

Proposed Code Changes for Public Consideration
In Settlement of
Accessory Dwelling Unit Case
Prepared 9-21-2004

Note: This is the final version that Randy Gaylord provided to Maile Johnson and Jon Christoffersen at about 5:30 p.m. on the ferry from Friday Harbor to Orcas.

18.20.010 “A” definitions.

~~Accessory Apartment, Accessory Dwelling Unit. See “Internal ADU.”~~

~~“Accessory dwelling unit (ADU)” means a second structure or living unit that is living space that is accessory to the principal single-family residential dwelling living unit and provides the basic requirements of sleeping quarters, heating, kitchen and sanitation facilities. An accessory dwelling unit may be internal to, attached to, or detached from the principal residence. An accessory dwelling unit detached from the principal residence is commonly referred to as a guest house or garage apartment. An accessory dwelling unit attached to the principal residence is commonly referred to as a mother in law apartment. ; and sanitation, and which shares a lot with a principal residence. Types of ADUs include “internal ADU”; “attached ADU”; “freestanding ADU”; and “guest house.”~~

~~“Attached ADU” means an accessory dwelling unit that is physically connected to the principal residence. To be connected, the ADU and principal residential unit must be connected by at least one common wall or be structurally interdependent in some other way.~~

18.20.040 “D” Definitions

~~“Dwelling unit” means one or more rooms or structures designed for occupancy by an individual or family, which contain kitchen facilities, sleeping quarters and sanitary facilities, as required by San Juan County, for use solely by the dwelling’s occupants. A dwelling may include a main principal residence and an accessory dwelling unit, if the that accessory dwelling unit meets the requirements of SJCC 18.40.240.(A) constitute a single dwelling unit.~~

18.20.060 “F” Definitions

“Family” [no change]

~~“Freestanding ADU” means an accessory dwelling unit that is physically distinct from the principal residence. To be freestanding, the ADU and principal residential unit may not be connected or must be structurally independent per the Uniform Building Code.~~

18.20.060 “G” Definitions

~~“Guest house” means an accessory dwelling unit that is not rented, but is designed and most commonly used for irregular residential occupancy by family members, guests, and persons providing health care or property maintenance for the owner.~~

18.20.090 “I” Definitions

~~“Internal ADU” (sometimes also known as an “accessory apartment”) means an accessory dwelling unit that is wholly or mostly contained within the principal residential unit. An internal ADU may occupy a floor or a portion of a floor or floors within the principal residential unit.~~

18.20.110 “K” Definitions

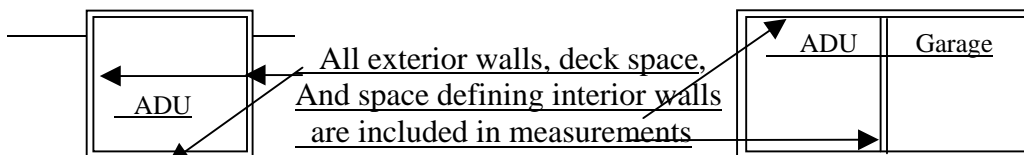
“Kitchen” refers to a space used to prepare food that that contains a cooking surface, a kitchen sized sink, and refrigerator means a room used for cooking or preparing food.

18.40.240 Accessory dwelling units (ADUs).

The following standards apply to all accessory dwelling units:

A. ~~Only One Allowed Accessory Dwelling Unit.~~ Where not otherwise prohibited by this code, only one internal, attached or freestanding- detached accessory dwelling unit is permitted on any lot having a for which this code allows a single-family residence as the principal use of the lot provided that all of the requirements of this section are met. This ADU shall not be counted in density calculations and shall not require a density unit in addition to that for the principal residence.

B. ~~An Size.~~ The combination of living space (as measured by floor area) and deck space of every accessory dwelling unit shall not exceed 1,000 square feet, in living area. Floor area means the total area of floor area inclusive of exterior walls. For attached ADUs the interior walls that define the ADU space are included in the floor area as per example diagram below.



