.255 Yard, side.

“Side yard” means an open space on the space on the same lot with the building between the side wall line of the building between the side wall line of the building on the side line of the lot. (Ord. 440, Att. A (part) 1997).

17.08.260 Zone transition lot.

“Zone transition lot” means a parcel of land abutting a district boundary where the district boundary is not a street upon which more restrictive or less restrictive standards are affixed. The width of such parcel shall be the width of the lot, if platted, but not exceed one hundred feet in any instance. (Ord. 440, Att. A (part) 1997).

17.08.265 Zoning.

“Zoning” means regulation of the use of lands or the manner of construction related thereto in the interest of achieving a comprehensive plan of development. (Ord. 440, Att. A (part) 1997).

17.08.270 Zoning lot.

“Zoning lot” means a tract of land occupied or to be occupied by a principal building and its accessory facilities, together with such open spaces and yards as are required under the provisions of this title, having not less than minimum area required by this title for a zoning purpose in the district in which such land is situated, and having its principal frontage on a public street of standard width. A zoning lot need not necessarily coincide with the record lot which refers to land designated as a separate and distinct parcel on a legally recorded subdivision plat or in a legally recorded deed filed in the records of the county. (Ord. 440, Att. A (part) 1997).



MEMORANDUM

TO: City Council Members

FROM: Krista Loney

DATE: May 25, 2023

SUBJECT: 17.20 Residential (R1) Zoning

I worked on the Zoning code using the suggestions from the CPAT team. The code has been reviewed by Mandy Hertel, Planner with Skamania County Building, as well as Jim Stanton, retired Planner that was part of the CPAT team. They agree with the proposed changes, which include

1. Reducing the minimum lot size from 5,000 to 2,500 square feet to increase density.
2. Maintain side setbacks at 5 feet.
3. Reduce front and rear setbacks to 10 feet.

BINGEN MUNICIPAL CODE

Chapter 17.20

~~SINGLE-FAMILY~~ RESIDENTIAL (R+) DISTRICT

Sections:

- 17.20.010 Permitted use.
- 17.20.020 Accessory use.
- 17.20.030 Conditional uses.
- 17.20.040 Density.
- 17.20.050 Off-street parking.
- 17.20.060 Underground utilities required.

17.20.010 Permitted use.

Permitted uses in the R+ district shall be as follows:

- ~~A. A.~~ One single-family detached dwelling structure per lot, to include manufactured and modular homes, but not to include mobile homes;
- ~~B. B.~~ One two-family attached dwelling structure (duplex) per lot.
- ~~C. C.~~ Mobile homes shall meet the requirements of RCW 43.22.340 and shall be placed on permanent immobile foundation that will comply with the Uniform Building Code as adopted in Section 15.04.010 of this code, and shall have a masonry skirting, and shall be minimum of eight hundred square feet.
- ~~D. D.~~ Townhouse buildings meeting the following criteria:
 - ~~1. Each townhouse building shall contain no more than two townhouses.~~
 - ~~2. Each townhouse in the townhouse building shall have a minimum width of twenty feet.~~
 - ~~3. A common access drive at least sixteen feet wide with a minimum of twelve feet paved area with one-foot minimum shoulders on either side.~~
 - ~~4. No parking in common access drives. Parking in designated parking areas only.~~
 - ~~5. A common access for parking is allowed and may take the form of an easement as long as a maintenance agreement is approved by the city engineer and recorded with the plat.~~
 - ~~6. If a townhouse is destroyed in any manner, it shall be replaced in compliance with the townhouse criteria or the tax lots/parcels shall be legally combined to create a~~

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minimum seven thousand square foot parcel or to the size of the parcel prior to the townhouse project,

7. A preliminary map shall be submitted and approved prior to issuing a building permit,

8. A post construction survey shall be submitted prior to approval of the final plat. Said survey shall be certified by a surveyor licensed in the state of Washington and shall show all setbacks including common wall location. Each division shall conform to Title 16 of this code.

9. Where access is provided directly from a street, each townhouse building shall be required to share only one curb cut. (Ord. 440, Att. A (part), 1997; Ord. 497 §2, 2004).

B. Subsistence or hobby-type gardening and horticultural activities and related structures are permitted provided they shall be less than three hundred square feet total area and used solely for noncommercial purposes. (Ord. 440, Att. A (part) 1997).

17.20.020 Accessory uses.

Accessory uses permitted in the R+ district shall be as follows:

- A. Uses customarily incidental to a principal use permitted outright, such as private garages or parking areas for noncommercial vehicles, but not including any vehicles of over twenty-eight thousand pounds gross weight;
- B. Home occupations;
- C. The renting of rooms by the resident owner for lodging purposes only and for the accommodation of not more than two roomers in a dwelling unit;
- D. Non-flashing residential name plates not exceeding sixty-four square inches bearing only the name and address of the occupant; non-flashing bulletin boards or signs not exceeding sixteen square feet for quasi-public institutional buildings;
- E. The accessory exceptions which may be authorized by the city council in this district are those customarily incidental to conditional exceptions allowed. (Ord. 440, Att. A (part) 1997).

17.20.030 Conditional uses.

Conditional uses shall be as set forth in Chapter 17.72 of this code. (Ord. 440, Att. A (part) 1997).

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17.20.040 Density.

Density provisions for the R-1 district as follows:

- A. Maximum number of dwelling structures permitted per lot: one for lots with an area of less than two thousand six hundred square feet, two for lots with an area of more than two thousand six hundred square feet;
- B. Maximum height of buildings: two stories but not to exceed thirty-five feet;
- C. Minimum area of lot: ~~six thousand~~ two thousand five hundred square feet for each ~~single-family residential~~ structure;
- D. Minimum depth of lot: ~~eighty-five~~ fifty feet;
- E. Minimum width of lot: ~~sixty-five~~ fifty feet;
- F. Maximum percent of building coverage: fifty percent of lot;
- G. Minimum front yard width: ~~twenty-ten~~ ten feet;
- H. Minimum side yard width: five feet;
- I. Minimum side yard width along flanking street of corner lot: fifteen feet;
- J. Minimum rear yard required: ~~twenty ten~~ ten feet. (Ord. 440, Att. A (part) 1997; Ord. 463 §2, 2000; Ord. 657 §2, 2016).

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17.20.050 Off-street parking.

At least one permanently maintained off-street parking space or a private garage shall be on the same lot as the dwelling or be attached thereto or made a part of the main building. Such parking space shall be not less than ten feet wide and twenty feet long. The size of garage shall not exceed size of dwelling. (Ord. 440, Att. A (part) 1997).

17.20.060 Underground utilities required.

All new structures shall be serviced by underground utilities. (Ord. 440, Att. A (part) 1997).

BINGEN MUNICIPAL CODE

Chapter 17.28

MULTIPLE-FAMILY RESIDENTIAL (~~R3~~R2) DISTRICT

Sections:

- 17.28.010 Permitted uses.
- 17.28.020 Accessory uses.
- 17.28.030 Conditional uses.
- 17.28.040 Density.
- 17.28.050 Off-street parking.
- 17.28.060 Underground utilities required.

17.28.010 Permitted uses.

Uses permitted in the ~~R3~~R2 district shall be as follows:

- A. Principal uses permitted outright in the ~~R1 and R2 districts~~R district.
- B. Multiple dwelling structures or groups of structures, including triplex and fourplex family dwelling structures, and multi-family apartments in which units are rented on a permanent basis, but not including motels or other facilities offered on transient tenancy basis.
- C. Townhouse buildings meeting the following criteria:
 - 1. Each townhouse building shall contain no more than six townhouses;
 - 2. Each townhouse in the townhouse building shall have a minimum width of twenty feet;
 - 3. A common access drive at least sixteen feet wide with a minimum of twelve feet paved area with one-foot minimum shoulders on either side;
 - 4. No parking in common access drives. Parking in designated parking areas only;
 - 5. A common access for parking is allowed and may take the form of an easement as long as a maintenance agreement is approved by the city and recorded with the plat;
 - 6. If a townhouse is destroyed in any manner, it shall be replaced in compliance with the townhouse criteria or the tax lots/parcels shall be legally combined to create a parcel the size of the parcel prior to the townhouse project;

7. A preliminary map or subdivision map shall be submitted and approved prior to issuing the building permit;
8. A post construction survey shall be submitted prior to approval of the final plant. Said survey shall be certified by a surveyor licensed in the State of Washington and shall show all setbacks including common wall location. Each division shall conform to Title 16 of this code;
9. Where access is provided directly from a street, each townhouse building shall be required to share only one curb cut. Townhouse buildings containing up to three units shall be required to share only one curb cut. (Ord. 440, Att. A (part), 1997; Ord. 498 §2, 2004).

17.28.020 Accessory uses.

Accessory uses permitted in the ~~R3~~R2 district shall be as follows:

Uses customarily incidental to a principal use permitted outright, such as private garages or parking areas for non commercial vehicles only, but not including any business, trade or industry. (Ord. 440, Att. A (part), 1997; Ord. 498 §2, 2004).

17.28.030 Conditional uses.

Conditional uses shall be set forth in Chapter 17.72 of this code. (Ord. 440, Att. A (part), 1997; Ord. 498 §2, 2004).

17.28.040 Density.

Density provisions for the ~~R3~~R2 district are as follows:

- A. Maximum height of buildings: two stories, but not to exceed thirty-five feet;
- B. Minimum area of lot for single-family dwellings; six thousand square feet; two-family dwellings (duplex) attached: seven thousand square feet and shall be governed by the standards in the ~~R1 and R2 districts~~R district;
- C. Minimum area of lot for multi-family dwellings: two thousand five hundred square feet per dwelling unit for the first four dwelling units; additional dwelling units: one thousand five hundred square feet per unit;
- D. Minimum lot depth: one hundred feet;
- E. Minimum width of lot: one hundred feet; end units of a townhouse building twenty-five feet per townhouse, middle units twenty feet per townhouse;
- F. Maximum percent of lot coverage: fifty percent;

- G. Minimum front yard depth: ~~twenty~~ten feet;
- H. Minimum side yard width: five feet; zero for townhouse common wall;
- I. Minimum side yard width along flanking street of corner lot: fifteen feet. (Ord. 440, Att. A (part), 1997; Ord. 498 §2, 2004).

17.28.050 Off-street parking.

For dwelling units in an ~~R3-R2~~ district there shall be ~~two~~one independently accessible off-street parking spaces on the same lot as the dwelling unit complex, or attached thereto, or made a part thereof, for each housekeeping unit in the dwelling, the size and type of such parking space to be the same as prescribed in the ~~R1 and R2 districts~~R district. (Ord. 440, Att. A (part), 1997; Ord. 498 §2, 2004).

17.28.060 Underground utilities required.

All new structures shall be serviced by underground utilities. (Ord. 440, Att. A (part), 1997; Ord. 498 §2, 2004).

BINGEN MUNICIPAL CODE

Chapter 17.40

COMMERCIAL (C) DISTRICT

Sections:

- 17.40.010 Intent.
- 17.40.020 Permitted uses.
- 17.40.030 Conditional uses.
- 17.40.040 Accessory uses.
- 17.40.045 Prohibited uses.
- 17.40.050 Accessory exceptions
- 17.40.060 Density.
- 17.40.070 Use limitations.

17.40.010 Intent.

The C district is intended to provide an area for the existing and potential wholesale and retail commercial activities associated with the central business district of the city and associated thoroughfare along State Route 14. (Ord. 440, Att. A (part) 1997).

17.40.020 Permitted use.

Uses permitted in the C district shall be as follows:

- A. Retail stores, shops, services and business activities serving primarily the residents of the surrounding urban or rural neighborhood, supplying the necessary daily convenience goods for households, such as groceries, meats, dairy products, drugs, cleaning or laundry (pick-up only) and personal services;
- B. Small animal hospitals when located not closer than one hundred fifty feet from any residential district and four hundred feet or more from any hospital, nursing home or institution for the care of the infirmed; providing, the animals are housed indoors;
- C. Hardware, dry goods, apparel, home appliances, jewelry, photographic studio, furniture, boat sales;
- D. Cafe, tavern, theater, gift shop, radio, and television, bank, business, or professional office;
- E. Automobile, truck and machinery dealer (new and used), garage, and automobile, truck and other vehicle repair, refrigerated locker, shoe repair, bakery supermarket, commercial recreation, excluding, however, the manufacturing, compounding, assembly, or treatment

of products other than those clearly incidental and essential to a retail business and the storage and use of chemicals, solvents, and other liquids associated therewith;

- F. Automobile service stations, including storage facilities for rental trailers, trucks and other conveyances;
- G. Hotel, motel, tourist facilities;
- H. Places of public assembly for meetings or amusement, provided the location is more than fifty feet from a residential zone, is completely enclosed and is more than three hundred feet from any public school, playground or park, except that churches may be permitted without conformance to the distance requirement. (Ord. 440, Att. A (part) 1997).
- I. Residential use up to 50 percent of the square footage on the top floor of two-story buildings and up to 67 percent of the square footage on the bottom (below street level) and top (above street level) of three-story buildings as part of a mixed-use development. ~~containing uses permitted outright and those conditional uses permitted in all residential districts as described in Section 17.72.020;~~

17.40.030 Conditional uses.

Conditional exceptions which may be authorized by the board of adjustment in the C district are as follows:

- A. ~~Residential use up to 50 percent of the square footage of a structure containing uses permitted outright and those conditional uses permitted in all residential districts as described in Section 17.72.020;~~
- B. Those manufacturing, compounding, processing, treatment, or assembly uses allowed in the Light Industrial District which take place within an enclosed structure and from which there is no discernable odor, noise, dust, smoke, cinders, gas, vibration, refuse matter, or other noxious effects beyond the exterior walls of the structures;
- C. Any uses determined to be of the same general character as the principal uses permitted outright in Section 17.40.020, subject to required conditions. (Ord. 440, Att. A (part), 1997; Ord. 561 §2, 2009).

17.40.040 Accessory use.

The accessory uses permitted in the C district are as follows:

- A. Uses and structures customarily incidental to principal use permitted outright;
- B. Advertising signs and outdoor advertising structures in accordance with Chapter 15.12 of the Bingen Municipal Code relating to signs;

- C. Commercial parking lots for private passenger vehicles only. (Ord. 440, Att. A (part) 1997).

17.40.045 Prohibited uses.

The prohibited uses in the C district include, but are not limited to the following, per 17.08.510:

- A. Multiple-dwelling Short-Term Rental Buildings, as well as new commercial construction, with Short-Term Rentals as a primary use.

17.40.060 Accessory exceptions.

The accessory exceptions which may be authorized by the city council in the C district are those uses customarily incidental to conditional uses. (Ord. 440, Att. A (part) 1997).

17.40.060 Density.

Density provisions for the C district are as follows:

- A. Maximum building height: three stories, but not to exceed forty-five feet;
- B. Minimum lot: none;
- C. Minimum front yard depth: none required;
- D. Minimum side yard, interior lot: none required;
- E. Minimum side yard, corner lot: none required;
- F. Minimum side yard, zone transition lot: same as requirement of adjoining more restrictive district;
- G. Minimum rear yard: none, except when abutting a residential district: twenty feet. (Ord. 440, Att. A (part) 1997).

17.40.070 Use limitations.

Basic uses permitted in C business district shall be subject to following limitations:

- A. All business, service, repair, processing, or storage shall be conducted wholly within an enclosed building, except for off-street parking and for automobile service stations.
- B. Processes and equipment and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, noise, vibration, refuse matter or water-carried waste. (Ord. 440, Att. A (part) 1997).

17.40.080 Underground utilities required.

All new structures shall be serviced by underground utilities. (Ord. 440, Att. A (part) 1997).

BINGEN MUNICIPAL CODE

Chapter 17.64

OFF-STREET PARKING

Sections:

- 17.64.010 Intent.
- 17.64.020 Purpose.
- 17.64.030 Requirements generally.
- 17.64.035 Review of new uses within downtown core commercial area.
- 17.64.040 Size, access requirements.
- 17.64.050 Location requirements.
- 17.64.060 Expansion, enlargement.
- 17.64.070 Joint use—Authorized.
- 17.64.080 Joint uses—Conditions required.
- 17.64.090 Standards.

17.64.010 Intent.

It is the intent of this section to allow for parking and loading standards. (Ord. 440, Att. A (part) 1997).

17.64.020 Purpose.

The provision of off-street parking and loading space in accordance with the needs and requirements of particular property use is a necessary public policy in the interest of traffic safety minimizing congestion, and to provide harmonious development. (Ord. 440, Att. A (part) 1997).

17.64.030 Requirements generally.

New uses in all districts shall meet the minimum standards of this chapter; provided that the Downtown Core Commercial area, described as that area between Depot Street and Steuben Street east of Dry Creek to west of Maple Street, the south half of the area between Steuben Street and Humboldt Street east of Walnut Street to west of Cherry Street, and the north half of the area between Steuben Street and Humboldt Street from east of Walnut Street to west of Maple Street, is exempt from the minimum standards of this title. (Ord. 440 Att. A (part), 1997; Ord. 492 §2, 2003).

17.64.035 Review of new uses within downtown core commercial area.

All new uses proposed within the downtown core commercial area (as described in BMC 17.64.030) shall provide information to the city council regarding the number of expected vehicle visits in a given day. This information will not be used to deny a use but will provide

information to the city for transportation planning within the downtown core commercial area. (Ord. 492 §3, 2003).

17.64.040 Size, access requirements.

- A. Each off street parking space shall have a net area of not less than one hundred sixty square feet exclusive of access drives or aisles, and shall be of usable space and condition. If determined on a gross area basis, three hundred square feet shall be allowed per vehicle.
- B. The required space for a residential dwelling unit shall not be less than two hundred square feet per space. (Ord. 440, Att. A (part), 1997; Ord. 500 §2, 2004).

17.64.050 Location requirements.

Off-street facilities shall be located as specified in this section. Where a distance is specified, such distance shall be the maximum walking distance measured from the nearest point of the parking facility to the nearest point of the buildings that such facility is required to serve.

- A. For one and two-family dwellings, on the home lot with the building they are required to serve;
- B. For multiple dwellings, one hundred and fifty feet;
- C. For hospitals, sanitariums, homes for aged, asylums, orphanages, club rooms, fraternity and sorority houses, and other uses, three hundred feet. (Ord. 440 Att. A (part), 1997).

17.64.060 Expansion, enlargement.

Whenever any building is enlarged in height or in ground coverage, off-street parking shall be provided for said expansion or enlargement in accordance with the requirements of the schedule; provided, however, that no parking space need be provided in the case of enlargement or expansion where the number of parking spaces required for such expansion or enlargement since the effective date of the ordinance codified in this title is less than the percent of the parking spaces specified in the schedule for the building. Nothing in this section shall be construed to require off-street parking spaces for the portion of such building existing at the time of passage of the ordinance codified at the time of passage of this title. (Ord. 440, Att. A (part) 1997).

17.64.070 Joint use—Authorized.

The board of adjustment may authorize the joint use of parking facilities for the following uses or activities under conditions specified:

- A. Up to fifty percent of the parking facilities required by this section for a theater, bowling alley, dance hall, restaurant, or other similar uses, may be supplied by the off-street parking provided by other daytime types of uses.
- B. Up to fifty percent of the off-street parking facilities required by this section for any daytime buildings or uses may be supplied by the parking facilities provided by uses herein referred to as nighttime uses.
- C. Up to one hundred percent of parking facilities required by this section for a church or auditorium incidental to a public or parochial school may be supplied by the off-street parking facilities serving primarily daytime uses. (Ord. 440, Att. A (part) 1997).

