

City of Kenmore



City of Kenmore - 18120 68th Avenue NE - Kenmore, WA 98028
Phone: 425-398-8900 - Fax: 425-481-3236 - E-mail: cityhall@kenmorewa.gov

City of Kenmore Planning Commission Meeting Agenda

Tuesday, November 19, 2019 @ 7:00 p.m.
Kenmore City Hall
18120 68th Ave. NE, Kenmore, WA 98028

If you have any questions or to confirm agenda items prior to the meeting, or if you require special accommodations, please call Maura Query at 425-398-8900. You may also stop by City Hall at 18120 68th Avenue NE, Kenmore. Planning Commission agendas are also available on our website at www.kenmorewa.gov.

- 1. CALL TO ORDER**
- 2. CITIZEN COMMENTS (unrelated to the public hearing)**
- 3. APPROVAL OF MINUTES**

[September 17, 2019 Planning Commission Minutes](#)
- 4. PUBLIC HEARING**

[Accessory Dwelling Units](#)
- 5. AGENDA ITEMS**

[Planning Commission Memo](#)
[Attachment Preliminary Draft ADU Code Amendments](#)
- 6. ADJOURNMENT**
- 7. UPCOMING MEETINGS:**
December 3, 2019, 7:00 p.m.
January 7, 2020. 7:00 p.m.

**City of Kenmore
Planning Commission Meeting
September 17, 2019 @ 7:00 p.m.**

Planning Commission Members – In Attendance

Mike Ohrenschall, Chair
Mike Mulcare
Dennis Olson
Nathan Loutsis
Suzanne Greathouse
Mike Vanderlinde
Carol Baker

Consultants & Staff

Debbie Bent, Community Development Director
Lauri Anderson, Principal Planner
Jordan Woltjer, Planning Intern
Maura Query, Administrative Assistant
Mike Stanger, ARCH

1. CALL TO ORDER

The meeting was called to order by Chair Ohrenschall at 7:00 p.m.

2. CITIZEN COMMENTS

There were no citizen comments at this meeting.

3. APPROVAL OF MINUTES

- August 6, 2019 Planning Commission Meeting Minutes – Motion to approve by Dennis Olson, 2nd by Nathan Loutsis. Passed 7-0 with the caveat to update the minutes to reflect that Commissioner Ohrenschall was present for the meeting.

4. AGENDA ITEMS

The meeting was a policy discussion and continuance in the conversation around ADUs. Questions from the meetings in August were answered.

Attachment 1 addressed responses to the four (4) specific policy items discussed in prior meetings. There was continued discussion, questions, and answers regarding height requirements, multiple ADUs on a single property, ADUs within the same

footprint of the original home, ADUs for businesses, what other cities currently have as ADU policies, and primary use/reason for ADUs (affordability, multi-generational housing etc.). A primary theme in the conversation was centered around allowing more than one ADU per lot and the impacts this would have on single-family neighborhoods. Clarity on housing goals was provided: The City has met the housing units goal, but not the affordable housing goal. There was then discussion around ADUs not necessarily being the avenue to address all housing issues. A decision regarding how to move forward with one vs. two ADUs per lot was hard to come by. Mike Mulcare made a motion to change the preliminary recommendation in #5 to include one (1) attached ADU and one (1) detached ADU, but only two (2) total, and not two (2) detached. Dennis Olson seconded the motion. There was additional discussion and clarification on the motion; concerns regarding existing lot size limitations were expressed and it was suggested by Lauri Anderson to limit the motion to attached/detached and determine lot size requirements later. The motion was restated by Mike Mulcare as an allowance for both one (1) attached and one (1) detached ADU on a lot. Dennis Olson seconded the restated motion. The motion passed 4-3.

Attachment 2 was a response to the questions from the last ADU meeting and was reviewed. A return on the homeowner's investment was discussed from the perspective of the City recouping revenue. Increased tax assessment was thought to be a potential way to recoup.