~~C. An accessory dwelling unit shall be served by the same driveway as the principal residence unless site conditions warrant a separate access.~~

~~C.D. Additional Standards for Detached Accessory Dwelling Units. A freestanding accessory dwelling unit that is permitted after December 3, 2002, shall meet the following siting location standards: In addition to all other requirements of this Section 18.40.240, all new detached accessory dwelling units, including structures connected to detached accessory dwelling units, are subject to the following additional requirements. These requirements may be waived or modified only with approval of a variance using the procedure and standards therefore established in SJCC 18.80.100:~~

- ~~1. The maximum distance between the closest vertical walls of the main house and any detached accessory dwelling unit shall be 100 feet.~~
 - ~~2. Locate new freestanding detached ADU must be located in a manner that avoids minimizes intrusion outside of on the most sensitive open space features of the site. Where intrusion cannot be avoided the ADU must be located to minimize the intrusion to the fullest extent possible;~~
 - ~~3. The driveway and utilities for the accessory dwelling unit must utilize the same driveway, septage/sewer system, and water-system as the main residence, all of which be the same as the main house. Locate nNew freestanding detached ADUs and their utilities and driveways in order to must be located to avoid or minimize intrusion on the most sensitive open-space features of the site; -Use the same water system and driveway to serve the principal residence and freestanding ADU unless separate systems or driveway would have fewer impacts to the environment;~~
 - ~~3. Maintain retain existing orchards, meadows and pasture areas;~~
 - ~~4. Leave leave ridgelines and contrasting edges between landscape types unbroken by structures;~~
 - ~~5. On on rolling open or steep open slopes, locate new freestanding the detached accessory dwelling unit ADUs so that the buildings will be screened by existing vegetation or terrain; and~~
 - ~~6. Ensure the protection of features such as wetlands and wildlife habitat to ensure the protection of critical areas, the location of the detached accessory dwelling unit shall be subject to the same requirements on siting as the principal residence.~~
- ~~4. For detached accessory dwelling units located in whole or in part in the shoreline, the additional location standards of SJCC 18.50.330 apply.~~
 - ~~5. A detached accessory dwelling unit and principal residence shall have appropriate color, style and design to give the appearance that the two buildings are part of the same single family residence.~~

~~D.E. Parking. At least one additional off-street parking space shall be provided for the accessory dwelling unit in addition to the parking required for the principal residence.~~

~~E. Ownership. The owner must certify that the aAccessory dwelling units must be is owned and will remain owned by the in the same ownership same owner as the main~~

residence. An accessory dwelling unit may not be segregated or separately sold, transferred, gifted or otherwise conveyed separately from the principal of the single-family residence.

F. Parcel Size. In rural and resource lands, the minimum parcel size for the location of a detached accessory dwelling unit is one acre. This restriction does not apply in urban growth areas or activity centers.

~~G. Accessory dwelling units existing as of the date of adoption of this code will be excepted from the standards in subsection (B) of this section.~~

~~H. No more than one structure shall be designated as an accessory dwelling unit on any residential lot unless the applicable density for that lot allows for additional residences.~~

G. Vacation (short-term) rentals of an accessory dwelling unit for periods less than 30 days shall also be subject to the requirements in SJCC 18.40.270. Any cottage enterprise at the accessory dwelling unit is subject to the requirements in SJCC 18.40.190.

H. Town of Friday Harbor Water Service Area. An application for an ADU located in the areas served by the Town of Friday Harbor shall include evidence of compliance with the Town's requirements for water availability.

I. Permits. Every new accessory dwelling unit and every conversion of an existing structure to an accessory dwelling unit will require an "ADU Permit." No more than one ADU Permit shall be issued to a property owner in any calendar year. Prior to issuing any ADU Permit, the applicant must submit a site plan showing that the location of the accessory dwelling unit and principal residence will meet the requirements of this section.

1. Within land use districts located inside of the boundaries of activity centers and urban growth areas, there is no restriction on the number of permits for accessory dwelling units.