17.64.080 Joint uses—Conditions required.

The conditions required for use shall be as follows:

- A. The building or use for which application is being made to utilize the off-street parking facilities provided by another building or use shall be located within three hundred feet of such parking facilities.
- B. The applicant shall show that there is no substantial conflict in the principal operating hours of the two buildings or uses for which joint use of off-street parking facilities is proposed. (Ord. 440, Att. A (part) 1997).

17.64.090 Standards.

Required off-street parking shall be as follows:

<u>Use</u>		
• Residential structures	2 1	for each dwelling unit (each space must be independently accessible)
• Auto courts, hotels, motels	1	for each sleeping unit
• Hospitals and institutions	1	for each 4 beds
• Theaters	1	for each 4 seats, except 1 for each 8 seats in excess of 800 seats
• Churches, auditoriums and similar open assembly	1	for each 6 sets and/or 1 for each 50 square feet of floor area for assembly not containing fixed seats
• Stadiums, sports arenas and similar open assemblies	1	for each 8 seats and/or 1 for each 100 square feet of assembly space without fixed seats
• Dance halls	1	for each 50 square feet of gross floor area
• Bowling alleys	6	for each alley
• Banks, business and professional	1	for each 400 square feet of gross fee

offices with on-site customer service		of gross floor area
• Offices not providing customer services on premises	1	for each 4 employees or 1 for each 800 square feet of gross floor area
• Warehouse, storage and wholesale business	1	for each 2 employees
• Food and beverage places with sale and consumption on premises	1	for each 200 square feet of gross floor area
• Furniture, appliance, hardware, clothing, shoe, personal services store	1	for each 600 square feet of gross floor area
• Other retail stores	1	for each 300 square feet floor area or at a ratio of 1 inside to 1 outside
• Manufacturing uses, research, testing and processing, assembly, all industries	1	for each 2 employees on the maximum working shift and not less than 1 for each 800 square feet of gross floor area
• Use not specified	-	to be determined by Planning Commission

(Ord. 440 Att. A (part); 1997; Ord. 500 §4, 2004).



MEMORANDUM

TO: City Council Members

FROM: Krista Loney

DATE: June 12, 2023

SUBJECT: Accessory Dwelling Units (ADUs)

The guidance for Accessory Dwelling Units (ADUs) actually comes from the Washington State Department of Commerce from back in the 1990's. ADU code is fairly uniform across all of the municipalities that allow them. There are several decision points for Council that are highlighted yellow on the attached draft municipal code. The following draft municipal code was written with this guidance in mind.

With the passing of House Bill 1337, there is new guidance from Commerce specific to ADUs that is in direct opposition to what was originally published. We are currently in a 30 day comment period for HB 1337. These changes include:

1. Allowing 2 ADUs per lot
2. Do not require owner occupancy – we don't have to follow this as a non-GMA county.
3. Allow separate sale of ADUs – this means a detached ADU would have to have their own water and sewer connection
4. Maximum size has to be at least 1000 square feet – we don't have to follow this as a non-GMA county.

BINGEN MUNICIPAL CODE

Chapter 17.30

ACCESSORY DWELLING UNITS

Sections:

- 17.30.010 Purpose.
- 17.30.020 Permitting.
- 17.30.030 Development Standards.
- 17.30.040 Deed Covenant.
- 17.30.050 Utilities.
- 17.30.060 Underground Utilities Required.
- 17.30.070 Pre-Existing Accessory Dwelling Units.

17.30.010 Purpose.

- A. Provide homeowners with a means of obtaining, through tenants in either the ADU or the principal unit, rental income, companionship, security, and services.
- B. Add affordability options to the existing housing base.
- C. Allow for development of housing units in residential zoning districts that are appropriate for people at a variety of life stages.
- D. Protect neighborhood stability, property values, and the residential appearance of the neighborhood by ensuring that ADUs are installed under the condition of the ordinance.

17.30.020 Permitting.

Approval of a proposed ADU shall be accomplished through review by the city planner and building inspector, whether employed by the City of Bingen or contracted by a third party. In addition to the standard application form, the following shall be submitted to the planner and building inspector:

- A. Scale drawings of the ADU project depicting sufficient detail to interpret the requirements of this section.
- B. A proposal for a Detached ADU, when located on a lot with more than double the minimum lot area of BMC section 17.20.040, shall provide a site plan showing whether the proposed building would hinder future division of the lot.

17.30.030 Development Standards.

- A. Accessory Dwelling Units shall comply with the following standards and criteria:
 - a. Owner occupancy. The property owner must occupy either the principal unit or the ADU as their permanent residence. The owner shall maintain residency for at

- least 6 months out of the year, and at no time receive rent for, or otherwise allow to be occupied, the owner-occupied unit if absent for the remainder of the year.
- b. Density. Only one ADU may be established in conjunction with a dwelling, either single-family or duplex, in the R1 zone.
 - c. Minimum Lot Size. An ADU shall not be established on any parcel smaller than 2,500 square feet.
 - d. Maximum Unit Size.
 - i. Internal Conversion. There is no restriction on the maximum size of an ADU when the ADU is created through the internal conversion of an existing structure.
 - ii. Addition. The gross floor area of an addition to an existing structure, constructed for the purpose of creating an ADU, shall not exceed 40% of the gross floor area of the principal structure (not including basement or garage).
 - iii. Detached ADU. The maximum unit size of a Detached ADU shall not exceed more than 800 square feet.
 - e. Minimum Unit Size. The gross floor area of an ADU shall not be less than 300.
 - f. Setbacks and Lot Coverage. Additions to existing structures, or the construction of new detached structures, associated with the establishment of an ADU shall not exceed the allowable lot coverage or encroach into required setbacks as prescribed in the underlying zone. The applicable setbacks shall be the same as those prescribed for the primary structure, not those prescribed for detached accessory structures unless a variance is requested and approved. The ADU shall be oriented in a way that considers and maintains the privacy of residents in adjacent or adjoining dwellings to a practical extent.
 - g. Construction Standards. The design and construction of the ADU shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health and any other codes.
 - h. Accessibility. To encourage the development of housing units for people with disabilities, the building official may allow reasonable deviation from the stated requirements to install features that facilitate accessibility. Such facilities shall be in conformance with the International Building Code.
 - i. Design and Appearance. An ADU shall be consistent in design and appearance with the primary residence. Specifically, the roof pitch, siding and roofing materials, colors and window treatment shall be the same as the primary structure.
 - j. Parking. Additional on-site parking of one space is required in conjunction with the ADU. The off-street parking requirements set for in Chapter 17.20.050 shall be maintained for the primary residence. Spaces provided to serve the ADU shall be dedicated to that purpose and must be kept open and available by residents and guests of the ADU. Could also not require on-site parking if street parking is available.
 - k. Garage Conversions. An existing garage structure may be incorporated as part of an ADU addition to the principal structure, provided that the structure complies with the setback standards applicable to the principal structure in the underlying zone and complies with applicable building codes. The off-street parking requirements for the primary residence shall be provided for elsewhere on-site.

- l. Proximity. To ensure adequate owner supervision and achieve other purposes, the nearest point of a Detached ADU shall be located within 40 feet of the primary unit.
- m. Land Division. The City encourages locating Detached ADUs so as not to hinder future division of the lot.

17.30.040 Deed Covenant.

The applicant shall provide a covenant in a form acceptable to the city attorney and suitable for recording with the county auditor, providing notice to future owners of the property that the existence of the ADU is predicated upon owner-occupancy of either the principal dwelling unit or the ADU. Further, the covenant shall give notice to a prospective buyer of the limitations of this section.

17.30.050 Utilities.

Section 13.44.060 in Bingen allows additional dwellings to connect through the existing meter at the home. Cost is the difference between connection fee at present (for the ADU) and connection fee paid when the original connection was made.

Section 13.40.250 says the lines have to be separate. 13.40.050 says the lines have to be separate.

17.30.060 Underground Utilities Required.

All new structures shall be serviced by underground utilities.

17.30.070 Pre-Existing Accessory Dwelling Units.

ADUs established without the benefit of permits prior to the adoption of this section may be permitted as a legal ADU.

- A. If by July 1, 2024, the owner of a property with an unpermitted ADU applies for an ADU permit then no penalties shall be imposed under BMC 17.92.020 Violation—Penalty and the following apply:
 - a. The property owner shall arrange for an inspection of the ADU by the Building Official who will provide the property owner with a list of required corrections.
 - b. The property owner shall make all reasonable efforts to bring the ADU into compliance with the standards listed under subsection 17.30.030 of this section, including the requirement for compatibility with the principal unit. The City Planner or Building Official may waive any of the requirements under subsection 17.30.030 of this section if strict compliance would cause an unreasonable hardship.
- B. If by July 1, 2024, the owner of a property with an unpermitted ADU fails to apply for an ADU permit, then the property owner may still apply for an ADU permit, but shall be

required to pay an after-the-fact permit fee and the ADU shall comply with the standards listed under subsection 17.30.030 of this section.

**MODEL ACCESSORY DWELLING UNIT
ORDINANCE RECOMMENDATIONS**
**Washington State Department of Community, Trade, and
Economic Development, January 1994**

SECTIONS:

Definitions
Purpose and Intent
Standards and Criteria
Grandfathering
Application Procedures

DEFINITIONS

1. An Accessory Dwelling Unit (ADU) is a habitable living unit that provides the basic requirements of shelter, heating, cooking, and sanitation.

Comment: The Uniform Building Code (UBC) Sec. 1207 & 1208 lists minimum room sizes for an efficiency unit. The jurisdiction could set up maximum areas in the Standards and Criteria below, if it so desired.

PURPOSE AND INTENT

- A. The installation of an ADU in new and existing single-family dwellings (hereinafter principal units) shall be allowed in single-family zones subject to specific development, design, and owner-occupancy standards.

Comment: As required by Senate Bill 5584.

- B. The purpose of allowing ADUs is to:
 1. Provide homeowners with a means of obtaining, through tenants in either the ADU or the principal unit, rental income, companionship, security, and services.
 2. Add affordable units to the existing housing.
 3. Make housing units available to moderate-income people who might otherwise have difficulty finding homes within the (city/county).²
 4. Develop housing units in single-family neighborhoods that are appropriate for people at a variety of stages in the life cycle.

²A parentheses indicates that the jurisdiction needs to insert the appropriate word or term.

5. 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.

STANDARDS AND CRITERIA

A. ADUs shall meet the following standards and criteria:

1. The design and size of the ADU shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes. When there are practical difficulties involved in carrying out the provisions of this Ordinance, the (building official) may grant modifications for individual cases.

Comment: Construction shall conform to all codes which are required for any new construction.

2. Certification by the (city/county) Health Department that the water supply and sewage disposal facilities are adequate for the projected number of residents must be provided to the building official.

Comment: More applicable in rural areas for septic and wells. It is actually covered by No. 1 above.

3. Any additions to an existing building shall not exceed the allowable lot coverage or encroach into the existing setbacks.

Comment: Planning ordinance already in place in most jurisdictions.

4. The ADU may be attached to, or detached from, the principal unit.

Comment: Jurisdictions need to survey their existing housing stock and neighborhood standards to determine where and how ADUs would best fit their housing needs. This would allow the most diversity of choice and honor the uniqueness of each site.

5. Only one ADU may be created per residence in single-family zones. Multiple detached ADUs may be created in (agricultural) zones, if one of the occupants of each unit is employed by the property owner.

Comment: The first sentence is to “maintain single-family appearance.” The second sentence is appropriate in agricultural zones.

6. The property owner, which shall include title holders and contract purchasers, must occupy either the principal unit or the ADU as their permanent residence, but not both, for at least (X) months out of the year, and at no time receive rent for the owner-occupied unit.

Comment: Owner-occupied units are better maintained, and therefore the neighborhood will be better maintained. If the owner has to live on site for more than six months out of the year, they could not own more than one ADU. This would eliminate speculators/developers from developing duplexes throughout an area under the guise of calling them ADUs.

7. An ADU may be developed in either an existing or a new residence.

Comment: This would allow new home builders to plan ahead for "mother-in-law" type units and thus save money now and time and inconvenience later.

8. In no case shall an ADU be more than 40 percent of the building's total floor area, nor more than 800 square feet, nor less than 300 square feet, nor have more than 2 bedrooms, unless in the opinion of the (building official), a greater or lesser amount of floor area is warranted by the circumstances of the particular building.

Comment: Area limitation. See No. 1 under Definition above. The existing structure, the lot size, or the jurisdiction will determine ADU's size.

9. The ADU shall be designed so that, to the degree reasonably feasible, the appearance of the building remains that of a single-family residence.

Comment: To maintain single-family appearance. This is a subjective evaluation and unless specific design standards are adopted by the jurisdiction, this may be difficult to consistently apply.

10. The primary entrance to the ADU shall be located in such a manner as to be unobtrusive from the same view of the building which encompasses the entrance to the principal unit.

Comment: The second entrance is located this way to maintain single-family appearance with an attached ADU. Less restrictive than "no second entry on the street side of the principal unit," but it allows for site restriction that may make a side or rear entry impossible.

11. One off-street parking space, in addition to that which is required by the Ordinance for the underlying zone, shall be provided or as many spaces deemed necessary by the (building official) to accommodate the actual number of vehicles used by occupants of both the primary dwelling and the ADU. Parking spaces include garages, carports, or off-street areas reserved for vehicles.

Comment: Parking requirements may vary from jurisdiction to jurisdiction depending on density of neighborhood, existing neighborhood standards, etc. Other parking options include more than one additional space, tandem parking, or allowing on-street parking.

12. In order to encourage the development of housing units for people with disabilities, the (building official) may allow reasonable deviation from the stated requirements to install features that facilitate accessibility. Such facilities shall be in conformance with the UBC.

Comment: This is an accessibility issue.

GRANDFATHERING

1. Option 1.

ADUs created prior to (date) shall be registered with the (building official) for inclusion into the Certificate of Occupancy Program. Application for registration must contain the name of the owner, the address of the unit, the floor area of the two dwelling units, a plot plan of the property, evidence of the date of establishment of the unit, evidence of the use for the six-month period prior to the application for registration, and a signature of the owner.

Comment: This provision would allow the building official to verify the compliance of the ADU to the codes, and to require changes as necessary.

Option 2.

Ignore.

Comment: It would be difficult, and very time consuming, to determine under which codes the ADU was originally constructed.

APPLICATION PROCEDURE

1. Application for a building permit for an ADU shall be made to the (building official) in accordance with the permit procedures established in Section (00.0000), and shall include:

Comment: For building official's plan check.

- a. A letter of application from the owner(s) stating that the owner(s) shall occupy one of the dwelling units on the premises, except for bona fide temporary absences, (for (X) months out of each year).

Comment: This is an owner-occupancy requirement. Limits the owner from “living” in several units at the same time.

2. The registration form or other forms as required by the (building official) shall be filed as a deed restriction with the (county) Department of Records and Elections to indicate the presence of the ADU, the requirement of owner-occupancy, and other standards for maintaining the unit as described above.

Comment: This is for optional use if the owner-occupancy requirement is adopted.

3. The (building official) shall report annually to the (council) on ADU registration, number of units and distribution throughout the (city/county), average size of units, and number and type of complaint and enforcement-related actions.

Comment: This is a local jurisdiction option. This provides a tracking mechanism on the number of ADUs to determine if changes to the Ordinance are needed.

4. Cancellation of an ADU’s registration may be accomplished by the owner filing a certificate with the (building official) for recording at the (city/county) Department of Records and Elections, or may occur as a result of enforcement action.
5. This Ordinance shall take effect and be in force five days after passage and legal publication.

Comment: This is a local jurisdiction option.

Appendix B

Summary of Selected Accessory Dwelling Unit Ordinances

City Population	Owner Occupancy Requirement	Location	Size Requirements	Parking Requirements	Public Hearing Required	Design Standards	Allow in New Construction?	Other
Bellevue 99,140	Yes	Attached	Not less than 300 sq. ft.; not more than 800 sq. ft.; ADU shall not exceed 40% of total residence.	1 additional	No	Second entry facing street prohibited.	No (Primary residence must have existed for three years prior to application for ADU permit)	ADU and home occupation not allowed on the same site. No rent may be charged for owner-occupied unit.
Clyde Hill 2,995	Yes	Must be attached to main unit or a detached garage.	Not less than 300 sq. ft.; not more than 900 sq. ft.; ADU shall not exceed 40% of total residence.	1 additional	No	Second entry facing street prohibited. Maintain single-family appearance.	Yes	Utility department must certify that water and sewer facilities are adequate. ADU must have a separate numbered address.
Everett 78,240	Yes	Attached	ADU floor area shall not exceed 35% of total floor area.	3 for principal and ADU	Property owners within 300 ft. may request hearing.	Second entry facing street prohibited. Maintain single-family appearance.	Yes	Separate water and electric meters prohibited. Annual filing of owner occupancy certificate required. When home abuts alley, ADU parking must be off of alley.
Mercer Island 21,270	Principal unit or ADU must be occupied by owner or immediate family member of owner.	Attached or detached.	Not less than 220 sq. ft.; not more than 900 sq. ft.; ADU shall not exceed 40% of primary dwelling, excluding garage.	3 for principal and ADU	No	Second entry facing street prohibited. Additions must be consistent with roof pitch, siding, and windows of principal unit.	Yes	Notice of permit application mailed to property owners within 300 ft. with 14 day comment period.
Richland 35,430	Yes	Attached	Not less than 300 sq. ft.; not more than 800 sq. ft.; ADU shall not exceed 40% of total floor area.	1 additional	No	Second entry within same facade as main entry prohibited.	Yes	ADU may not have separate utility service (except telephone and television).

City Population	Owner Occupancy Requirement	Location	Size Requirements	Parking Requirements	Public Hearing Required	Design Standards	Allow in New Construction?	Other
Spokane 185,600	Yes	Attached	Not less than 300 sq. ft.; not more than 700 sq. ft.; ADU shall not exceed 30% of total floor area or have more than 2 bedrooms.	Must meet standards of underlying zone.	No	Second entry should be on side or rear or "very unobtrusive" from same view encompassing primary entrance.	Yes	Occupancy of ADU limited to family members or persons providing nursing care to owner. Additions for ADU shall not increase sq. ft. of structure by more than 10%. Home occupations prohibited in either principal or ADU unit.
Seattle 531,400	Yes	Attached	Floor area of at least one of the dwelling units shall not exceed 1,000 sq. ft.	2 parking spaces required (1 for primary unit and 1 for ADU)	No	Only one entrance may be located on each front or street side of residence.	Yes	Notice of permit issuance mailed to property owners within 200 ft. explaining standards and procedure for filing complaints.
Tacoma 182,800	Yes	Attached	Not less than 300 sq. ft.; not more than 800 sq. ft.; shall not exceed 33% of total floor area.	1 additional. (Must be located in rear of lot where access is available)	No	Second entry within same facade as main entry prohibited. Additions must be consistent with existing facade, roof pitch, siding and windows.	Yes	Notice of permit issuance mailed to property owners within 400 ft. Home occupations allowed in either ADU or main building, but not both.
Tumwater 11,200	Yes	Within existing (at least 2 years old) attached or detached structures.	Principal and accessory structures must have at least 2,000 sq. ft. gross floor area; ADU shall not exceed 25% of total floor area and can have no more than 2 bedrooms.	1 additional	No	Only one entrance may be visible from front. No external evidence of occupancy by more than one family.	No (may be installed only in structures at least two years old)	No additions to existing floor area allowed for conversion.
Walla Walla 28,730	Yes	Attached or detached	Not more than 800 sq. ft. or 33% of living area of primary structure, whichever is smaller.	1 additional (must be in rear or on a driveway)	No	No more than one entrance on front of house.	Yes	Home occupations prohibited. Reasonable deviations from standards allowed to facilitate accessibility for people with disabilities.