The four remaining questions from the memo were discussed. The topic of an increased lot size was discussed. The thought was if the City moves towards 2 ADUs per lot, the size would need to be increased. Lauri suggested flushing out scenarios for various zones and what they would look like for ADUs. There was also a suggestion to revisit rear setbacks in some zones as they could be very limiting in allowing a detached ADU. Entrances to the unit were discussed. Currently Kenmore only allows one (1) entrance to face the street. There was conversation around design standards. Design standards do not exist in single-family neighborhoods now. There seemed to be agreement among the Commissioners that there would be no issue with a second street-facing door if one was hidden behind a vegetative screen or otherwise disguised. Short-term rental regulations were discussed. Commissioner Loutsis mentioned that a restriction on short-term rentals in ADUs with owner occupancy requirements in place might poke holes in some of the themes guiding the Commissioners, such as family members who need short term stays to get through hard times. Carol Baker made a motion that short-term rentals should not be prohibited for ADUs. Suzanne Greathouse seconded the motion. Motion passed 5-2.

The remaining items for discussion were ADU height and owner occupancy exemptions. The decision was made to not discuss ADU height until the Commission was ready to discuss lot size after reviewing the scenarios the City would be drafting. After another brief discussion on owner occupancy exemptions Lauri stated her understanding of how the Commissioners were leaning as being ok

with considering exceptions to owner occupancy with controls, but no short-term rentals during the time the owner was away.

Further conversation was deferred due to time.

Looking forward at upcoming meetings, October 1st the City would return with scenarios and draft code language. The October 15th regular Planning Commission meeting was cancelled for the Missing Middle Housing Panel. Parks PROS Plan information would be covered in the first November meeting, possibly also a bit more ADU information as well. The second meeting in November would be looking at refined language for ADUs or a public hearing if the Commission and City are at that point.

5. ADJOURNMENT

Chair Ohrenschall adjourned the meeting at 9:08 p.m.

Planning Commission

Approved by Planning Commission on: _____

Draft Amendments to ADU Regulations

18.73.100 Accessory dwelling units (ADUs).

A. ~~Only one~~ A maximum of two accessory dwelling units (ADUs), including only one attached ADU and only one detached ADU, accessory dwelling is allowed are permitted per primary single detached dwelling unit.

B. No minimum lot size is required for an attached ADU. A detached ADU shall not be permitted on a lot less than 4,500 square feet in size.

BC. On lots from 4,500 square feet to 5,399 square feet in size, when both a detached and an attached accessory dwelling unit are proposed, the attached ~~An~~ accessory dwelling unit is allowed only in the same building as shall not expand the pre-existing footprint of the primary dwelling unit on a lot that is less than 10,000 square feet in area, or on a lot containing more than one primary dwelling. For new construction on a lot of this size, when both a detached and an attached ADU are proposed, the combined floor area of the primary dwelling unit, including attached garage and attached ADU, shall not exceed 2,500 square feet.

CD. The primary dwelling unit or the accessory dwelling unit shall be owner occupied.

DE. Maximum ADU sizes shall be as follows:

1. Attached ADU. If the accessory dwelling unit is attached to the primary dwelling unit, then the ~~An~~ attached accessory dwelling unit shall not exceed a floor area of 1,000 square feet or 50 percent of the living area of the primary residence, whichever is greater; and. The city manager may grant an exception to this limitation for the efficient use of pre-existing floor area.

2. When the primary and accessory dwelling units are located in the same building, only one entrance may be located on each streetside of the building.

3. Detached ADU. If the accessory dwelling unit is detached from the primary residence, then the accessory dwelling unit may be 10 percent of the lot size, or 50 percent of the primary dwelling unit, whichever is less. The following floor area limitations shall apply to detached accessory dwelling units:

Lot size	Maximum Floor Area for a Detached ADU
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<u>Lots with an area equal to or greater than 10,000 square feet</u>	<u>1,000 square feet</u>
<u>Lots with an area of 5,400 to 9,999 square feet</u>	<u>800 square feet</u>
<u>Lots with an area between 4,500 and 5,399 square feet</u>	<u>Maximum building footprint is 10% of the lot area. Total floor area shall not exceed 600 square feet. Note limitations in KMC 18.73.100.C when both an attached and a detached accessory dwelling unit are proposed on a lot of this size.</u>

2F. When the primary and accessory dwelling units are located in the same building, For an attached ADU, only one entrance may be located on each streetside of the building, unless the ADU entrance is clearly secondary to the primary entrance as determined by the city manager.;

G. The maximum height for a detached ADU shall be 35'; however, the detached ADU may not exceed one story over a detached garage or two stories if built at ground level.