Appendix C



ACCESSORY DWELLING UNIT Registration Application

INTAKE DATE _____	TECH INITIALS _____	PROJECT FILE # _____
-------------------	---------------------	----------------------

Property Address _____ Zip Code _____

Owner _____ Phone _____

Mailing Address _____ City, State, Zip _____

Legal Description (attach if necessary) _____

Tax Assessor's # _____ Construction of original residence completed in 19 _____

Total square footage of residence (including accessory unit & excluding garage) _____

Square footage of accessory unit only _____

DESIGN & USE REQUIREMENTS: (See section 20.20.120 of the Bellevue Land Use Code for complete regulations)

1. One accessory unit is permitted as a subordinate use within an existing single family dwelling.
2. The primary unit or accessory unit must be owner occupied.
3. Only homes at least 3 years old at the time of application may have an accessory unit.
4. The accessory unit must be a least 300 sq. ft. and not more that 800 sq. ft unless approved by the Design & Development department. The accessory unit cannot exceed 40% of the total living area (excluding garage) of the residence, including the accessory unit.
5. Total residents of both units must not exceed City's definition of family (6 unrelated individuals).
6. Off-street parking equal to one more than required by underlying zoning (typically 3 total spaces) must be provided.
7. Only one front door entrance; additional entrances are permitted on the side and rear of the house.
8. Accessory units are not permitted in structures detached from the primary residence, including but not limited to guest cottages, detached garages, or workshops.
9. The accessory unit must meet all technical code standards (Title 23, BCC, including building, electrical, fire, and plumbing code requirements).
10. A site may not contain both an accessory unit and a business subject to the regulations in 20.30N for a Class A or Class B Home Occupation Permit.
11. An accessory unit may not be subdivided or otherwise segregated in ownership from the primary residence.
12. After approval by the City of Bellevue and registration with King County, all neighbors within 200 feet of the residence will be notified of the existence of the accessory dwelling unit.

I certify that I am the owner of the residence and have read the Design & Use requirements listed above. I also certify that the information I have given is correct and that I now comply and will continue to comply with all the above listed requirements.

Signed by Owner _____

FOR OFFICE USE ONLY		
<input type="checkbox"/> Approved <input type="checkbox"/> Approved > 800 sf <input type="checkbox"/> Denied		
Design & Development	Date	

**ACCESSORY DWELLING UNIT (ADU)
Code Compliance Inspection**

2/94

Your ADU must be inspected by a Code Compliance Officer prior to final occupancy approval. This inspection is separate from the building inspection required for all remodeling permits. Please contact the Code Compliance Officer assigned to your ADU permit, or call 455-6875 to schedule an inspection. ■ If you have any questions concerning your application submittal, please visit or call the Permit Center (455-6864) between 8 a.m. and 4 p.m., Monday through Friday (Wednesday, 10 to 4).

The Code Compliance Officer will inspect for the following minimum technical code standards necessary for ADU approval:

INSPECTION CHECKLIST	MINIMUM STANDARDS
Exit Facilities and Emergency Escapes	<ol style="list-style-type: none"> 1. For every sleeping room -- At least one operable window or door approved for emergency escape directly to the outside and conforming to the following unobstructed dimensions: <ul style="list-style-type: none"> -- Minimum net clear openable area 5.7 sq. ft. -- Minimum net clear openable height 24 inches -- Minimum net clear openable width 20 inches -- Minimum finished sill height above floor 44 inches 2. Bars, grills, or grates -- Equipped with approved release mechanisms which are operable from the inside without the use of a key or special knowledge or effort.
Light and Ventilation	<ol style="list-style-type: none"> 1. Natural light for all rooms -- Exterior glazed openings with an area not less than one-tenth of the floor area of the room, with a minimum of 10 square feet. 2. Natural ventilation for all rooms -- Openable exterior openings with an area of not less than one-twentieth of the floor area of the room, with a minimum of 5 square feet. 3. Natural ventilation for bathrooms, laundry rooms, and similar rooms <ul style="list-style-type: none"> -- Openable exterior openings with an area not less than one-twentieth of the floor area of the room, with a minimum of 1½ square feet OR -- A mechanical ventilation system connected directly to the outside, capable of providing 5 air changes per hour. The point of discharge of exhaust air must be at least 3 feet from any opening into the building.

(OVER)

<p>Room Dimensions</p>	<ol style="list-style-type: none"> 1. Ceiling height -- Not less than 7 feet 6 inches. Exception: Kitchens, halls, and bathrooms -- not less than 7 feet. 2. At least one room must have not less than 120 square feet of floor area; other rooms (except kitchens), not less than 70 square feet.
<p>Smoke Detectors</p>	<ol style="list-style-type: none"> 1. Installed in each sleeping room and at a point centrally located in the corridor or area giving access to each separate sleeping area. 2. Installed in the hallway and in the adjacent room where the ceiling height of a room open to a hallway serving bedrooms exceeds that of the hallway by 24 inches or more.
<p>Efficiency Dwelling Units</p>	<p>Must conform to other requirements of the code, except the unit must have:</p> <ol style="list-style-type: none"> 1. A living room of not less than 220 square feet, with an additional 100 square feet for each occupant of the unit in excess of two. 2. A separate closet. 3. A kitchen sink, cooking appliances, and a refrigerator -- Each having not only a clear working space of not less than 30 inches in front, but also light and ventilation. 4. A separate bathroom containing a toilet, wash basin, and bathtub or shower.
<p>Special Hazards*</p>	<ol style="list-style-type: none"> 1. Visual observation of possible electrical hazards: wiring, switches, outlets, fixtures, panel, etc., that appear unusual. 2. Visual observation of possible mechanical hazards: chimney, woodstove, fireplace, etc. <p>* Note: If possible hazards to the life or safety of occupants are noted, a City inspector may be called in to verify conditions, and the owner may be <u>required</u> to make necessary corrections.</p>



After Recording Mail To:

City of Everett
Department of Community Development
and Planning
3002 Wetmore Avenue
Everett, WA 98201

CITY OF EVERETT
ACCESSORY DWELLING UNIT COVENANT

THIS COVENANT is executed this _____ day of _____,
19____, by _____
hereinafter referred to as "Owner."

RECITALS

WHEREAS, Owner is the owner of the following described property
on which a principal residential structure and an accessory
dwelling unit exist:

_____ ; and

WHEREAS, Owner has made application to the City of Everett for a
permit for an accessory dwelling unit in accordance with the
provisions of the City of Everett Zoning Code, Title 19 of the
Everett Municipal Code; and

WHEREAS, as a condition of approval of a permit for an accessory
dwelling unit Owner is required to provide a covenant in
accordance with the provisions of the City of Everett Zoning
Code;

NOW, THEREFORE, Owner does hereby covenant and agree as follows:

1. An accessory dwelling unit within Owner's single family
residence located on the herein described property is
permitted by the City of Everett subject to the conditions
set forth in the City of Everett Zoning Code, Chapter 19.39
as amended or hereafter superseded.



CITY OF EVERETT
 ACCESSORY DWELLING UNIT
 OWNER'S CERTIFICATE OF OCCUPANCY
 FILE # _____
 ADDRESS _____

KNOW all men by these presents:

That, the undersigned, deposes and states that the undersigned owns the property described by this certification; and does hereby certify that the undersigned resides at said property as the undersigned's permanent and principal residence. This certification is required by Chapter 19.39 of the Everett Municipal Code as a condition of the continued use of an accessory dwelling unit located within the residence described herein and commonly referred to as _____ (address).

(Legal Description of property on which residence is located)

Dated this _____ day of _____, 19____.

Signature _____ X _____

STATE OF WASHINGTON)

 COUNTY OF SNOHOMISH)

On this _____ day of _____, 19____, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared _____ and _____, executed the within and foregoing dedication, and acknowledged the said dedication to be of free and voluntary act for the uses and purposes therein mentioned in this instrument.

Dated: _____

 (Signature of notary public)

(Seal or stamp)

 Title
 My appointment expires: _____

City of Redmond

Instructions for Filing Application

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

GENERAL DEVELOPMENT PERMIT - ACCESSORY DWELLING UNIT

The following information must be submitted with the application:

1. A written description of the interior and exterior modifications that will be done to accommodate the accessory dwelling, the location on site, and the square footage of the accessory dwelling unit.
2. A written statement explaining how this proposal meets the criteria contained in Section 20C.20.012 - Accessory Dwelling Units.
3. A copy of any covenants, conditions and restrictions (CC & R's) affecting the property. If there are no CC & R's affecting the property, a written statement that indicates no CC & R's affect the proposal shall be submitted.
4. Legal description and King County Tax Assessment Number for the property.
5. Vicinity map showing location of subject property..
6. Names and addresses of adjoining property owners (available from King County Assessor's Office).
7. A site plan showing dwelling location, elevation changes to dwelling, if any, and location of parking to serve accessory unit. (15 copies required)
8. Explanation of any modifications to existing codes or standards if proposed.
9. Affidavit of ownership/occupancy and parking status.
10. Additional information may be required by the Technical Committee. The applicant will be notified in writing if necessary.

NOTE: Approval of the General Development Permit does not exempt the proposal from any covenant, condition or restriction which may be in effect at the time of issuance. It is the owners responsibility to comply with any CC & R's; City review of covenants are not intended to be a determination of compliance.

Rev. 10/10/90

c:\Forms\Form80

AFFIDAVIT OF OWNER - OCCUPANCY AND ON-SITE PARKING

I understand that for the purposes of establishing an accessory dwelling unit in the City of Redmond the single family dwelling in which such a unit is created must be owner-occupied, per Section 20C.20.012(10) of the Redmond Community Development Guide.

"Owner-occupied" shall be defined as the primary, established, fixed, or permanent dwelling place owned by a person in which he or she lives and intends to be his or her legal residence and to which he or she intends to return despite temporary residences elsewhere or despite temporary absences.

Also, Section 20C.20.012(15) Parking - stipulates that the dwelling in which the accessory dwelling unit is provided shall have adequate off-street parking, in addition to that which is provided for the single family dwelling. One additional off-street parking space must be provided for the accessory dwelling unit. Off-street parking includes private garages, carports, or off-street areas reserved for vehicles.

I hereby acknowledge compliance with the owner-occupancy and parking provisions of the Redmond Community Development Guide, Section 20C.20.012 Accessory Dwelling Units.

Signature of Applicant

20C.20.012(25) Penalty for Violations - In addition to all other penalties provided elsewhere in the Redmond Municipal Code and Community Development Guide, each owner of a structure who maintains or permits an accessory unit therein in violation of any provision of this Section 20C.20.012, shall be subject to a civil penalty in the amount of One Hundred Dollars (\$100) per day, for each day the violation is allowed to persist after receiving notice thereof from the Code Administrator.

SAMPLE

NOTICE OF ISSUANCE OF A PERMIT
for an
ACCESSORY DWELLING UNIT

Dear Resident:

Although accessory dwelling units have existed in the City of Seattle for many years, the City's Land Use Code did not allow for their legal establishment until the enactment of new legislation effective December 1, 1994. The City Council decided to allow these units in single family homes in order to promote availability of affordable housing. The Council established a number of regulations and safeguards to ensure that these units can be accommodated appropriately in single family neighborhoods.

This notice is to inform you that your neighbor at _____ has been issued a permit for an accessory dwelling unit. The unit complies with the standards and conditions of the legislation and has been inspected by the Department of Construction and Land Use.

Proj. No. _____ Permit No. _____ Issue Date: _____

Project description:

Permit to establish an accessory dwelling unit in a single family residence.

REQUIREMENTS FOR MAINTAINING THE USE

Standard Requirements:

1. One unit must be owner-occupied.
2. One accessory unit is permitted per lot.
3. One off street parking space for each unit is required. Waivers are available.
4. Accessory unit may not be located in a detached structure.
5. Accessory unit may not exceed 1000 sq. ft. Waiver for size is available for an existing unit that becomes legal.
6. If unrelated persons occupy either unit, the maximum number of persons for the whole structure is eight. If all persons in each unit are related, there is no maximum number of persons. (This will allow two separate households, unrelated to each other, to occupy the structure with no maximum number of related persons per unit.)
7. Only one entrance may be located on each front or street side unless the entrance already existed as of January 1, 1993.
8. Accessory Dwelling Unit permit must have a final permit inspection within no more than 2 years from the date of application.

Special Requirements and/or Waivers Granted for this Project:

This permit will continue to be in effect unless revoked by the owner or by the City as a result of code compliance action for violations of the Accessory Dwelling Unit requirements. Violations of the above standard and special requirements can be reported to the Housing and Zoning Enforcement Division at 684-7899.

To obtain general information about Accessory Housing in the City of Seattle or about the application process, please call 684-8850 and ask to speak to a Land Use Technician.

ACCESSORY DWELLING UNIT
CONCOMITANT AGREEMENT

This AGREEMENT, entered into this _____ day of _____, 1995, by and between _____, hereinafter referred to as the "Applicant" and the CITY OF TACOMA, Washington, a municipal corporation, hereinafter referred to as the "City,"

W I T N E S S E T H:

WHEREAS the Applicant has applied for an Accessory Dwelling Unit (ADU);

WHEREAS the City and the Applicant are both interested in complying with the Land Use Management Plan and the ordinances of the City of Tacoma relating to the provision of ADUs;

WHEREAS the Applicant is the property owner (i.e. title holder or contract purchaser) of the property described as follows:

hereinafter sometimes referred to as the "Site," and

WHEREAS the Applicant has indicated willingness to cooperate with the Building and Land Use Services (BLUS) Division of the City Public Works Department, and the Hearings Examiner of the City to ensure compliance with all City Ordinances and all other local, state, and federal laws relating to the use and development of the Site; and

WHEREAS the City, in addition to civil and criminal sanctions available by law, desires to enforce the rights and interests of the public by this Concomitant Agreement;

NOW, THEREFORE, the Applicant does hereby covenant and agree as follows:

1. The Applicant promises to comply with all terms of this agreement;
2. The Applicant hereby agrees to be bound by and to comply with the following requirements, which shall not be subject to waiver or variance:

A. *Number One* ADU shall be allowed per residential lot as a subordinate use in conjunction with any new or existing single family structure in the City of Tacoma.

B. *Occupancy* Occupancy shall be limited to the following: No more than two persons in a unit of 300-400 square feet, no more than three persons in a unit ranging from 401-600 square feet, and no more than four persons in a unit ranging from 601-800 square feet.

C. *Location* The ADU shall be permitted as a second dwelling unit added to or created within the main building.

D. *Composition* The ADU shall include facilities for cooking, living, sanitation and sleeping.

E. *Size* The ADU, excluding any garage area and other non-living areas such as workshops or greenhouses, shall not exceed 33% of the total square footage of the main building and the ADU combined after modification. The ADU shall not contain less than 300 square feet nor more than 800 square feet.

F. *Ownership* The property owner (i.e. title holder or contract purchaser) must maintain his/her residency in the main building or the ADU. Owners shall sign an affidavit which attests to their residency and attests that at no time shall they receive rent for the owner-residency unit. Falsely attesting owner-residency shall be a misdemeanor subject to a fine not to exceed \$5,000, including all statutory costs, assessments and fees. In addition, ADUs shall not be subdivided or otherwise segregated in ownership from the main building.

G. *Design* An ADU shall be designed to maintain the architectural design, style, appearance and character of the main building as a single-family residence. If an ADU extends beyond the current footprint or existing height of the main building, such an addition must be consistent with the existing facade, roof pitch, siding and windows. Only one entrance for the main building is

permitted to be located in the front facade of the dwelling. If a separate outside entrance is necessary for an ADU, it must be located either off the rear or side of the main building. Such entrance must not be visible from the same view of the building which encompasses the main entrance to the main building and must provide a measure of visual privacy.

H. *Parking* One off-street parking space shall be required for the ADU, in addition to the off-street parking required for the main building, pursuant to Section 13.06.350 of the Tacoma Municipal Code. Such parking must be provided in the rear of the lot where adequate access is available. Adequate access shall be defined as a dedicated street or alley with a minimum gravel surface.

I. *Home Occupations* Home occupations shall be allowed, subject to an existing regulations, in either the ADU or the main building, but not both.

J. *Concomitant Agreement* Upon issuance of an ADU permit by the City, a property owner must record with the Pierce County Auditor a Concomitant Agreement. Specific procedures are identified in subsection (B)(5).

K. *Legalization of Nonconforming ADUs* Nonconforming ADUs existing prior to the enactment of these requirements may be found to be legal if the property owner applies for an ADU permit prior to December 31, 1995, and brings the unit up to Minimum Housing Code standards. After January 1, 1996, owners of illegal ADUs shall be guilty of a misdemeanor and upon conviction thereof, subject to a fine not to exceed \$1,000, including all statutory costs, assessments, and fees, plus \$75 per day after notice of the violation has been made. All owners of illegal ADUs shall also be required to either legalize the unit or to remove it.

3. Applicant agrees and understands that prior to obtaining a final Certificate of Approval, all required improvements shall have been completed and accepted by the City.

4. No modifications of this agreement shall be made unless mutually agreed upon by the parties in writing.

5. The City may, at its discretion, bring a lawsuit to compel specific performance of the terms of this agreement. In addition to all other remedies

available to the City by law, the City reserves the right to revoke its approval of the ADU permit should the Applicant fail to comply with any of the terms and conditions of this agreement.

6. If any condition or covenant herein is not performed by the Applicant, the Applicant hereby consents to entry upon the Site by the City of Tacoma or any entity, individual, person or corporation acting on behalf of the City of Tacoma for purposes of curing said defect and performing said condition or covenant. Should the City in its discretion exercise the rights granted herein to cure said defect, the Applicant, his successors and assigns, consent to the entry of the City on the above described property and waive all claims for damages of any kind whatsoever arising from such activity and the Applicant further agrees to pay the City all costs incurred by the City in remedying said defects or conditions. The obligations contained in this section are covenants running with the land, and burden the successors and assigns of the respective parties. Upon the sale of the property a new owner shall be required to sign a new affidavit of residency pursuant to Tacoma Municipal Code 13.06.196B.3.

7. In the event that any term or clause of this agreement conflicts with applicable law, such conflict shall not affect other terms of this agreement which can be given effect without the conflicting term or clause, and to this end, the terms of this agreement are declared to be severable.

IN WITNESS WHEREOF the parties hereto have executed this agreement as of the day and year first above written.

CITY OF TACOMA

Attest:

City Clerk

By: _____
MAYOR

Legal Description Approved:

Director of Planning

(Applicant Name)

Approved as to form:

Assistant City Attorney

By: _____
Title: _____

STATE OF WASHINGTON)

)ss.

County of Pierce)

I, THE UNDERSIGNED, a Notary Public in and for the State of Washington, do hereby certify that on this ____ day of _____, 19____, personally appeared before me _____, to me known to be the individual(s) who executed the above instrument, and acknowledged said instrument to be their free and voluntary act and deed, for the uses and purposes above mentioned.

GIVEN under my hand and official seal the day and year last above written.

NOTARY PUBLIC in and for the state of
Washington, residing at: _____
My commission expires: _____



Washington State
Department of
Commerce

We strengthen communities

Guidance for Accessory Dwelling Units in Washington State

GROWTH MANAGEMENT
SERVICES



Acknowledgments

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MRSC Disclaimer

The content of this publication is for Washington local governments to implement HB 1337 (laws of 2023) and to encourage the creation of new accessory dwelling units (ADUs). It is not intended as legal advice, nor as a substitute for the legal advice of an attorney. Users of this publication should contact their own legal counsel regarding their legal rights or any other legal issue.

Advisory Committee

This was developed in consultation with land use planners of Washington through Regional Planners' Forums, a panel at the 2022 Washington conference of the American Planning Association, and a panel of county land use planners.

Comments

This is a final draft our Commerce guidance to implement HB 1337 (laws of 2023). Please provide comments to Catherine.Mccoy@commerce.wa.gov by June 15, 2023.

Washington State Department of Commerce
PO Box 42525, Olympia, WA 98504-2525
www.commerce.wa.gov

For people with disabilities, this report is available on request in other formats.
To submit a request, please call 360-725-4000 (TTY 360-586-0772).

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Introduction

Available and affordable housing is a major issue in Washington and local governments throughout the state are grappling with finding successful approaches to encourage construction of more affordable housing and increase the overall supply and variety of housing options. Accessory dwelling units (ADUs) are one type of housing that can help address those challenges.

HB 1337, laws of 2023, requires jurisdictions to allow two ADUs per lot within urban growth areas, by six months after the next periodic update due date. This document provides detail on the state law and local policy choices.

ADU types

There are two basic types of ADUs:

Attached ADU (AADU)

A self-contained unit located within an existing primary residential structure (for example, conversion of an existing basement, attic, or attached garage); or a new structural addition to an existing residence.¹

Detached ADU (DADU)

An existing detached structure that has been converted to a residential unit (such as the conversion of a detached garage); or a newly constructed detached housing unit on the same lot that is smaller than the primary residence.

An ADU has all the basic facilities needed for day-to-day living independent of the primary residence, such as a kitchen, bathroom, and sleeping area.²

Examples of Accessory Dwelling Units (ADUs)

ADUs in blue; main residence in white

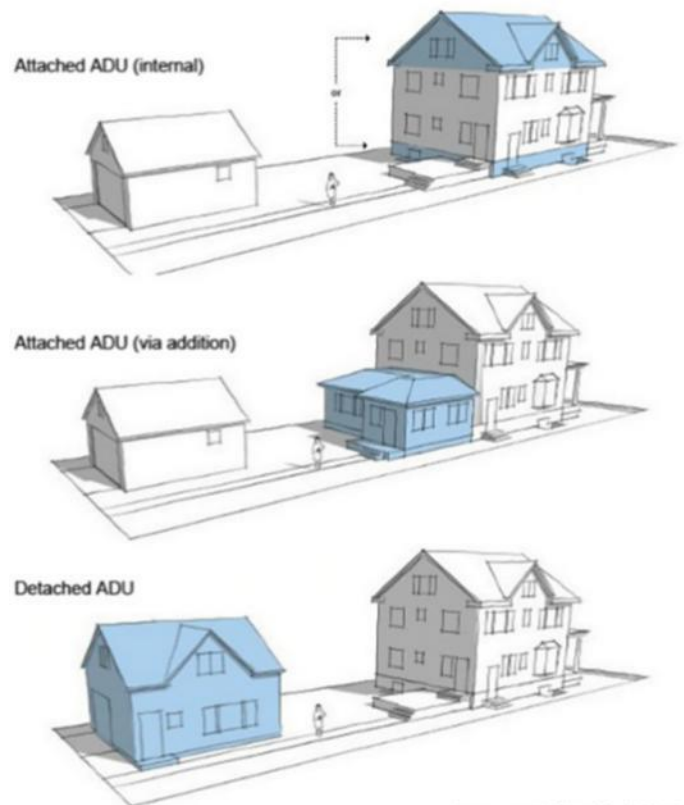


Image credit: City of Saint Paul, MN

¹ [RCW 36.70A.696](#) defines "Attached accessory dwelling unit" means an accessory dwelling unit located within or attached to a single-family housing unit, duplex, triplex, townhome, or other housing unit.

² [RCW 36.70A.696](#) defines dwelling unit as "a residential living unit that provides complete independent living facilities for one or more persons and that includes permanent provisions for living, sleeping, eating, cooking, and sanitation."

Benefits of ADUs

The benefits of encouraging the construction of new ADUs include:

- Adding to the diversity of housing options.
- Providing a housing type that blends in well with existing single-family residential neighborhoods.
- Catering to our state’s changing demographics, such as more seniors and smaller household sizes.
- Providing housing that is typically more affordable than traditional single-family homes.
- Adding housing units without expanding urban growth areas.
- Correcting historic economic and racial exclusion by opening up single-family neighborhoods to more diverse housing and household types.
- Reducing climate impacts because an ADU tends to be smaller and use less energy than a traditional single-family home.

For these reasons, ADUs are an effective and “gentle” way to help accommodate the state’s growing population.



Basement AADU example, with AADU entrance on the side of the structure. Credit: Steve Butler.

Legal History of ADU Policy in Washington State

The 1993 Washington Housing Policy Act directed the Department of Commerce (Commerce) to make recommendations to encourage development and placement of ADUs. See the [Model ADU Ordinance Recommendations](#) (1994). Under [RCW 43.63.215](#), local governments were required to incorporate the Commerce recommendations into their zoning and development regulations. To allow local flexibility, the recommendations were subject to such regulations, conditions, procedures, and limitations as may be determined by the local government legislative authority. "Local government" was defined in the statute as a city with a population that exceeds 20,000, a county with a population that exceeds 125,000, and a county that is required to or has chosen to plan under the Growth Management Act (GMA).

In 2019, the state Legislature expressed intent to help increase residential building capacity. The Legislature found that Washington State was experiencing a housing affordability crisis and sought to promote and encourage the creation of ADUs. [Chapter 348, Laws of 2019 \(HB 1923\)](#) offered a grant program to encourage cities to adopt regulations to increase housing supply, including to: (1) authorize ADUs in one or more zoning district in which they are currently prohibited; (2) remove minimum parking requirements; (3) remove owner occupancy requirements; (4) adopt new square footage requirements that are less restrictive than existing requirements; and (5) develop a local program that offers homeowners a combination of financing, design, permitting or construction support to build ADUs.³

In 2020, [Chapter 217, Laws of 2020 \(ESSB 6617\)](#) adopted restrictions on local government requirements for off-street parking for ADUs near transit stops. Cities that fully plan under the GMA may not require provision of off-street parking for ADUs within one-quarter mile of a major transit stop, with certain limited exceptions ([RCW 36.70A.698](#)).⁴

In 2021, [Chapter 254, Laws of 2021 \(HB 1220\)](#) amended [RCW 36.70A.070\(2\)](#) to require all cities and counties that fully plan under the GMA to "*consider the role of accessory dwelling units in meeting housing needs.*" In addition, Section 7 of the bill stated that cities and counties "should consider" certain policies to encourage the construction of ADUs. This section was vetoed by Governor Jay Inslee because it did not specifically limit the policies to lands within urban growth areas. The Governor's veto of Section 7 illustrates a fundamental point: While there is little doubt that local governments should encourage ADUs in cities and urban growth areas, very different considerations come into play with respect to county rural and resource lands.

In 2023, [HB 1337](#) amended RCW 36.70A to add significant changes to local government roles for regulating accessory dwelling units (ADUs). Within urban growth areas, cities and counties:

- Must allow two ADUs per residential lot. The ADUs may be attached, detached, or a combination of both, or may be conversions of existing structures.
- May not require the owner to occupy the property, and may not prohibit sale as independent units.
- May not charge more than 50% of impact fees charged for the principal unit.
- Must allow an ADU of at least 1,000 square feet and must adjust zoning to be consistent with the bill for things such as height, setbacks, and other regulations.
- Must set consistent parking requirements based on distance from transit and lot size.

³ [RCW 36.70A.600\(1\)\(n\)](#), (o), (p), (q) and (x), passed in 2019, and updated in 2020 to this current list of options.

⁴ See [ESSB 6617](#) and Commerce's page on [Washington Housing Laws of 2019 through 2022](#).

The bill states that if a city or county does not amend their rules to be consistent with the law, the rules "*supersede, preempt and invalidate any conflicting local development regulations.*"⁵

Other **new** provisions in HB 1337:

- Any action taken by a city or county to comply with the requirements are not subject to legal challenge under GMA or SEPA. Section 3(3)
- Cities and counties are not required to authorize the construction of an ADU where development is restricted under rules as a result of physical proximity to on-site sewage system infrastructure, critical areas, or other unsuitable physical characteristics of a property. Section 3(4) , 5(d), and 5(e)
- Cities and counties may restrict the use of ADUs for short term rentals. Section 3(5)(a)
- Cities and counties may apply public health, safety, building code, and environmental permitting requirements to an ADU that would be applicable to the principal unit, including regulations to protect ground and surface waters from on-site wastewater. Section 3(5)(b)
- The bill does not require ADUs to be allowed on lots with critical areas, and around SeaTac airport. Section 4(2)(b)(ii)
- The bill also addresses restrictive covenants and deed restrictions, protecting any local government from civil liability if they issue a permit for an ADU on a lot with a covenant restricting an ADU. Sections 11 and 12 (3).

Commerce is required to develop guidance to update the 1994 recommendations. That will be completed by June 30, 2023 and posted at: <https://www.commerce.wa.gov/serving-communities/growth-management/growth-management-topics/planning-for-housing/>



Detached ADU/"Carriage House" in Portland. Credit: Radcliffe Dacannay, radworld (Creative Commons).

⁵ Section (1)(b) HB 1337 as passed legislature 2023

Requirements, recommendations, key considerations, and other programmatic elements to encourage construction of new ADUs

The Washington State Department of Commerce presents these requirements, recommendations, key considerations, and other elements as an update to the agency's 1994 guidance and as implementation of HB 1337 (laws of 2023). The objective is to provide some detail on the requirements, local policy choices, and examples of approaches to be considered by cities, towns, and counties, in accordance with the original statute. This guidance actions is structured under the following categories:

- A. Requirements for cities and other urban areas
- B. Recommendations for cities and other urban areas
- C. Key considerations for counties (rural and resource lands)
- D. Other programmatic elements to consider

A. Requirements for cities and urban growth areas

1. Allow two ADUs per lot

Allowing ADUs in residential neighborhoods creates additional housing options and gives homeowners greater flexibility by providing rental income or a place for them or their family members to age in place.

State law:

Within urban growth areas, cities and counties must allow two ADUs on all lots that meet minimum lot size in zoning districts that allow for single-family homes.⁶ The ADUs may be:

- **Two attached accessory dwelling units (ADUs) such as unit in a basement, attic, or garage.**
- **One attached accessory dwelling unit and one detached accessory dwelling unit (DADU), or**
- **Two detached accessory dwelling units, which may be comprised of either one or two detached structures**
- **A conversion of an existing structure, such as a detached garage.⁷**

Local policy choice:

Cities and counties should generally apply the same public health, safety, building code, and environmental permitting requirements to an accessory dwelling unit that would be applicable to the principal unit, including regulations to protect ground and surface waters from on-site wastewater.⁸

Cities and counties may also choose to prohibit the construction of accessory dwelling units on lots that are not connected to public sewer, though some lots' existing septic system may have capacity for one ADU, particularly an attached unit. See the section on impact fees.

Cities and counties may restrict ADU development:

- Within areas designated as wetlands, fish and wildlife habitats, flood plains, or geologically hazardous areas.
- In zones with a density of one dwelling unit per acre or less that are in critical areas.⁹
- On lots in a watershed serving a reservoir for potable water if that watershed is or was listed, as of July 1, 2023, as impaired or threatened under section 303(d) of the federal clean water act (33 U.S.C. Sec. 1313(d))
- The requirements to allow two ADUs do not apply within a one mile radius of SeaTac Airport.¹⁰
- In designated shoreline areas, the Washington State Department of Ecology guidance prefers attached ADUs within the footprint of an existing building, and should be consulted about any other impact(s).

⁶ Section 4(1)(c) of HB 1337

⁷ Section 4(1)(j) HB 1337: A city or county must allow accessory dwelling units to be converted from existing structures, including but not limited to detached garages, even if they violate current code requirements for setbacks or lot coverage.

⁸ Section 3(5)(b) HB 1337

⁹ Section 3(5)(e) HB 1337

¹⁰ Section 4(2)(b)(ii) HB 1337

Examples

[Black Diamond Municipal Code Sec. 18.56.030](#) – Allows two ADUs in conjunction with the primary unit provided adequate provisions for water and sewer are met.

[Burien Municipal Code Sec. 19.17.070](#) – Permits a maximum of two ADUs (one attached and one detached) per detached house.

[Langley Municipal Code Sec. 18.08.095](#) – Allows one attached and one detached ADU on a lot with a single-family dwelling connected to sewer.

Reduce minimum lot sizes for ADUs (especially on small urban lots)

Minimum lot sizes set the base lot size for development as part of a subdivision process. Large minimum lot sizes for ADUs meant that they couldn't be built on smaller urban infill lots, resulting in ADUs only on larger lots with larger, more expensive homes. To support more ADUs on smaller lots, cities and other urban areas should reduce or eliminate minimum lot sizes for ADUs.

Local policy choice:

HB 1337 requires that two ADUs be allowed on lots meeting minimum lot size. Where lots are smaller than the minimum allowed by the zone, cities may choose to allow one ADU, especially attached, where the unit can fit within the existing footprint. This may occur for small lots where there is not enough space to accommodate a DADU. This situation may be particularly acute for very small, "substandard" lots.¹¹

Examples

[Enumclaw Municipal Code Sec. 19.34.050](#) – Allows ADUs on lots of any size.

[Kenmore Municipal Code Sec. 18.73.100](#) – Does not require a minimum lot size for ADUs.

[Renton Municipal Code Sec. 4-2-110C](#) – Permits ADUs on lots 3,000 square feet or less.

2. Do not require owner occupancy

Owner occupancy standards generally require that a property owner live in either the primary residence or the ADU and are relatively common throughout Washington. The rationale for this requirement has historically been based on apprehensions about noise and other negative impacts that might be caused by unsupervised renters, and perhaps perceptions of conflicts around undefined shared space. But other local code provisions relating to those types of nuisance concerns can be adopted and applied to residential properties occupied by either owners or renters.

State Law:

Within urban growth areas, cities and counties must not require owner occupancy for any unit on the property.¹² [RCW 36.70A.696\(9\)](#) defines owner as any person who has at least 50% ownership in a property on which an accessory dwelling unit is located.

¹¹ Section 4(3) HB 1337 says that when regulating accessory dwelling units, cities and counties may impose a limit of two accessory dwelling units, in addition to the principal unit, on a residential lot of 2,000 square feet or less. However, this may be an error and two ADUs are to be allowed on lots that meet the minimum lot size. Commerce is seeking clarity on this point.

¹² Section 4(1)(b) HB 1337

Local policy choice:

When one of the units is used as a short-term rental (STR), a local government may choose to require an owner to occupy either the primary or accessory unit. (See the section on short-term rentals.)¹³

Examples

[Bremerton Accessory Dwelling Units](#)

[Kirkland Accessory Dwelling Units](#)

[Seattle Accessory Dwelling Units](#)

[Vancouver Accessory Dwelling Units](#)

3. Allow separate sale of ADUs

Because they are smaller and more affordable than most typical single-family homes, sales of ADUs as separate units can increase homeownership opportunities for first-time homebuyers and low-income residents. [Washington's Condominium Act](#), which provides for the creation of condominiums, does not preclude ADUs from being "platted" as a part of a condominium development.

State law:

A city or county may not prohibit the sale or other conveyance of a condominium unit independently of a principal unit solely on the grounds that the condominium unit was originally built as an accessory dwelling unit.¹⁴

Local policy choice:

Local governments wanting to regulate the issue of how ADUs are converted to a condominium form of ownership should work closely with their legal counsel in reviewing [RCW 64.90.025](#) and other related laws.

Local governments can also allow ADUs to be sold separately using a fee simple process, such as a unit lot subdivision.

Example

[Seattle ADU Annual Report](#) (2021) – Allows ADUs to be sold as condominiums and their annual ADU report highlights the benefits of ADUs as condominiums.

4. Set off-street parking requirements for ADUs consistent with state law

Many lots in established areas aren't large enough to support both an ADU and off-street parking, effectively prohibiting ADU development. This means that ADUs are often limited to larger lots that can accommodate parking and other site features. Removing off-street parking requirements for ADUs can help to open up possibilities for placing ADUs, especially in urban areas with transportation options.

State law:

¹³ Section 3(5)(a) HB 1337

¹⁴ Section 4(1)(k) HB 1337

Parking limits for ADUs are subject to the following:

- **On lots smaller than 6,000 square feet, no more than one off-street parking space may be required per ADU before any zero lot line subdivisions.**
- **On lots greater than 6,000 square feet, no more than two off-street parking spaces per unit may be required.**
- **Off street parking may not be required as a condition of permitting ADUs within one half mile of a major transit stop.**¹⁵¹⁶

Local policy choice:

Cities may choose to reduce parking requirements from the maximum limits in the bill (i.e. generally no more than two on-site spaces for lots greater than 6,000 square feet before any zero lot line subdivisions or lot splits. For example, because ADUs typically are for one or two people, no more than on parking space may be needed for any lot size, especially in areas with on-street parking. Furthermore, while on-site parking cannot be required at all within 1/2 mile of a major transit stop, a city may not want to require on-site parking in other types of walkable areas or where on-street parking is sufficient. Under state law, for lots over 6,000 square feet where cities may choose to allow up to two off-street parking spaces, , cities may choose to allow one or two off-street parking spaces; Commerce recommends generally requiring only one on-site parking space and none where sufficient on-street parking is available, or in highly walkable or transit-oriented locations.

Cities may choose to require more parking if Commerce concurs with a study that shows that parking consistent with the law would be significantly less safe for pedestrians, bicyclists, or people in vehicles. Under HB 1337 and HB 1110 (laws of 2023) Commerce is required to develop guidance on the contents of the study.¹⁷ This should be complete by the end of 2023.

Because there are multiple definitions for major transit stop that are not quite aligned, cities should consider parking requirements for E2SHB 1110 as they implement this section. Within urban growth areas, where E2SHB does not apply, counties should use the definition in RCW 36.70A.696.

Related to the issue of off-street parking requirements are garage conversions for ADUs. This type of ADU may be more affordable since the changes are primarily internal to an existing structure, and they're popular with retirees who want to age in place because they generally have "no-step entries." Because HB 1337 requires cities to allow garage conversions, and to reduce parking requirements, Commerce recommends that cities allow any replacement parking on driveways or on the street if possible.

¹⁵ Under [RCW 36.70A.698](#), the off-street parking for ADUs is prohibited within one-quarter mile of major transit stops. However, E2SHB 1110, also prohibits off-street parking for middle housing within 1/2 mile of a major transit stop, so Commerce recommends using 1/2 mile.

¹⁶ There are now several definitions for major transit stop. Recent definition changes in E2SHB 1110 define it to include 1) A stop on a high capacity transportation system funded or expanded under the provisions of RCW 81.104; 2) Commuter rail stops; 3) Stops on rail or fixed guideway systems, and 4) Stops on bus rapid transit routes. [RCW 36.70A.696](#) also includes transit ways; routes that run on high occupancy vehicle lanes; or stops for a bus or other transit mode providing actual fixed route service at intervals of at least fifteen minutes for at least five hours during the peak hours of operation on weekdays.

¹⁷ Section 4(2)(b)(i) HB 1337 review for errors in section as this is codified.

Examples

[Kirkland Municipal Code Sec. 115.07](#) – Doesn't require off-street parking for one ADU. On lots with more than one ADU, one space is required, with exceptions (available street parking within 600 feet or property is located within 1/2 mile of frequent transit.)

[Fircrest Municipal Code Sec. 22.58.012](#) – Doesn't require additional off-street parking for ADUs, unless the planning director determines there is insufficient on-street parking to satisfy parking demand.

[Kenmore Municipal Code Sec. 18.73.100](#) – No additional off-street parking spaces are required for an ADU.