EH. One additional off-street parking space shall be provided for each ADU on a lot;

F. The accessory dwelling unit shall be converted to another permitted use or the dwelling unit or its kitchen facilities shall be removed if the property owner no longer resides in one of the dwelling units ceases to be owner-occupied. The city manager may consider an exception to this rule for up to one year in cases where:

1. One of the dwelling units will be occupied by a spouse, parent or adult child of the property owner who will act in his/her stead to manage and maintain the property; or
2. There is a documented need, supported by evidence, for the owner-occupant to leave the premises due to business requirements, health or family issues, or other similar circumstances.;

If an exception is granted, the property-owner and person responsible for the property-owner's dwelling unit shall both sign a property management agreement prepared by and submitted to the City describing management and maintenance responsibilities over the term of the property-owner's absence and providing contact information.

~~GJ~~. An *applicant* seeking to build an *accessory dwelling unit* shall file a notice approved by the department with the ~~records and elections division~~ King County recorder's office which identifies the *dwelling unit* as accessory. The notice shall run with the land. The *applicant* shall submit proof that the notice was filed before the *department* shall approve any permit for the construction of the *accessory dwelling unit*. The required contents and form of the notice shall be set forth in administrative rules;

~~HK~~. The total number of occupants in the principal *dwelling unit* and the *accessory dwelling unit* combined shall not exceed the maximum number established for a single-family dwelling as defined in KMC [18.20.1010](#).

Other code sections needing amendment:

18.20.820 Dwelling unit, accessory.

"Accessory dwelling unit" means a separate, complete *dwelling unit* attached to or contained within the *structure* of the primary dwelling; or contained within a separate *structure* that is accessory to the primary *dwelling unit* on the premises.

18.20.218 Attached accessory dwelling unit.

"Attached accessory dwelling unit" means an *accessory dwelling unit* attached to or contained within the *structure* of the primary dwelling.

18.20.705 Detached accessory dwelling unit.

"Detached accessory dwelling unit" means an *accessory dwelling unit* contained within a separate *structure* that is accessory to the primary *dwelling unit* on the premises. A detached accessory dwelling unit shall be separated from the primary *dwelling unit* by a minimum of 5'.

18.20.2103 Pre-existing footprint.

"Pre-existing footprint" means the footprint of the primary *dwelling unit* prior to any permitted *attached accessory dwelling unit*.

18.30.230 Setbacks – Projections and structures allowed.

Provided that the required *setbacks* from *regional utility corridors* of KMC [18.30.200](#), the adjoining half-street or designated arterial *setbacks* of KMC [18.30.220](#) and the sight distance requirements of KMC [18.30.240](#) are maintained, *structures* may extend into or be located in required *setbacks*, including *setbacks* as required by KMC [18.21.060](#)(B), as follows:

. . .

Q. In a rear *setback* in the R-4 and R-6 residential zones, the following *structures* are permitted if it is determined by the *city manager* that they will not have any substantial detrimental effect on abutting properties or the *City* as a whole; and provided, that they shall be no closer than five feet to the rear lot line:

1. Children's play *structures* not otherwise regulated by this title;
2. No more than one storage shed or similar *use*, limited in height to eight feet for a flat roof or 10 feet for a pitched roof, with a maximum dimension of 15 feet on any side and a total area not exceeding 200 square feet;
3. An *arbor*, not attached to a building and limited in height to eight feet, with a maximum footprint of 100 square feet, including eaves. If latticework is used, there shall be a minimum opening of two inches between crosspieces.

R. In a rear *setback* in the R-4 and R-6 residential zones, an *accessory dwelling unit* shall be permitted; provided, that the *accessory dwelling unit* shall be no closer than ten feet to the rear *lot* line. All of the other standards for *accessory dwelling units* specified in KMC Chapter 18.73 shall be met.

. . .



City of Kenmore, Washington

Memorandum

Date: November 12, 2019

To: Planning Commission

From: Debbie Bent, Community Development Director
Lauri Anderson, Principal Planner *wk*
Jordan Woltjer, Planning Intern
Mike Stanger, ARCH

Regarding: Accessory Dwelling Units (ADUs)

The public hearing on the preliminary accessory dwelling unit (ADU) amendments will be held on November 19. Attachment 1 contains the draft amendments the Commission previously has reviewed, along with changes requested at the October 22 Planning Commission meeting.