[Sumner Municipal Code Sec. 18.12.030](#) – ADUs created via garage conversion are not required to have off-street parking, as long as there is available on-street parking and the unit is located within half a mile of the Sumner transit station.



Smith Gillman Cottage converted garage. Credit: CAST architecture.

5. Set maximum size limits at no less than 1,000 SF

Local governments typically enact maximum size limits for buildings to ensure there is enough space on a lot for site features like parking and green space; however, maximum size limits that are too restrictive pose design and use limitations. ADU size limits are typically smaller in urban infill areas than they are for larger greenfield sites. Some cities and other urban areas set a single maximum that is based on square footage, while others couple this standard with a percentage of the primary residence.

State law:

ADU size limits must allow a maximum gross floor areas of at least 1,000 within urban growth areas. New amendments to RCW 36.70A.969 define "gross floor area" as the interior habitable area of a dwelling unit including basements and attics but not including a garage or accessory structure.

Examples

[Chelan Municipal Code Sec. 17.20.20](#) – Limits ADUs in its single-family residential district to 1,200 square

feet or no more than 50% of the total square footage of the primary residence, whichever is less. The planning director may approve an increased size to efficiently use all floor area if all other standards are met.

[Kenmore Municipal Code Ch. 18.73](#) – Attached ADUs are limited to 1,000 square feet unless the ADU is proposed for preexisting floor area on a single level of the primary unit. For DADUs, maximums are based on lot size.

6. Reduce barriers from setbacks and other ADU regulations

Zoning codes should clearly describe dimensional and other ADU standards, including:

- Setbacks
- Lot Sizes
- Height

These standards should consider ADUs in various circumstances, including those on small lots and along alleyways. Below are requirements and recommendations for setbacks, lot sizes, and height standards.

Increase height maximums for ADUs

State law:

The city or county may not establish roof height limits on an accessory dwelling unit of less than 24 feet, unless the height limit of the principal unit is less than 24 feet.¹⁸

Cities and other urban areas typically set building height limits to address issues like views and privacy; however, they also limit design options and use land less efficiently. Height limits for ADUs allow more design flexibility, both in terms of lot placement and within the unit itself. Some communities set one maximum for both the principal unit and ADUs, while others have a separate maximum for ADUs.

Examples

[Kenmore Municipal Code Sec. 18.73.100](#) – Allows ADUs up to 35 feet.

¹⁸ HB 1337, Section 4(1)(g)

[Spokane Municipal Code Sec. 17C.300.130](#) – Has height limits that are more nuanced and relate to the proximity of an ADU to a property line.



Larger, taller DADU – 1130 SF. Credit: Eddie Bojorquez/Crest Backyard Homes.

Reduce setbacks for ADUs (especially rear setbacks)

State law:

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.¹⁹

A city or county must allow detached accessory dwelling units to be sited at a lot line if the lot line abuts a public alley, unless the city or county routinely plows snow on the public alley.²⁰

Setback requirements, which establish the minimum distance from front, side, or rear lot lines, create space between an ADU and adjacent uses. Some codes establish setbacks for ADUs that mirror those of the principal unit, thereby limiting space for ADUs, especially DADUs on small lots. Many urban communities have begun requiring separate, less restrictive setbacks specifically for ADUs. For example, some cities and other urban areas reduce or waive setbacks for DADUs along side and rear lot lines, and alleys.

¹⁹ Section 4(1)(h) of HB 1337

²⁰ Section 4(1)(h)(i) of HB 1337



DADU over a garage with relaxed rear setback. Credit: Steve Butler.

Examples

[Bellingham Municipal Code Sec. 20.01.036](#) – Exempts DADUs from side and rear yard setbacks when abutting an alley.

[LaCenter Municipal Code Ch. 18.247](#) – Allows DADUs at the rear yard lot line if adjacent to an alley.

7. Limit use of design standards

Design standards often involve ensuring ADUs are compatible with the primary residence through features such as architectural style, window placement, roof form and pitch, and building materials. ADU design standards, however, can have the unanticipated impact of increasing project costs, by lengthening the time needed for local ADU project review. ADUs can complement, but need not be exactly the same as the principal unit.

State law:

A city or county may not impose aesthetic requirements, or requirements for design review for accessory dwelling units that are more restrictive than those for principal units.²¹

Accordingly, local governments should minimize the use of ADU design standards. 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. To address potential time delays, any ADU design standards should be reviewed administratively, instead of by a separate design review board.

Examples

[Ellensburg Municipal Code Sec. 15.540.040](#) – Does not require ADUs to match the appearance of the primary structure.

[Sedro Woolley Municipal Code Sec. 17.100.030](#) – Allows the planning director to approve interesting DADU designs that are dissimilar from the primary structure.

[Lacey Municipal Code Sec. 14.23.071](#) – Has minimal design criteria for attached and detached ADUs, though duplex-like designs are not allowed.



ADU in the Wedgewood neighborhood of Seattle. Credit: Pam MacRae, [Sightline Institute](#). Used with permission.

²¹ Section 4(1)(h) HB 1337

8. Remove, reduce or waive permit application fees, impact fees, system development charges, and other ADU-related fees

Impact fees

Impact fees are one-time charges assessed by a local government against a new development project to help pay for new or expanded public capital facilities that will directly address the increased demand for services created by that development. [RCW 82.02.050](#) authorize counties, cities, and towns planning under the [Growth Management Act](#) (GMA) to impose impact fees for:

- Public streets and roads,
- Publicly owned parks, open space, and recreation facilities,
- School facilities, and
- Fire protection facilities.

Because ADUs are generally smaller than standard single family homes, they typically have fewer people living in them, and likely cause fewer impacts.

State law:

The city or county may not assess impact fees on the construction of accessory dwelling units that are greater than 50 percent of the impact fees that would be imposed on the principal unit.²²

Local policy choice:

Local governments may charge according to the size of the unit, fixture count, or location with the community, or completely waive fees, but in no case, should the fees be more than 50% of what would be charged to the principal unit.

Examples

[Everett 2023 Impact Fees Schedule](#) – Waives transportation and school impact fees for ADUs.

[Olympia Municipal Code Ch. 15.08](#) – Waives school impact fees and reduces transportation and park impact fees for ADUs.

[Renton 2019-2020 Fee Schedule \(Section XII\)](#) – Provides impact fee reductions and waivers for ADUs.

[Fife Municipal Code Sec. 19.80.030](#) – Meters ADU utilities jointly with the primary unit.

[Lake Stevens Municipal Code Sec. 9.25.010](#) – Reduces utilities connection fees for ADUs based on ADU size.

²²Section 4(1)(a) HB 1337

Utility connection fees/system development charges

System development charges, or connection fees may be charged for area-wide improvements for water. Sewer or stormwater. Like impact fees, communities may charge according to the unit's impact on the system. A fundamental feature of ADUs is that the ADU is "accessory to" a primary residential unit. As a result, the ADU will be smaller, typically have fewer people living in it, and have a reduced demand for municipal services.

Local policy choice

There is no specific requirement to reduce charges for sewer, water, and stormwater, as there is for impact fees, but a local government has the option of removing, reducing or waiving connection fees or system development charges to meet public purposes. They may choose to reduce system development charges to 50% as well because these charges are meant to fund area wide system development improvements, and an ADU generally has a smaller impact.

Other considerations: Because of this dependent nature of ADUs, especially attached, it is recommended that a local government allow shared meters, especially for attached units that are within the capacity of an existing meter. There may be limited cases in which separate meters are necessary because of site configuration or separate sale.

Examples

King County has a detailed system capacity charge system with charges that vary based on the size and form of the housing unit, with addition discounts for affordable units.

<https://kingcounty.gov/en/dept/dnrp/waste-services/wastewater-treatment/sewer-system-services/capacity-charge/about>

[Kirkland Accessory Dwelling Units](#) – This webpage provides the following information:

- ADUs are not subject to water capital facility charges if there are no changes to the water service/meter.
- ADUs are not subject to sewer capital facility charges.
- ADUs are not subject to the surface water capital facility charge if the primary residence is already connected to the public storm system.

[Olympia Municipal Code Ch. 13.04](#) and [Ch. 13.08](#) – Provides the option of new connections or tie-ins when developing an ADU. There is no charge when the connection occurs on the lot. The Olympia Engineering and Design Standards [Section 7B.080](#) addresses the issue of ADUs and side sewers.

[Sedro Woolley Municipal Code Sec. 17.100.030](#) – Utilities may be shared between an ADU and the primary dwelling. Sewer connection fees are collected at a reduced rate depending on the size of the ADU.

Other fees and exactions

State law:

A city or county may not require public street improvements as a condition of permitting accessory dwelling units.²³

Permit fees can be a barrier to ADU development. Local governments often attempt to recoup the actual cost of processing land use permits, but there is not a legal requirement that they do so. A city or county could choose, for policy reasons, to charge a lower amount for ADU applications as part of a strategy to encourage property owners to construct new ADUs on their properties. In addition, lowering fees makes sense if a city or county is taking other steps to streamline the ADU process, since those measures may also result in lower permit administration costs.

Examples

[Spokane Municipal Code Sec. 08.02.031](#) – Waived permit fees for ADUs on lots within half a mile of certain zoning districts. The waiver is set to expire at the end of 2024.

[Washougal Municipal Code Sec. 18.46.020](#) – Does not charge an application fee for DADU development.

²³ Section 4(1)(l) HB 1337

B. Recommendations for cities and other urban areas

The following recommendations are not required, but are suggestions to encourage the development of ADUs. They are to apply only to cities, towns, and other urban areas, including unincorporated urban growth areas (UGAs) and limited areas of more intensive development (LAMIRDs). The purpose of applying these ADU recommendations to cities and other urban areas, and not to rural areas or resource lands, is to support the GMA's goals of encouraging development in urban areas and reducing sprawl.

1. Allow prefabricated units

Prefabricated detached ADUs (DADUs) can provide a degree of cost savings, which may make them more affordable for property owners, especially in more remote areas that may not have access to the tradespeople needed to construct an ADU. Because materials and manufacturing are centralized at an off-site manufacturing facility, prefabricated units require less construction time than conventionally built structures and can be constructed year-round in a climate-controlled factory.

Washington state law ([RCW 35A.21.312](#)) allows for consumer choice in housing, requiring local government to allow the placement of factory-built homes in any location where site-built homes are permitted. The law was likely developed to apply to primary units, and not necessarily ADUs. However, code cities and counties may adopt a set of additional standards, relating to permanent foundation, roof pitch, and design, although not all of those standards should be applied to ADUs.

Any prefabricated unit must meet state standards.²⁴ Local codes may refer to larger manufactured homes, and may not be related to small homes, such as park models, more suitable for an ADU.

Example

[Bremerton Municipal Code Sec. 20.46.010](#) – Allows for manufactured homes to be used as ADUs.



Prefab DADU: Nanny Flat, Elder Cottage. Credit: Eddie Bojorquez/Crest Backyard Homes.

²⁴ See the Washington Department of Labor & Industries page on [Manufactured Home Permits & Inspections](#).

Tiny houses

Tiny houses, or tiny houses with wheels, as defined in [RCW 35.21.686](#), are not generally allowed as ADUs because they may not be able to meet the standards required for a permanent residential unit, such as a foundation, water supply and sewage disposal. However, some communities are starting to consider allowing tiny homes on wheels as temporary units, with appropriate connections and tie-downs.

One exception in state law is that tiny homes on wheels and RVs may be used as permanent living quarters only when they are situated in manufactured/mobile home communities, but they are still subject to certain life/safety and utility hookup requirements ([RCW 35.21.684](#)). Tiny houses must be inspected and meet the standards of the Washington State Department of Labor and Industry.²⁵



Prefab ADU travelling from factory to residential site / installed on-site. Credit: Roger Fitzsimons.

2. Streamline ADU permitting processes

A local permitting process should be designed to make it as easy as possible for an applicant to prepare and submit a development permit application, and for the permit review staff to review and quickly approve it. This approach should be particularly true for the types of development that a community is actively trying to encourage, such as ADUs.

Discretionary project permitting processes, such as those requiring conditional use permits, hearings examiner review, and public hearings add extra time and cost to getting a development project approved. These processes make sense for situations where a proposed project may be large or have a number of potential impacts on a neighborhood or community. For small, low-impact development projects that

²⁵ See the Washington Department of Labor & Industries page on [Tiny Houses](#).

advance adopted public policy such as new ADUs, a discretionary permitting process creates an unnecessary barrier to ADU construction.

Local governments should allow ADUs “by-right,” with project review and approval to be done administratively. Having an expedited or shorter review process for ADUs can also include moving ADU proposals to the “front of the line.” Providing pre-approved ADU plans is another method for reducing the time needed to review an ADU proposal (see provide pre-approved ADU plans in section D6). Streamlining can be additionally bolstered by checklists that clarify the ADU approval process (see the section D2 on providing user-friendly communication materials).

Examples

[Pasco Municipal Code Sec. 25.161.030](#) – ADU applications are approved administratively.

[Sequim Municipal Code Sec. 18.66.040](#) – Requires a single administrative permit for ADU development. The application must be processed by the community development director within 30 days of submittal ([Sec. 20.01.080](#)).

3. Offer incentives to encourage ADUs that are affordable to lower-income households

While ADUs are generally more affordable than a typical single-family home, most aren't affordable to households making less than 80% of the area median income (AMI). To address this issue, some local governments offer incentives for ADUs that are affordable for lower-income households (that is, less than 80% AMI) for a set number of years (such as 50 years). These types of incentives usually involve requiring affordability in exchange for providing a “bonus,” like higher densities in the form of an additional ADU. Local governments can also support affordability for low-income residents by incorporating ADUs into their affordable housing funding programs and forming partnerships with community land trusts and other non-profit organizations.

Local policy choice:

There are a number of ways that local governments can offer reductions for affordable housing, most require some kind of assurance that the unit will remain affordable over time.

- [RCW 82.02.060\(4\)](#) also authorizes local governments to offer impact fee reductions or waivers for affordable housing. An exemption for low-income housing granted under this section, however, must be conditioned upon requiring the developer to record a covenant that prohibits using the property for any purpose other than for low-income housing.
- [RCW 36.70A.540](#) authorizes jurisdictions to expand affordable housing incentive programs to include, among other things, fee waivers or exemptions provided the local government is committed to continuing affordability for at least 50 years.
- A local government may offer “tap-in charge” waivers for low-income persons (under [RCW 35.92.380](#) or [RCW 36.94.370](#)).²⁶

²⁶ For more information on this topic, see [MRSC's Affordable Housing Techniques and Incentives - Reduction/Waiver of Fees](#).

Examples

[CLTplusOne](#) — A pilot program offered by Durham (NC) Community Land Trustees, which pairs a land trust home with ADUs on the same lot. Both the primary residence and rental unit are permanently affordable (see this Shelterforce article on [Durham’s Community Land Trust](#)).

[Seattle Municipal Code Sec. 23.44.041](#) – Allows a second ADU on a lot if one of three conditions are met: conversion within an existing structure, green building standards, or affordability for “income-eligible households” for a minimum of 50 years.

[Vancouver: 2022 Application Guidelines for Housing Production, Acquisition, and Rehabilitation](#) – Includes ADUs on a list of innovative projects that are encouraged and will be considered for affordable housing funds.

C. Key considerations for counties

GMA-planning counties must plan and provide regulatory frameworks for four land use categories in decreasing order of ADU intensity:

- Unincorporated urban growth areas (UGAs).²⁷
- LAMIRDs, and
- Rural lands
- Designated natural resource lands

1. Unincorporated urban growth areas and LAMIRDs

State law:

In unincorporated urban growth areas, which are generally intended to have urban services and eventually become or annex into cities, the requirements in section A of this guidance apply within 6 months of the next periodic update.²⁸

- Must allow two ADUs per residential lot. The ADUs may be attached, detached, or a combination of both, or may be conversions of existing structures.
- May not require the owner to occupy the property, and may not prohibit sale as independent units.
- May not charge more than 50% of impact fees charged for the principal unit.
- Must allow an ADU of at least 1,000 square feet and must adjust zoning to be consistent with the bill for things such as height, setbacks, and other regulations.
- Must set consistent parking requirements based on distance from transit and lot size.

Local policy choice:

Unincorporated urban growth areas, if served by sewer should be able to meet all the requirements in section A of this guidance. If there are urban growth areas that are not yet served by sewer and / or water, Commerce recommends that counties consider ways to further infill these areas with expanded infrastructure. For urban growth areas that are already developed on septic, attached ADUs may be possible within the existing foot print of the building or a small addition, depending on how the septic systems were designed. Some lots may be limited in capacity by their ability to site additional septic capacity. Best practice is that an interlocal agreement exists between the city and the county for addressing growth, permitting and expansion of urban infrastructure within unincorporated urban growth areas.

Within Limited Areas of More Intensive Rural Development (LAMIRDs), the outer boundary may not change, but the LAMIRD may be filled in with new development, including ADUs.

²⁷ See [Chapter 36.70A RCW](#).

²⁸ HB 1337 (laws of 2023) Section 3 (1 and 2).

2. Rural and natural resource lands

ADU regulations outside of urban growth areas require consideration of a different set of factors than ADU regulations in cities and urban growth areas. ADU provisions in rural and resource areas must be accompanied by measures to protect rural character, conserve resource lands, and limit density and sprawl. When developing or amending regulations, counties should consider the potential for:

- Increased demand for emergency and other services.
- Increased traffic on county roads, which may be built to a lower standard.
- More housing and increased population in areas potentially prone to wildfires or other natural hazards.
- Impact on water supplies.
- Conflict with or decrease in land available for agriculture or other natural resource industries.

The Growth Management Hearings Boards (GMHBs) have considered challenges to ADU regulations in rural and resource designated areas in a handful of counties. Three hearings boards have issued decisions disfavoring local regulations allowing detached ADUs where they do not include specific criteria to curtail indiscriminate increased density.²⁹

Designated natural resource lands: Counties must ensure ADU regulations are consistent with GMA requirements to preserve natural resource lands for resource production. In natural resource lands, the dominant use is to be the agricultural, forestry, or mineral use; residential development is to be sited to not interfere with and preserve the majority of land for such use. See [RCW 36.70A.060](#).

Rural lands: For areas designated as “rural,” the regulations must be consistent with “rural character” as established in the rural element of the county’s comprehensive plan.³⁰ [RCW 36.70A.030](#) (23) defines rural character as “[...] the patterns of land use and development established by a county in the rural element of its comprehensive plan.” Importantly, what constitutes rural character in one county may be different than what constitutes rural character in another ([RCW 36.70A.011](#)). ADUs should not contribute to sprawl or cause residential uses to predominate over rural uses.³¹

Given the need to be consistent with and implement their rural, housing, and land use elements of their comprehensive plans (among others), it will be important for counties to “show their work” through the written record, including but not limited to whereas statements, findings of fact, staff reports, and public participation processes; and to articulate legal and policy justifications for their actions.

Careful with detached ADUs: The hearings boards have held that freestanding residential ADUs should be treated as separate dwelling units for purposes of density calculations — although in some cases

²⁹ [Loon Lake Property Owners, et al v. Stevens County](#), EWGMHB, Case No. 01-1-0002c, Compliance Order (May 30, 2008); [Friends of San Juans, et al v. San Juan County](#), Case No. 3-2-0003c coordinated with [Nelson, et al v. San Juan County](#), Case No. 06-2-0024c, FDO/Compliance Order, at 3 (Feb. 12, 2007).

³⁰ County comprehensive plans must include a rural element. A county’s rural element must include policies that are consistent with rural character. [RCW 36.70A.070\(5\)\(b\)](#) provides, in relevant part: “[The rural element] shall provide for a variety of rural densities, uses, essential public facilities, and rural governmental services needed to serve the permitted densities and uses. To achieve a variety of rural densities and uses, counties may provide for clustering, density transfer, design guidelines, conservation easements, and other innovative techniques that will accommodate appropriate rural economic advancement, densities, and uses that are not characterized by urban growth and that are consistent with rural character.”

³¹ [RCW 36.70A.020\(2\)](#) and [RCW 36.70A.110\(1\)](#) and [.070\(5\)](#). [Friends of San Juans, et al v. San Juan County](#), Case No. 3-2-0003c coordinated with [Nelson, et al v. San Juan County](#), Case No. 06-2-0024c, FDO/Compliance Order, at 3 (Feb. 12, 2007) — Regulations allowing a detached ADU on substandard rural lots allowed residential use to predominate over rural uses and were therefore noncompliant; [Loon Lake Property Owners, et al v. Stevens County](#), Case No. 01-1-0002C — Allowing an ADU on all parcels — including substandard lots — can considerably increase density within zone.

have found compliant county regulations that allow limited exceptions to detached ADUs triggering such density requirements.³²

Attached ADUs are preferred: Conversely, the boards have held that attached ADUs and ADUs converted from an existing structure in close association with the primary residence (such as a garage) do not count toward density in rural and resource areas.³³

2. Considerations and examples for rural and resource areas

Generally, regulations permitting attached ADUs raise fewer concerns than those permitting detached ADUs. While several counties allow detached ADUs in their rural land designations, most include restrictions related to standards such as:

- Size limit on a single ADU.
- Minimum lot size to conform to zoning or in some cases, double the minimum lot size.
- Proximity to and dependency on the primary residence (such as shared driveway, parking, yard, septic, well, utilities, etc.)
- Design standards for consistency with primary unit.
- Limitations on number of permits issued annually.
- Restrictions on title.

Examples

[Clark County: Accessory Dwelling Unit – Rural \(Handout\) \(2022\)](#) – Allows only attached accessory dwelling units in rural and resources zones.

[Kitsap County: Accessory Dwelling Unit \(Handout\) \(2022\)](#) – Requires detached ADUs to be sited within 150 feet of the principal dwelling outside of UGAs. Size limit, 50% of primary unit or 900 square feet, whichever is smaller. Owner occupancy requirements and design standards apply.

[San Juan County Code Sec. 18.40.240](#) – Limits the number of detached ADU permits outside “activity centers” and UGAs in any calendar year to no more than 12% of the total number of building permits for new principal residences issued for the previous calendar year. Further limited to one permit per property owner outside UGAs.

[Spokane County: Detached Accessory Dwelling Unit \(Handout\)](#) – Detached ADUs in selected rural zones must be within 150 feet of principal dwelling and meet several other conditions, including that title notice will be placed on the property that the accessory dwelling may not be sold as a separate residence until such time as the accessory dwelling is located as the sole residence on a legally subdivided parcel.

[Walla Walla County Code Sec. 17.08.015](#) – Requires at least four of six “dependency requirements” be shared for a detached accessory dwelling unit (road access, septic system, water system, utility meters, yard, and parking areas).

³² [Friends of San Juans, et al v. San Juan County](#), Case No. 3-2-0003c coordinated with [Nelson, et al v. San Juan County](#), Case No. 06-20024c, FDO/Compliance Order, at 3 (Feb. 12, 2007).

³³ [Yanisch v. Lewis County](#), Case No. 02-2-0007c, Order on Compliance Hearing (Mar. 12, 2004).

D. Other programmatic elements to consider

The following “programmatic elements” are not recommendations but are instead meant to be additional options to be considered by cities, towns, and other urban areas, including unincorporated UGAs and LAMIRDS.

1. Address the use of ADUs as short-term rentals

Construction of ADUs presents an opportunity to increase a community’s supply of relatively affordable long-term housing. When an ADU is used as a short-term rental (STR), defined as a housing unit being rented for fewer than 30 consecutive days, that housing unit functions as a lodging unit for visitors and not as a housing unit.³⁴ As a result, some local governments completely prohibit the use of ADUs as STRs, while others limit but don’t completely prohibit that use.

The primary rationale for prohibiting or limiting ADUs being used as STRs is that renting an ADU as a long-term housing unit, defined as being rented for more than 30 consecutive days, will have the dual benefit of providing a positive income stream to a homeowner and adding a new residential unit to the local housing supply.

Some studies attempt to make the case that ADUs being used as STRs make up “only a small percentage” of the overall stock of STRs (8%-12%).³⁵ For example, data collected by the City of Seattle shows that 11% of the total short-term rental units were ADUs. It should be noted, however, that 11% still represents 418 units that are not contributing to that city’s long-term housing supply.

Given the significant policy implications, local jurisdictions located in areas with high demand for short-term rentals, such as popular tourist destinations, should carefully consider the pros and cons of allowing ADUs to be used as short-term rentals.

State law:

Cities and counties may restrict the use of ADUs for short term rentals.³⁶

Examples

[Bellingham Municipal Code Sec. 20.10.037](#) – Does not allow STRs in DADUs in single-family zones but does allow them in DADUs in other zones, and in AADUs citywide.

[Poulsbo Municipal Code Sec. 18.70.070](#) – Does not allow ADUs to be used as STRs.

[Sequim Municipal Code Ch. 18.66](#) – Does not allow ADUs to be used as STRs.

2. Provide user-friendly communication materials

To assist applicants in navigating the ADU permitting process, local governments can provide user-friendly ADU webpages, informational handouts, guides, and checklists. These guidance documents can

³⁴ [RCW 36.70A.696\(9\)](#) defines short-term rental as “a lodging use, that is not a hotel or motel or bed and breakfast, in which a dwelling unit, or portion thereof, is offered or provided to a guest by a short-term rental operator for a fee for fewer than 30 consecutive nights.”

³⁵ See, for instance, the Urban Land Institute’s report [Jumpstarting the Market for ADUs: Lessons Learned from Portland, Seattle, and Vancouver](#).

³⁶ HB 1337 Section 3(5)(a)]

help by clearly articulating ADU requirements to property owners, homeowners, contractors, and developers. Clear materials not only serve to inform those who are interested in building ADUs, but also encourage more interest in ADU construction.

Examples

[Bremerton Guide to Establishing an ADU \(2021\)](#) – Includes an overview of the city’s ADU standards and links to permit requirements.

[Lake Stevens ADU Permit Checklist](#) – Helps applicants understand the city’s ADU provisions.

[Olympia ADUs & Accessory Structures Guide \(2022\)](#) – Includes an overview of ADU regulations and standards, including design review requirements and guidelines.

[Seattle ADUniverse: The ABCs of ADUs](#) – Includes a step-by-step guide to creating an ADU.

[Thurston County ADU Handout \(2021\)](#) – Covers the main elements of the county’s three-step ADU permitting process.

3. Provide information on landlord-tenant laws for prospective ADU owners and ADU tenants

For many homeowners renting an ADU on their property, this may be the first time they have served as a landlord. As a result, they may not be familiar with relevant local, state, and federal laws that apply to landlords (such as the Fair Housing Act). Conversely, renters also have certain rights and responsibilities under these laws that both landlords and tenants should be aware of.

The Washington [Residential Landlord-Tenant Act](#) includes the state’s key landlord-tenant laws.³⁷ Some local governments have created landlord-tenant regulations and programs with additional protections for renters, including rental registration and extra notice of rent increases and/or inspections. To inform both landlords and tenants about these requirements, local governments can develop user-friendly summaries of these resources and provide them to ADU applicants during the permit process.

Examples

[Bellingham: Landlords and Tenants](#) – Includes information on the city’s rental housing regulations, rental registration and safety inspection program, and more.

[Benton County: Renter's Resources](#) – Includes information on fair housing and tenant rights in Washington.

[Burien: Renting in Burien](#) – Includes information on the city’s rental housing inspection program, notice of intent to sell, and eviction law in Washington.

[Olympia: Tenant Protections](#) – Includes information on the city’s rental housing ordinance, FAQs, and more.

³⁷ More information on state and federal laws may be found on the Washington Office of the Attorney General’s [Landlord-Tenant page](#) and the U.S. Department of Housing and Urban Development [Tenant Rights, Laws and Protections: Washington](#) page.

[Tacoma: Landlord-Tenant Program](#) – Includes information on the city’s landlord-tenant program.

4. Provide information on ADU financing and funding programs

Lack of funding and financing options is often cited as one of the most prevalent challenges for ADU construction.³⁸ Lending institutions that finance ADU projects generally don’t allow homeowners to borrow against a portion of the future value of an unbuilt ADU, further constraining the viability of projects. To support homeowners in financing their ADU projects, local governments can:

- Identify other funding and financing opportunities for ADUs and make these resources available at the permit center and online.
- Develop programs to facilitate access to ADU funding and financing opportunities.

[RCW 84.36.400](#), authorizes counties to provide a three-year property tax exemption for improvements to a single-family dwelling, including the construction of an ADU, as long as it represents 30% or less of the value of the original structure. The program was initiated through [Chapter 204, Laws of 2020 \(2SSB 6231\)](#) and stipulates that dwelling units may be either attached to or within the single-family dwelling or a detached unit located on the same real property. In 2023, additional provisions were added in King County.³⁹

ADU owners may deduct, for income tax purposes, construction costs over time, annual property taxes, and shared monthly utility costs from rental proceeds, which may help encourage their development.

Examples

[Olympia OlyFed Bank: ADUs Financing](#) – Provides six loan options for ADU construction. See this [ADU Loan Options flyer](#) and [ADU Financing](#) presentation for more information.

[Spokane Single-Family & Detached ADU Tax Exemption](#) – The City of Spokane highlights the fact that Spokane County provides a tax exemption for ADUs for the three assessment years after the completion of the improvement, to the extent the improvement represents 30% or less of the value of the original structure.

5. Create a program to encourage legalization of unpermitted ADUs

A combination of strong demand for new housing and too many barriers have in some Washington communities resulted in unpermitted ADUs. Creating a program to allow legalization of unpermitted ADUs can help promote safe, legal structures and open them up to rental opportunities.

Local governments are encouraged to develop programs to promote the legalization of existing housing units, which should be done in a manner that ensures accessory dwelling units are safe to inhabit.

Examples

[Bellingham Municipal Code Sec. 20.10.036](#) – Allows ADUs existing prior to January 1, 1995, to become legally permitted, as long as ADU owners submit an application that is consistent with current ADU regulations and building codes.

³⁸ See the UC Berkeley’s Turner Center for Housing Innovation’s article [ADU’s for All: Breaking Down Barriers to Racial and Economic Equity in ADU Construction](#) (2022).

³⁹ SB 5045 offers extended property tax exemptions for ADUs in King County if the unit is affordable.

[Ferndale Municipal Code Sec. 18.34.060](#) – Allows owners of ADUs established before June 20, 2017, to submit an application to the city to legally permit the existing unit pursuant to the city’s ADU regulations.

6. Provide pre-approved ADU plans

After confirming their property is eligible for an ADU, homeowners begin the design process with an architect or designer. Depending on whether the unit is within an existing structure or free standing, the design process can add significant time and expense to a project. To streamline this step, some local governments offer detached ADU plan designs that have been pre-approved for compliance with building codes. ADU applications with pre-approved plans are typically approved in a shorter timeframe and with reduced permit fees since the designs have been vetted by staff. Even though the designs have been pre-approved all other code provisions, like site-specific standards, still apply.

Examples

[Olympia: Pre-Approved ADU Plans \(Guide\)](#) (2021) – The cities of Olympia, Lacey, and Tumwater worked together to offer four plans that have been pre-approved for compliance with building codes.

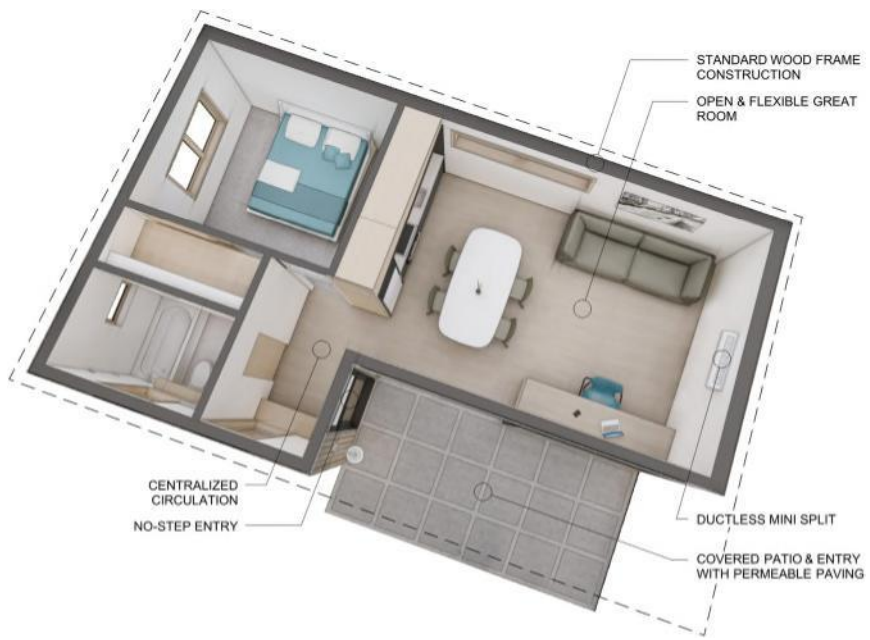
[Leavenworth: ADU Plans](#) – Offers four pre-approved designs. Each option includes two different styles – modern and traditional.

[Renton: Permit Ready ADU Program](#) – Includes eight pre-approved, designed, and engineered model base plans, ranging in size from 415 to 1,000 square feet and varying in architectural style.

[Seattle: Pre-approved DADUs Program](#) – Offers 10 pre-approved plans for DADUs, including factory-assembled structures that have been approved by the Washington Department of Labor and Industries.



Cedar Cottage Seattle ADU Pre-Approved Plan (above and below). Credit: CAST architecture.



Appendix A: Additional examples and resources

A. Cities and other urban areas

1. Allow two ADUs per lot

[Bremerton Municipal Code Ch. 20.46](#) – Allows up to two ADUs per lot (see Sec. 20.46.010).

[Kirkland Municipal Code Sec. 115.07](#) – Allows up to two ADUs (either attached or detached).

[Fife Municipal Code Ch. 19.80](#) – Allows both one attached and one detached ADU on larger city lots. “For lots between 3,200 and 4,356 square feet, only attached accessory dwelling units are permitted. For lots larger than 4,356 square feet both attached and detached accessory dwelling units are permitted, provided the extra lot area required in the applicable zone is met.”

[Lake Forest Park Municipal Code Ch. 18.50](#) – For lots exceeding one acre, one attached and one detached ADU are permitted (see Sec. 18.50.050).

2. Do not require owner occupancy

[Kenmore Municipal Code Sec. 18.73.100](#) – Either the primary dwelling unit or the accessory dwelling unit is required to be owner-occupied for a minimum of six consecutive months after completion of the ADU. At the end of the six-month period, the owner occupancy requirement shall be extinguished.

[Renton Municipal Code Sec. 4-9-030](#) – Applicants requesting exemption from owner occupancy requirements are required to meet five criteria, including an affordability requirement.

[Seattle Release of Owner Occupancy Covenant for ADUs Forms](#) (Word document) – This form for recording with the King County Recorder’s Office releases property from the covenant for owner occupancy entered into as a condition of applying for an ADU permit, as owner occupancy is no longer required by Seattle’s Land Use Code per [Ordinance No. 125854 \(2019\)](#).

3. Do not require off-street parking for ADUs

[Bainbridge Island Municipal Code Ch. 18.09](#) – Allows garage conversions for ADUs.

[Bellevue Ordinance 6589](#) – Adopted in 2021 prohibiting requirements for off-street parking for ADUs within one-quarter mile of a major transit stop. For additional background information, see Bellevue’s page on [Reduced Minimum Residential Parking Standards](#).

[Bremerton Municipal Code Sec. 20.46.010](#) – One ADU is not required to provide an additional off-street parking space. The second ADU is required, however, to provide an off-street parking space in addition to that which is required for the principal unit.

[Spokane Municipal Code Sec. 17C.300.130](#) – No additional parking is required for studio and one-bedroom ADUs and ADUs within one-quarter mile of certain transit stops. Spokane allows garage conversion for ADUs.

[Olympia Municipal Code Sec. 18.38.100](#) – Doesn't require parking spaces for ADUs (see table 38.01, "Residential" section).

[Tacoma Municipal Code Sec. 13.06.080](#) – No off-street parking is required for ADUs.

[University Place Municipal Code Sec. 19.70.010](#) – No additional off-street parking is required for ADUs.

[Vancouver Municipal Code Ch. 20.810](#) – Doesn't require additional on-site parking in conjunction with the establishment of an ADU. The city allows conversion of an existing garage structure or other outbuilding to be converted to an ADU; however, off-street parking for the primary residence is required to be provided elsewhere on the site.

[Seattle Municipal Code Sec. 23.44.041](#) – Off-street parking is not required for accessory dwelling units, except that an existing required parking space may not be eliminated to accommodate an accessory dwelling unit unless it is replaced elsewhere on the lot.

4. Reduce barriers from setbacks and other ADU regulations

Reduce setbacks for ADUs (especially rear setbacks)

[Brier Municipal Code Sec. 17.24.010](#) – ADUs must conform to standard setback regulations, though the rear yard setback requirement is reduced to seven feet for ADUs.

[Kirkland Municipal Code Sec. 115.115](#) – Required setbacks are the same as the underlying zone. DADUs may be located within five feet of an alley. DADUs without alley access may be located no closer than five feet from the rear property line as long as the portion of the DADU in the reduced setback is no taller than 15 feet.

[Sequim Municipal Code Sec. 18.66.050](#) – Exempts existing legally created on-site accessory structures – such as garages – that have been converted to ADUs from complying with setback standards.

[Tacoma Municipal Code Sec. 13.06.080](#) – No setbacks from alleys are required.

Reduce minimum lot sizes for ADUs (especially on small urban lots)

[La Conner Municipal Code Sec. 15.110.080](#) – ADUs are allowed on lots that are under 5,000 square feet.

[Medina Municipal Code Sec. 16.34.020](#) – ADUs are excluded from minimum lot area requirements.

[Tacoma Municipal Code Sec. 13.06.080](#) – ADUs are allowed on any legally established lot, regardless of lot size or width.

Increase height maximums for ADUs

[La Center Municipal Code Sec. 18.247.050](#) – ADUs are limited in height to 25 feet or the primary dwelling's height, whichever is lower.

[Mukilteo Municipal Code Sec. 17.30.060](#) – ADUs may be two stories high and must comply with maximum building heights for the underlying zoning district; DADUs cannot be taller than the primary unit, except that there is a maximum height of one-story if DADU is located above a garage or similar structure.

[Pacific Municipal Code Sec. 20.92.060](#) – ADUs may be up to 25 feet high.

5. Increase maximum size limits for ADUs appropriate to zone and context

[Black Diamond Municipal Code Sec. 18.56.030](#) – Detached ADUs are limited to 1,000 square feet.

[Bremerton Municipal Code Sec. 20.46.010](#) – Limits ADUs to 1,000 square feet or no more than 60% percent of the principal unit's total habitable floor area, whichever is greater. Attached ADUs in residences built prior to 2020 may receive director's approval to increase ADU floor area to equal that of the principal dwelling.

[Burien Municipal Code Sec. 19.17.070](#) – Internal or attached ADUs are limited to 1,000 square feet. The planning director may make exceptions to size limitations to allow for the better utilization of existing spaces.