On October 22, Commissioner Mulcare asked that we double-check the required fire separation requirements for a primary dwelling unit and a detached ADU. Development Services treats ADUs the same way they treat playhouses and other buildings, and there is no minimum fire separation requirement. On the other hand, when considering two separate houses on two lots, the minimum required fire separation distance generally is 6' for sprinklered buildings and 10' for non-sprinklered buildings. (Kenmore requires sprinklering in new single-family construction.)

After the public hearing, the Planning Commission may be ready to make final recommendations to present to the City Council. The Commission may also want to briefly discuss some other ideas, outlined below, that could encourage ADU development.

Other actions to promote ADU development:

Along with the regulatory approaches, several other actions have been identified that promote ADU development. While not directly under the purview of the Planning Commission, these ideas could be forwarded to the City Council for their consideration.

Preapproved Plans:

Seattle Mayor Jenny Durkan has stated her intention to create preapproved plans to streamline the ADU permit application process. Kenmore has also been exploring this possibility with MyBuildingPermit.com – a branch of the eCitygov alliance for member cities who have similar ADU codes. Kirkland, too, is working toward this end. Staff recommends that Kenmore continue to promote this municipal collaboration for pre-designed plans and should also explore whether plans from Kirkland or Seattle would be viable for application in Kenmore. Both strategies are highly cost-effective and represent important value-added benefits for homeowners seeking to build DADUs who may not have the means to hire an architect or designer.

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A strategy complementary to preapproved plans is that of expediting Kenmore's permit review process for ADUs. Preapproved plans, however, reduce the variation in permit applications which can facilitate faster application turnover and lessen the administrative burden of prioritizing ADU permit applications.

Educational Efforts:

As was demonstrated in the August 6 background materials, successful regulatory revision is accompanied by simultaneous educational promotion. In Seattle, Portland and Vancouver, 15% of ADUs were built following "learning about ADUs through an educational website, event or tour" (Chapple, 2018). Staff recommends that sponsorship activities of this variety be encouraged by the City of Kenmore.

The City of Kenmore also could invest in the creation of a guide to ADU creation tailored to its regulatory code. Twenty percent of ADU creators in Seattle, Vancouver, and Portland stated their desire for "an easy to understand and comprehensive guide through the entire process" (Chapple, 2018). Cities such as Santa Cruz, Portland, and Seattle have already created such memos that could be modified for our purposes. A critical evaluation of the educational materials on ADUs in circulation determined that the primary focus revolves around the construction and financing components of ADU acquisition. The lack of information on ADU operation and day-to-day management has resulted in financial and emotional stress for many ADU homeowners (Mendes, 2016). Though the education about ADU financing and construction is the logical first step for municipal efforts, information on operation and day-to-day management of an ADU could be a possible positive civic service.

Amnesty Program:

It is unclear how many illegal ADUs exist within the city boundaries. An amnesty program could be drafted to legalize those ADUs which comply with baseline regulatory requirements. Exemptions for regulatory non-compliance can be explored in cases that don't constitute safety risks.

Lending & Financial Assistance Options:

The most ambitious and potentially problematic policy action in reference to ADUs is to directly intervene in the lending market through discussion with lenders. Only 4% of successful ADU creators in Seattle, Portland, and Vancouver financed the ADU by borrowing against the expected future value of the ADU (Chapple, 2018). This relative inability to leverage the ADU's future earnings to fund its construction maintains the exclusivity of the ADU market on the side of production towards more affluent households. For the ADU market to benefit the less affluent on both the sides of homeownership and affordable rental options this market deficit needs be remediated.

Of those who used a lending source to finance an ADU, 60% reported using a credit union or a regional bank (Chapple, 2018).

In coordination with ARCH, for example, a conversation with financial institutions about specific ADU lending vehicles that are underwritten by expected future earnings could be initiated.

Another approach would be for the City, or ARCH, to consider the feasibility of offering low-interest loans to low-income households seeking to finance ADUs. The city of Santa Cruz has a program along these lines. Lending institutions could also be encouraged to extend favorable lending packages to low-income households for ADU financing.

Kenmore already waives ADU impact fees to provide financial assistance for ADU development. In alignment with this strategy, Kenmore may further reduce permit review fees and utility fees, although utility fee reductions would require coordination with the Northshore Utility District.

Attachments

Attachment 1: Preliminary draft ADU code amendments

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