[Leavenworth Municipal Code Sec. 18.36.035](#) – The total habitable floor area of any ADU is limited to 1,200 square feet.

[Kirkland Municipal Code Sec. 115.07](#) – ADUs are limited to 1,200 square feet.

[Roslyn Municipal Code Sec. 18.140.030](#) – ADUs are limited to 1,000 square feet.

[Yakima Municipal Code Sec. 15.09.045](#) – The ADU's floor area is limited to 1,000 square feet.

6. Limit use of design standards

[Bothell Municipal Code Sec. 12.14.135](#) – Attached ADU entrances are permitted on the front of the primary residence under certain conditions.

[Bremerton Municipal Code Sec. 20.46.010](#) – The city has developed a user-friendly [ADU Guide](#) (2021) that summarizes design regulations with visual examples.

[Fife Municipal Code Sec. 19.80.040](#) – Recommended approaches to promote privacy for adjacent properties are included in subsection 19.80.040(A)(6).

7. Remove, reduce or waive permit application fees, impact fees, system development charges, and other ADU-related fees

Utility connection fees/system development charges

[Chelan Municipal Code Sec. 13.33.020](#) – Offers utility rate reductions for family ADUs.

[La Center Municipal Code Sec. 18.247.050](#) – ADUs may share sewer and water connections with the primary dwelling. System development charges are imposed at a reduced rate compared to a single-family home (Sec. 18.247.080).

[Yakima County Code Sec. 19.18.020](#) – The ADU and the primary dwelling unit will share a single sewer and water connection, unless the local sewer and/or water purveyor requires separate connections. Outside of Urban Growth Areas, the two dwellings may use separate on-site sewage disposal systems.

Impact fees

[Bellingham Permit Fees](#) – This webpage offers information establishing that:

- ADUs are assessed at half the multi-family rate for park impact fees.
- For transportation impact fees, the person trip rate is less than duplexes and townhouses.
- School impact fees are waived for ADUs.

[Bellingham Ordinance No. 2018-11-022](#) – Establishes impact fee reductions related to the city's 2018 ADU code update.

[Kirkland Accessory Dwelling Units](#) – Exempts transportation, park, and school impact fees for ADUs in accordance with city code (KMC 27.04.050, KMC 27.06.050, KMC 27.08.050). These fees are assessed on the primary single-family residence only.

[Renton 2023-2024 Fee Schedule](#) – Impact and permit fees are waived for ADUs. Stormwater system development charges are reduced by 50% for ADUs.

[Tukwila Fee Schedule](#) – Exempts attached ADUs from impact fees (see Figure 16-1 "Fee Schedule").

[Everett 2023 Impact Fees Schedule](#) – Waives traffic and school impact fees for ADUs.

[Olympia Municipal Code Ch. 15.08](#) – Waives school impact fees and reduces transportation and park impact fees for ADUs.

[Renton 2019-2020 Fee Schedule \(Section XII\)](#) – Provides impact fee reductions and waivers for ADUs.

ADU permit application fees

[Port Angeles Temporary Building Permit Fee Waiver Form](#) (2022) – A temporary building permit fee waiver is available for construction of housing reserved for families with 80% AMI or below through September 2028; ADUs are included as an acceptable dwelling type for this waiver.

8. Allow prefabricated ADUs

Code examples

[Richland Municipal Code Sec. 23.42.020](#) – Allows accessory apartment units that are manufactured off site.

[Langley Municipal Code Sec. 18.22.115\(C\)](#) – While not addressing prefabricated housing, "tiny homes" are allowed to be used as ADUs, if they can meet the International Residential Code (IRC) and other specified local standards.

Other resources

[Olympia Manufactured Homes \(Handout\)](#) (2017) – Manufactured homes are allowed to be used as ADUs, particularly to promote affordable housing.

Seattle ADUniverse:

- [The ABCs of ADUs](#) – Mentions factory-built ADUs in the Construction section.
- [Pre-approved DADUs](#) – References factory-assembled structures in the L&I-approved DADUs section. The pre-approved plans include the Urban Cottage Prefab and WOOD Studio design.

[Seattle: Guide to Building a Backyard Cottage](#) (2010) – See page 19.

[Seattle Tip Sheet 305: Factory-Assembled Structures for Residential and Commercial Use](#) (2023) – Includes a comparison of the three types of factory-assembled structures, local requirements, and fees.

[Insider: A new collection of minimalist tiny homes from \\$37,500 is available in the US for the first time](#) (2023) – Article about affordable tiny homes from Latvia-based firm, MyCabin.

[Congress for the New Urbanism: Novel idea - Modular house that's cute](#) (2023) – Article describing a well-designed modular house that received an Urban Guild Award.

[HUD Office of Policy Development \(PD&R\): Factory-Built Accessory Dwelling Units for Affordable Housing Options](#) (2020) – Highlights communities that support factory-built ADU designs.

9. Streamline ADU permitting processes

Code examples

[Olympia Municipal Code Sec. 18.72.080](#) – Approves ADUs administratively.

[Pacific Municipal Code Sec. 20.92.057](#) – Single, straightforward application requirements for ADU development.

[Sequim Municipal Code Sec. 18.66.040](#) – Approves ADUs administratively.

Other resources

[Bellevue: ADU Registration](#) – This webpage notes that ADU registration, a floor plan, and site sketch/site plan are the minimum necessary to proceed with the ADU application process.

[Camas: ADU Application Form](#) – Two-page application form that includes applicable development standards and design guidelines.

[Lake Stevens: ADU Compliance Checklist](#) – This checklist provides a detailed overview of the permitting process.

[MRSC: Streamlining Local Permit Review Procedures](#) – This webpage provides examples of streamlined permit review processes.

[Seattle: Construction Permit – Addition or Alteration](#) – This webpage provides that to add within an existing house, a [construction addition/alteration permit](#) is needed; to build a detached unit, a [construction addition/alteration permit](#) is needed.

[Vancouver Municipal Code Sec. 20.920.060\(H\)](#) – Expedites permit review for infill development.

10. Offer incentives to encourage ADUs that are affordable to lower-income households

[Bellingham Housing Development: Guideline and Procedure Handbook](#) (2019) – Housing Levy funds are available to support purchases of homes with ADUs.

[Block Project](#) – Nonprofit with a mission to construct and find homeowners in Seattle willing to host an affordable ADU on their residential properties.

[Habitat for Humanity \(Seattle-King & Kittitas Counties\) - South Park Project](#) – This award-winning Habitat for Humanity project, funded in part through Seattle Housing Levy funds, includes ADUs.

[Fannie Mae: HomeReady Accessory Unit Income and Boarder Income Flexibilities](#) (2022) – Expands access to creditworthy low-income borrowers.

[Renton Municipal Code Sec. 4-9-030](#) – For owners seeking an exemption from owner occupancy requirements for ADUs, 50% of the total units must be designated as and remain affordable at 60% AMI.

Community land trust (CLT) examples

[National League of Cities: How One Colorado Community Land Trust Is Preserving Homeownership and Affordability](#) (2021) – Elevation Community Land Trust operates in partnership with a Denver Housing Authority initiative to support homeowners and prevent displacement. Their approach includes building ADUs to create more living space for family members or a new source of income.

[T.R.U.S.T. South LA \(& four other California CLTs\): Increasing Community Power and Health through Community Land Trusts](#) (2020) – The Community Land Trust Association of West Marin, in collaboration with the Housing Authority of Marin County, offers zero-interest loans, permit fee waivers, and other benefits for homeowners to create ADUs for use as affordable rental units.

[Shelterforce: Affordable ADUs: How It's Being Done](#) – Explores pilot programs and other strategies for financing ADUs for low- and moderate-income homeowners.

B. Counties (rural and natural resource lands)

Relevant Growth Management Hearings Board cases

[Peninsula Neighborhood Association v. Pierce County](#), Case No. 95-3-0071, Final Decision and Order (Mar. 20, 1996) – Local governments are required to include ADU provisions in their development regulations, but those regulations must be consistent with the GMA requirement that local governments reduce sprawl in rural areas.

[Yanisch v. Lewis County](#), Case No. 02-2-0007c, Order on Compliance Hearing (Mar. 12, 2004) – County definition of “rural character” must comply with GMA; subdivision or sale of ADU to family member may not be approved if doing so creates lots of less than five acres.

[Friends of San Juans, et al v. San Juan County](#), Case No. 3-2-0003c coordinated with [Nelson, et al v. San Juan County](#), Case No. 06-2-0024c, FDO/Compliance Order (Feb. 12, 2007) – Regulations allowing a detached ADU on substandard rural lots allowed residential use to predominate over rural uses and were therefore noncompliant.

[Kittitas County Conservation, et al v. Kittitas County](#), Case No. 07-1-0015, Final Decision Order (Mar. 21, 2008) – County ADU regulations must contain density provisions to preserve rural character—failure to do so would result in “urban-like” density in rural areas.

[Loon Lake Property Owners Association, et al v. Stevens County](#), Case No. 01-1-0002c, Compliance Order (May 30, 2008) – Allowing an ADU on all parcels—including substandard lots-- can considerably increase density in rural areas; regulations should contain specific criteria to curtail indiscriminate increased density.

C. Other programmatic elements

1. Address the use of ADUs as short-term rentals

[La Conner Municipal Code Sec. 15.110.080](#) – ADUs may not be used as short-term rentals.

[Langley Municipal Code Sec. 5.40.030](#) – A maximum of 50 ADUs can be used as short-term rentals in Langley.

[Marysville Municipal Code Sec. 22C.180.030](#) – ADUs aren’t permitted as short-term rentals.

[Roslyn Municipal Code Sec. 18.140.030](#) – ADUs may be rented for a minimum of 60 days.

[Tukwila Municipal Code Sec. 18.50.220](#) – Doesn’t allow ADUs to be rented for periods of less than 30 days.

2. Provide user-friendly communication materials

[Bellingham: Homeowner's Handbook to Building an ADU](#) – This handbook, developed by the Whatcom Housing Alliance and the City of Bellingham, includes ADU basics and information on permitting, design, construction, and costs.

[Jefferson County: The ABCs and 123s of ADUs](#) (2022) – This guide, developed by the Housing Solutions Network, includes information for homeowners considering ADU development, particularly for affordable housing.

[Lynnwood ADU Guide](#) – One-page guide with an overview of the city’s ADU requirements, including those related to size, design, and setbacks.

[Poulsbo Accessory Dwelling Units](#) – This webpage includes ADU basics, benefits of an ADU, code requirements, permitting process, handouts, and flow charts.

[Redmond ADU \(Handout\)](#) (2019) – This one-pager includes an overview of the city’s ADU requirements and permit process.

[San Juan County DADU Permit Application Checklist](#) (2018) – One-page overview of all permit application requirements.

[Seattle: A Guide to Building a Backyard Cottage](#) (2010)

[Spokane Accessory Dwelling Unit Current Allowances \(2022\) – Includes quick facts.](#)

[Tacoma ADU Tip Sheet](#) (2022) – Includes development standards, permit requirements, submittal and review process, and more.

[Tacoma Accessory Dwelling Units Design Guide](#) (2022) – A handbook for building ADUs.

Toronto, Canada:

- [Changing Lanes - Laneway Suites in the City of Toronto](#) – Provides requirements, reports, and other information for laneway suites (i.e., detached ADUs abutting a public laneway).
- [Garden Suites](#) – Offers rules and regulations, key considerations, and other information for garden suites (i.e., detached ADUs that do not about a laneway).
- [YouTube - City of Toronto Garden Suites Draft Rules](#) – Video discussing the city’s draft rules for garden suites.

[Vancouver ADU Fact Sheet](#) (2022) – Includes FAQs.

8. Provide information on landlord-tenant laws for prospective ADU owners and ADU tenants

[A Regional Coalition for Housing \(ARCH\): Renting Out An ADU](#) – Information on finding tenants, rental agreements, landlord-tenant relationship, and more in East King County.

[Bellevue: Residential Rental Regulations](#) – Contains general guidelines for ADU rental terms.

[Kenmore Ordinance No. 22-0545](#) (2022) – Adopts tenant protections increasing notice for rent increases, capping late fees, capping move in fees and deposits, and more. The ordinance notes that “dwelling unit” has the same meaning as the state’s Residential Landlord-Tenant Act ([RCW 59.18.030](#)), which defines it as “...a structure of that part of a structure which is used as a home, residence, or sleeping place by one or two or more persons maintaining a common household...”

[Kirkland: Tenant Protections](#) – Includes new tenant protections related to notice of rent increases, maximum security deposit, and enforcement.

[Redmond: Living in Redmond](#) – Includes information on the city’s new tenant protections.

9. Provide information on ADU financing and funding programs

[Fannie Mae: HomeReady Accessory Unit Income and Boarder Income Flexibilities](#) (2022) – Expands access to creditworthy low-income borrowers.

[Freddie Mac: Accessory Dwelling Unit \(ADU\) FAQ](#) – Includes common questions about Freddie Mac’s ADU loan terms.

[UC Berkeley's Turner Center for Housing Innovation & USC's Lusk Center for Real Estate: ADU Construction Financing \(2022\)](#) – Includes product examples and considerations.

[A Regional Coalition for Housing \(ARCH\): ADU Lending Assistance](#) – Includes information about both private and public financial requirements and assistance.

[Local Investing Opportunities Network \(LION\)](#) – Provides loans for ADU development in Jefferson County.

10. Provide information on ADU condominium conversions

[Bellevue ADU Reform Land Use Code Amendment \(LUCA\)](#) – The city is updating its code to remove barriers for the construction of attached ADUs, including removing the prohibition on condominium conversion.

11. Create a program to encourage legalization of unpermitted ADUs

Code examples

[Burien Municipal Code Sec. 19.17.070](#) – ADUs without city approval may be legalized if the owner applies for the applicable permits.

[Enumclaw Municipal Code Sec. 19.34.240](#) – Allows ADUs that existed as of November 1, 2001, to be legally established with an application, inspection, and affidavit. Permit application fees were waived within the first year of the relevant ordinance being in effect.

[Kirkland Municipal Code Sec. 115.07](#) – An ADU inspection is required for issuance of an ADU permit if it was built without a final building permit.

[Langley Municipal Code Sec. 18.22.115](#) – An ADU that existed as of January 22, 2019, may be legally established and may continue to be used as an ADU with an application, inspection, and affidavit.

[Mukilteo Municipal Code Sec. 17.30.040](#) – ADUs built without proper permitting may become legal if the owners submit an application and fulfill parking and owner occupancy requirements, among others.

[Newcastle Municipal Code Sec. 18.31.050](#) – ADUs may become legal following an application and inspection process.

[Roslyn Municipal Code Sec. 18.140.030](#) – If an ADU was created without a building permit, the city requires a building inspection to determine if the structure is sound, will not pose a hazard to people or property, and complies with the ADU requirements and building code.

Other resources

[Casita Coalition: Legalizing an Unpermitted ADU \(2022\)](#) – Provides guidelines for homeowners to legalize existing ADUs.

[Seattle: Construction Permit – Establishing Use](#) – This webpage provides that to legalize an existing unit, a [construction permit is needed to establish use](#); additionally, there could be a need to apply for [electrical service changes or new services](#) from Seattle City Light.

Seattle Department of Construction and Inspections:

- [Tip 217 - How to Legalize a Use Not Established by Permit](#) (2022) – Includes the rationale for applying for a permit to establish a use and how to document a use for the record.
- [Tip 606 - Illegal Dwelling Units](#) (2022) – Defines illegal dwelling units and the process to legalize or remove them.

7. Provide pre-approved ADU plans

[Lacey Accessory Dwelling Units](#) – Four pre-approved DADU plans are available.

[Raleigh, NC: ADU Fast Track Gallery](#) – Provides ADU plans at a lower cost than typical design processes.

Appendix B: Other ADU information and resources

Definitions

[RCW 36.70A.696](#) – Provides statutory definitions.

[Seattle Office of Planning & Community Development: Encouraging Backyard Cottages](#) – This webpage includes definitions for detached and attached ADUs.

[Vancouver Municipal Code Ch. 20.810](#) – See Sec. 20.810.020 for ADU definition.

Adopting ordinances

[Bremerton Ordinance No. 5410](#) (2020) – Amends [section 20.46.010](#), in response to [HB 1923](#).

[Bremerton Ordinance No. 5416](#) (2021) – Adopts amendments to the city’s ADU regulations, including increasing minimum size, removing parking requirements, removing owner occupancy requirements, and changing design standards.

[Langley Ordinance No. 1051](#) (2019) – Amends several sections of the Langley Municipal Code, including [section 18.22.155](#), to encourage housing options and increase housing affordability.

[Seattle Ordinance](#) (2019) – Amends multiple sections of the Seattle Municipal Code to remove barriers for attached and detached accessory dwelling units and add a floor area ratio requirement in certain single-family zones.

[Spokane Ordinance No. C36225](#) (2022)– Amends multiple sections of the Spokane Municipal Code to increase flexibility for ADUs. Changes to the ADU regulations were a Washington State Department of Commerce grant deliverable.

[Tacoma Ordinance No. 28576](#) (2019) – Amends multiple sections of the Tacoma Municipal Code to allow DADUs in single-family zones, simplify regulatory requirements, reduce regulatory barriers, and increase flexibility in building design, size and location.

See also the pre-amble to early versions of HB 1337, which provides a number of finding support ADU ordinances.

Code reform processes

[Bellevue ADU Code Reform](#) – The city’s land use code amendment will remove barriers and encourage the construction of attached ADUs..

[Bellingham Staff Report - ADU Ordinance Amendments](#) (2022) – Staff report proposing several changes to the city’s ADU regulations, including those related to occupancy, size, height, and parking.

[Everett ADU Amendments](#) – Includes project documents for process to simplify ADU regulations.

Policies in housing and comprehensive plans

[Burien Comprehensive Plan: Chapter 2 - Plan Policies](#) (2022) – See the housing element (2.4) goals specifically focused on ADUs: Pol. HS 1.3, Pol. HS 1.10 and Pol. HS 1.11.

[Everett Housing Action Plan](#) (2021) – ADUs are noted as a key strategy to increase housing variety. See section related to ADUs: "Increasing Housing Variety" Recommendation 1.1.

[Kent Housing Options Plan](#) (2021) – See information related to ADUs in page 71 (Table 5.3) and pages 146-148.

[Langley Comprehensive Plan](#) (2018) – See land use (LU), housing (H), and utilities and capital facilities (UCF) goals and policies related to ADUs: LU-4.8, H-1.1, H-4.1, H-4.4, and UCF-1.3.

[Olympia Housing Action Plan](#) (2021) – ADUs are a key implementation strategy for increasing the variety of housing choices (see Chapter 2: Strategy 4).

[Seattle 2035 Comprehensive Plan](#) (2020) – See the policies related to ADUs: Land Use (LU) policy LU 7.5, Greenwood/Phinney Ridge (G/PR) housing policy G/PR-P11, Queen Anne (QA) policy QA-P13, Wallingford (W) housing policy W-P14, and Westwood Highland Park (W/HP) housing policy W/HP-P21.

[Spokane Comprehensive Plan - Housing Chapter](#) (2017) – See H 1.19 (Senior Housing), H 1.20 (ADUs).

Regional and national reports and websites

accessorydwellings.org – A one-stop source about accessory dwelling units, multigenerational homes, laneway houses, ADUs, granny flats, and in-law units.

[American Association of Retired Persons \(AARP\): All About Accessory Dwelling Units](#) – Free publications, and more, about how ADUs expand housing options for people of all ages.

[American Planning Association \(APA\): Accessory Dwelling Units](#) – Webpage with reports, briefing papers, articles, case studies, videos, and more.

[A Regional Coalition for Housing \(ARCH\): Accessory Dwelling Unit](#) – A comprehensive, user-friendly website from an affordable housing partnership organization focused on serving East King County.

[MRSC: Accessory Dwelling Units](#) – Webpage that provides a good summary about ADUs.

[Puget Sound Regional Council Housing Innovations Program: Accessory Dwelling Units](#) (2020) – Guide that includes an overview of ADUs in the Puget Sound region, along with model policies and regulations.

[Shelterforce: ADUs - Laws and Uses, Do's and Don'ts](#) – Summary of some key debates pertaining to ADU rentals.

[University of Toronto: "The Citizen Developer" video \(YouTube\)](#) – Short video discussing the benefits of small-scale housing.



MEMORANDUM

TO: City Council Members

FROM: Krista Loney

DATE: May 25, 2023

SUBJECT: 5.16 Vacation Rental Draft Code and Process

The Short-Term Rental Workgroup has been working diligently and presents the following draft items to Council for consideration:

1. Vacation Rental Application
2. Vacation Rental Inspections Overview
3. Vacation Rental Inspections Process
4. Vacation Rental Fees
5. Good Neighbor Guidelines
6. Neighboring Properties Notification

Any and all Council modifications are open to discussion and there are several specific areas where the workgroup deferred to Council's leadership instead of making a suggestion:

1. Should there be a limit on the number of vacation rentals that an individual can own?

Some cities limit to three, some cities do not limit. White Salmon limits to one permit per owner-occupied property.

2. Should "squatting of permits" be allowed?

"Squatting of permits" refers to someone applying for, receiving and paying for the permit and then not using the vacation rental as a vacation rental. Some on the workgroup are of the opinion that how the space is being utilized is none of the city's business as long as the person is paying their fees. Others feel that if a vacation rental isn't used for a continuous period of 12 months, their permit should be revoked and made available to others. The city would be able to review the use based on lodging taxes paid or not paid from a property.

3. The workgroup suggested a permit limit of 32 or 10% of the current housing stock, whichever is less. One member of the workgroup suggested that the limit be sub-divided such that there would be X permits for hosted homeshare and Y permits for whole home rentals. What are Council's thoughts? For discussion purposes, 100% of the current STRs are whole-home.
4. The workgroup suggested a fine of \$250 per violation with each day considered a new violation. What are Council's thoughts?
5. I met with Granicus on May 12 to learn about their service capabilities specific to vacation rental permits and enforcement. Their pricing was \$9000 for all features and breaks down as follows.
 - Address identification - \$3000 annually
 - Compliance monitoring - \$1200 annually
 - Mobile permitting - \$3000 annually
 - Tax collection - \$3000 annually
 - 24/7 Hotline - \$1750 annually
 - Activity monitoring - \$1125 annually

Bundle discounts are 10% for 2 modules, 20% for 3 modules, and 30% for 4 or more modules. With the discount, the total price for the services above would be \$9000 annually.

The group recommends moving forward with address verification and the 24/7 hotline at a cost of \$4275. Using a conservative figure of 15 short-term rentals, this would make the annual fee \$285 per STR. This is the fee recommended by the group.

6. I have spoken with Skamania County Building regarding handling inspections for Vacation Rentals. They stated that they could do the handle the inspections and the meeting to discuss that is June 14.
7. The workgroup suggested that an all-vacation rental building similar to Hotel Iconica in White Salmon be prohibited even in the Commercial District. What are Council's thoughts?



City of Bingen Vacation Rental Application

Vacation Rental Information

Vacation Rental Address: _____

Vacation Rental Parcel Number: _____

Vacation Rental Phone Number: _____

WA State Business License (UBI) #: _____

Type of Short-Term Rental:

- Hosted Homeshare (bedrooms within home)
- Vacation Home Rental (entire home)

For Hosted Homeshare, portion of Home to be Rented (e.g. basement bedroom and bathroom)

For Vacation Home Rental # of Bedrooms: _____ # of Bathrooms: _____

Listing Number or Website Addresses, list all that apply (e.g. VRBO/AirBNB/Vacasa/rental website number, acct. #, URL):

Property Owner Information:

Owner must reside within the local area (Klickitat, Skamania Counties in Washington; Hood River, Sherman, Wasco counties in Oregon)

Owner Name: _____

Owner Phone #: _____

Owner Email Address: _____

Owner Local Address: _____

Owner Mailing Address: _____

Property Manager Information (if applicable):

Contact Person Name: _____

Contact Person Phone #: _____

Contact Person Email: _____

Contact Person Local Address: _____

Contact Person Mailing Address: _____

Checklist of Required Documentation:

- Proof of residency – Provide one copy of at least two of the following documents:
 - Copy of voter registration;
 - Copy of Washington Driver’s License or Washington Identification Card;
 - Copy of federal income tax return from the most recent year
- Parking Diagram and Photos of interior and exterior parking spaces
- Documentation of liability insurance as required by RCW 64.37.050.
- Completed Checklist for Fire Safety
- Proof of garbage service

By completing and signing this application I (we) affirm that:

Initial next to each statement and sign at the bottom.

Initial

- _____ The information contained herein is true and correct to the best of my knowledge.
- _____ The operation of the vacation rental unit is in compliance with any applicable private covenants.
- _____ The tenants will be provided a parking diagram verifying the location of all parking spaces available for the vacation rental and the diagram will be posted in a prominent location within the vacation rental. The designated parking spaces will be available for use by vacation rental tenants.
- _____ Operation of the vacation rental will comply with Good Neighbor Guidelines and the Good Neighbor Guidelines will be provided to tenants in the rental agreement of by posting it in a prominent location within the vacation rental.
- _____ The approved license for the vacation rental will be posted in the interior of the dwelling adjacent to the front door.
- _____ I (we) have read and understand and agree to comply with the terms outlined in Bingen Municipal Code (BMC) regulating Vacation Rentals (BMC Title 5 Chapter 16).
- _____ I (we) understand that a current Washington State Business License and City of Bingen Business License are required to operate a Vacation Rental.
- _____ I (we) understand that there is a limited number of Vacation Rental permits available.
- _____ I (we) understand that Vacation Rental permits are issued on a calendar year.
- _____ I (we) understand that Vacation Rental permits are issued for a three year period and that the permit fee must be paid annually by the due date.
- _____ I (we) understand that permit fees are nonrefundable and will not be prorated for any reason, even revocation of the permit.
- _____ I (we) understand that after the initial three year period of the permit, I (we) must reapply for a Vacation Rental permit.
 - _____ I (we) understand that the permit will be issued if permits are available under the limit for the current year.
 - _____ I (we) understand that all Vacation Rental Applications will be placed into a lottery system if more applications are submitted than permits available and I (we) consent to

the ability of the Vacation Rental that I (we) operate being subject to the outcome of said lottery.

- _____ I (we) understand that nonpayment of the permit fee by the deadline will result in revocation of the Vacation Rental permit.
- _____ I (we) understand that the Vacation Rental must collect and remit state and local sales and use taxes and special hotel/motel taxes as required by the City and State of Washington Department of Revenue.
- _____ I (we) understand that the Vacation Home will maintain liability insurance covering its use as a vacation rental.
- _____ I (we) will maintain updated contact information, including mailing address, phone number and email address, during the period of licensure for the purposes of official communication about the vacation rental, including service of any notice, warning letter, citation or complaint related to the vacation rental.
- _____ I (we) understand that the response time for the owner or local contact to address questions or concerns from the renters is expected to be no more than one hour.
- _____ I (we) consent to service of any warning letters, citations, and complaints by mail at the designated mailing address of the primary vacation rental owner provided on this Vacation Rental Application form.
- _____ I (we) understand providing false information in this application shall be a violation of the City of Bingen Municipal Code, and shall be grounds to deny the application, void the approval, enjoin the use, and revoke a Vacation Rental license issued for the property.

SIGNATURES: All Owners must sign

Owner Signature	Printed Name	Date
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Owner Signature	Printed Name	Date
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Authorized Agent/Property Manager Signature	Printed Name	Date
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City of Bingen

Vacation Rental Inspections

Protection

The primary objective is to provide the guests of vacation rental homes with a measure of protection based on the provisions of the Residential Building Code. Just as important, however, is good common sense on the part of the owner in providing a safe environment for his or her guests.

Smoke Detection

Smoke detectors are one of the most important standards for the protection of the public. They provide early notification to the tenants in the event of a fire for their quick exit from the building during this critical time frame. Detectors should be located on every level of the dwelling including the basement, inside every bedroom, and outside the immediate vicinity of the bedroom and be loud enough to wake sleeping persons.

Carbon Monoxide Detection

If the rental unit is equipped with gas burning appliances or has an attached garage, carbon monoxide detection shall be installed in the area within the bedrooms or giving access to the bedrooms.

Egress

In addition to smoke detection, proper exiting from the building is critical to escape. Means of egress include all components in the normal path of travel to the outside of the building. There should be no unusual obstructions in the exit route to the outside of the building.

Doors should have a clear width of 32 inches to facilitate egress. The door width requirement may be reduced to 28 inches in older buildings subject to the authority having jurisdiction. Doors shall swing freely with no sticking.

Floors should be level with minimum changes in elevation.

Corridors should be at least 36 inches wide and have minimal projections entering the space, including furniture and decorations, so as to not slow down persons exiting from the building.

Door locks in the egress passages should be easily unlocked without any undue hardship or tools.

One and two-family dwellings must have a primary and secondary means of egress. The primary means is generally a door leading into the building with egress windows serving the secondary means of egress from bedrooms. Windows should open easily without undue effort. Second and third floor rooms will be equipped with a stair ladder or other safe means of egress in each room.

Attached garages must be separated from the dwelling unit by fire grade sheetrock and a fire door leading into the structure. Primary egress through a garage is not acceptable.

General Housekeeping

Common sense goes a long way towards maintaining a safe rental property.

Keep critical areas free of combustible materials and obstructions. Critical areas include woodstove spaces, heating devices, oil tanks, electrical panels, and similar areas. Keeping these areas clear also grants service personnel access for repairs.

Keep exit passages free of obstructions including furniture, bikes, decorations, etc.

Provide the renter with important information such as contact telephone numbers to eliminate confusion when a problem occurs.

Provide the renter with a floorplan or emergency exit map posted in the kitchen and near any exit doors.

Include instructions for the renter that contain clear directions to the property which renters can relay to the Dispatch Center in the event of an emergency.

Place appropriate signage with the 911 address clearly visible to direct responders to the property.



City of Bingen

Vacation Rental Inspection Process

The City of Bingen requires homeowners to obtain a Vacation Rental inspection completed by a licensed home inspection company that covers the items below. The homeowner will handle payment and scheduling of this inspection independently with a home inspection company. If any of the required inspection items below fail, a reinspection is required. Once a passed inspection is received, the inspection report is required to be included with the vacation rental application.

Vacation Rental Unit Inspection Responsibility. It is the Vacation Rental licensee's responsibility to assure that the vacation rental is and remains in substantial compliance with all applicable codes regarding fire, building and safety, health and safety, other relevant laws, and the City's checklist for Vacation Rentals. Verification by the City may be required prior to issuance of a license and may be required for each renewal at the City Administrator's discretion.

Required Inspection Items

Is the structure a Single Family Dwelling?

1. Smoke Alarms

- a) Home has smoke alarms on every level
- b) Home has a smoke alarm in every bedroom
- c) Smoke alarms are located outside each separate sleeping area
- d) Smoke alarms are located at least 10 feet from a stationary or fixed cooking appliance
- e) For larger homes (where the interior floor area on a given level is greater than 1,000 square feet), there is an average of at least 1 smoke alarm for every 500 feet
- f) All smoke alarms are working

2. Carbon Monoxide Alarms

- a) Home has a carbon monoxide alarm outside each separate sleeping area
- b) Home has a carbon monoxide alarm on every level
- c) Carbon monoxide alarms are working

3. General Safety

- a) House number is visible from the street
- b) Doors & Windows used for escape open easily - not blocked by furniture, security bars, or nailed/painted shut
- c) Hot Water Heater is set no higher than 120 degrees Fahrenheit

4. Flammable Appliances

- a) Things that can burn are at least 3 feet from the furnace
- b) Furnace is inspected and cleaned annually
- c) Chimney is inspected annually and cleaned as needed

- d) Clothes dryer lint filter and vent pipe are clean
- 5. Throughout the Home**
 - a) If smoking is allowed on property, there are approved containers to receive burning cigarette butts
 - b) Adequate light and ventilation
- 6. Kitchen**
 - a) Things that can burn are removed from the immediate area of the stovetop
 - b) Tip over device on stove
 - c) Fire extinguisher – minimum of one per floor
- 7. Living/Family Room**
 - a) If there is a fireplace, it has proper screen and hearth
 - b) Things that can burn are at least 3 feet from space heaters and fireplaces
- 8. Bedrooms**
 - a) All bedrooms have two ways out - typically this is an egress door or window directly from bedroom to outside & the general exit path back out through front door. See page 3 for further window egress details. Contact the Building Department if you need further clarification.
- 9. Garage**
 - a) There is a solid door between garage and residence
 - b) Flammables are stored properly
- 10. Outside the Home**
 - a) Outside electrical receptacles are GFCI and they are in good working condition
 - b) There is no rubbish, trash, brush, or tree trimmings accumulation on the property, on the roof, or in the gutters
 - c) Barbecue grill is only used outdoors
 - d) Swimming pool filter, heater or hot tub is properly grounded
 - e) Exit path is clear and unobstructed to public way
- 11. Electrical**
 - a) Kitchen and bathrooms have GFCI outlets on countertop surfaces within 6 feet of running water outlets and they are working properly
 - b) All receptacle and switch faceplates are installed and in good condition
 - c) Receptacles have been tested and are in good working condition - no evidence of arcing or overheating
 - d) Switches are in good condition - no evidence of arcing or overheating
 - e) Lighting fixture canopies are fastened in place and fixture is in good condition
 - f) Bulbs in light fixtures are the correct wattage for the lighting fixture
 - g) Flexible cords and cables (extension cords) are not used as fixed wiring, run through holes in walls, ceiling or floor, run through doorways or windows, or under carpets, or attached to building surfaces
 - h) Panel board and distribution equipment is accessible for inspection and in good condition - no evidence of overheating, corrosion, or other damage
- 12. Stair Safety**
 - a) Stairs are provided with handrail(s)
 - b) Stairs can be illuminated
 - c) Stair tread depth and riser height are uniform
 - d) Guardrails are in place
- 13. Bingen Short-term Rental Rules Compliance**
 - a) License/Tax Certificate Posted Prominently

b) Parking Diagram in Prominent Location

c) Parking Diagram Spaces Actually Available - Provide picture of parking space(s)

14. Post Good Neighbor Guidelines

Recommended Items

1. Smoke alarms are interconnected so when one sounds, they all sound
2. Home has a home fire sprinkler system
3. No lit candles are permitted in home
4. Small appliances are unplugged when not in use
5. The use of portable space heaters is not allowed
6. All second-floor bedrooms have an emergency escape ladder stored in a conspicuous place
7. Gas powered equipment is stored in an outside shed or garage, separate from the home
8. Gasoline is stored in an approved safety container in an outside shed or garage, separate from the home
9. Swimming pool or hot tub is enclosed by a four-sided fence and locked gate
10. Stairs can be illuminated for nighttime use



City of Bingen Vacation Rental Fees

\$TBD Application Review Fee

Vacation Rental applications must be submitted to the City of Bingen within the application window of the current calendar year in order to operate in the next calendar year. If the application review is complete and the permit is issued, the permit will be valid for three calendar years. If the owner wishes to continue operating a Vacation Rental after the initial three years, a new application must be submitted and the application review fee paid.

If an application is submitted outside the application window, the application may be accepted if the limit on the number of Vacation Rental permits has not been reached. If the limit of Vacation Rental permits has been reached, the application will be returned to the applicant and a review fee will not be collected.

\$285 Annual Permit Fee

Vacation Rental permits will be issued for three calendar years at a time. The permit fee is due annually and must be paid on-time. If the permit fee is not paid by the due date, the permit will be revoked. Permit fees are nonrefundable and will not be prorated, even in case of permit revocation.

Vacation Rental Fire & Life Safety Inspection

The City of Bingen requires homeowners to obtain a Vacation Rental inspection completed by a licensed home inspection company that covers the items listed in the City's Vacation Rental Inspection Process checklist. The homeowner will handle payment and scheduling of this inspection directly with a home inspection company.

City fees are set by Resolution of the City Council and are typically updated annually for inflation.



Vacation Rental Good Neighbor Guidelines

Hello new neighbors! However long you stay, Bingen welcomes you as part of our community. We like our small-town charm, and we think you will like it too. These Good Neighbor Guidelines are available to help keep our small town an amazing place to live, work and play.

1. **24-Hour Contact Information.** If at any time you have concerns about your stay in regard to your neighbors, please call the contact number listed in the rental lease agreement or posted in the unit. In the event of an emergency, please call 911.
2. **General Respect for Neighbors.** Be friendly, courteous, and treat your neighbors like you want to be treated. Respect your neighbors, their privacy, and their property.
3. **Noise.** Be considerate of the neighborhood and your neighbor's right to quiet enjoyment of their home and property, especially after 10 p.m.
4. **Maintenance of Property.** Be sure to pick up after yourself and keep the property clean, presentable and free of trash.
5. **Parking.** Refer to the parking diagram posted in the unit and park on-site whenever possible. Do not park on lawns or in a manner which blocks driveways, sidewalks, alleys or mailboxes. On-street parking is a community resource, do not be surprised to see a neighbor parked in front of the home you are renting.
6. **Traffic Safety.** Drive slowly through neighborhoods and watch for pedestrians and children playing. Our streets, sidewalks and trails offer safe, convenient, and interesting alternatives to your in-town destinations.
7. **Fires.** Our wonderful summer weather lends itself to heightened fire hazards. Help us stay safe from wildfires by fully extinguishing cigarettes and abiding all seasonal and emergency bans on recreational fires.
8. **Pets.** Promptly clean-up after your pets, prevent excessive and prolonged barking, and keep pets from roaming the neighborhood. Control aggressive pets and be sure to abide by the local leash laws. Store pet food indoors and in a secure container to reduce the likelihood of unwanted pest problems.
9. **Tenant/Guest Responsibility.** Approved guests and visitors are expected to follow the Good Neighbor Guidelines. Be sure to read your rental agreement for additional terms and restrictions which may include consequences for violating the Good Neighbor Guidelines.



Vacation Rental Neighboring Properties Notice

TO: Neighboring Properties

FROM: _____ License # _____

DATE: _____

SUBJECT: Short-Term Rental In Your Neighborhood

A property in your neighborhood recently registered with the City of Bingen to operate as a short-term rental. The City views short-term rentals as a valuable component of our tourism economy, but it also values the peace and comfort of its residents and property owners. The short-term rental is located at:

The owners of the short-term rental hope that the use of the facility as a short-term rental will not disturb your peace and comfort.

As a property owner or occupant adjacent to or abutting the address above, this notice provides you with the contact information of the short-term rental's owner and/or local contact. You are encouraged to contact them with any questions or concerns about the property's use as a short-term rental, and especially if the guests of the home are inconsiderate of the attached Good Neighbor Guidelines. The property's continued use as a short-term rental hinges on its ability to avoid neighborhood disruptions and the ability to deal with issues before they become a nuisance or require any investigative effort or corrective action by the City.

Owner Name: _____ Phone #: _____

Local Contact: _____ Phone #: _____

The representatives above can be treated as your first line of defense against neighborhood intrusions from short-term rentals, but if they are unresponsive or continually unsuccessful at addressing your concerns, please contact the City.

City Hall Phone #: 509-493-2122 x1

Emergency Police #: 911

Thank you.

Short-Term Rental Owner