2. Outside of the boundaries of activity centers and urban growth areas, the number of ADU Permits in any calendar year shall not exceed 15 percent (15%) of the total number of building permits for single family residences issued for the previous calendar year outside the boundaries of activity centers and urban growth areas. No unassigned permits shall carry forward to the next year.

J. Other Codes. Every accessory dwelling unit must be constructed to the standards required for single family residence construction. A building permit is required, and where applicable, permits from the County Health authority may be required.

K. Sequence of Construction. Either the accessory dwelling or the principal residence may be built first. Regardless of the sequence of construction, every detached accessory dwelling unit must comply with the requirements of Section

18.40.240(C), except that when the principal residence is constructed after the ADU, the applicant must show that the structure indicated as the accessory dwelling unit was constructed according to the regulations in effect at the time the building permit was issued for the accessory dwelling.

Amend SJCC 18.50.330 as follows:

B. Regulations—Location and Design.

15. Garages and accessory dwelling units may be allowed subject to the following standards and other requirements of this code (such as Section 18.40.240 SJCC). See also Sections 18.50.330(E)(2)(a) and (b).
 - a. One garage building and/or one accessory dwelling unit, ~~each the combination~~ of which covers no more than ~~2,000~~ 1,000 square feet of land area and each of which is no taller than 16 feet above existing grade as measured along a plumb line at any point; or
 - b. ~~A~~ A combination of these uses, in a single-story structure no larger than 2,000 square feet of land area and no taller than 16 feet above existing grade as measured along a plumb line at any point; or
 - c. ~~A~~ A combination of these uses, in a ~~single~~ multi-story structure no larger than 2,000 square feet of total gross floor area, and no taller than 28 feet above existing grade as measured along a plumb line at any point.
 - d. In a, b, and c above, in no case shall any accessory dwelling unit exceed 1000 square feet of total land area or gross floor area

E. Regulations – Accessory Use.

1. Accessory structures which are not water-dependent shall not be permitted seaward of the most landward extent of the residence. If this regulation would result in greater adverse impacts on shoreline features or resources or would conflict with other applicable regulations of this master program, the administrator may authorize by written findings and determination an alternative location without requiring a shoreline variance permit by making an administrative determination, subject to the same requirements for public notice, comment and open record appeal as set forth in SJCC 18.80.140(B).

2. The following accessory uses and developments, when associated with an exempt single-family residence, are defined as “normal appurtenances” and are therefore exempt as provided in SJCC 18.50.020(F)(2)(g):

- a. One garage building and/or one accessory dwelling unit each of which covers no more than 1,000 square feet of land area and is no taller than 16 feet above existing grade as measured along a plumb line at any point; or a combination of these uses in a single structure no larger than 2,000 square feet which is no taller than 16 feet above existing grade as measured along a plumb line at any point; or a combination of these uses in a single structure no larger than 1,000 square feet on each floor and no taller than 28 feet

above existing grade. In no case shall an accessory dwelling unit exceed 1,000 square feet;

b. No more than two separate outbuildings each of which is no larger than 200 square feet of land area, each, no taller than 16 feet above average grade ~~level~~ as measured along a plumb line, and not used for human habitation; provided, that in addition, one outbuilding for any other residential purpose may be substituted for an accessory dwelling unit or garage if the structures do not exceed size limits specified in subsection (E)(2)(a) of this section; and

c. Grading (excavation and fill) of up to the maximum cubic yardage allowed by state law (see WAC 173-27-040(g)) for foundations and a driveway, plus any additional grading necessary for an individual on-site sewage disposal system.

3. A shoreline substantial development permit shall be required for construction of any nonexempt accessory development on a single parcel within 200 feet of the ordinary high water mark. Construction of an accessory dwelling unit that will be used for vacation rental (short-term) or long-term rental is not exempt. Any grading in excess of the amount exempt under SJCC 18.50.020(F)(2)(g) shall be subject to substantial development permit requirements.

4. Accessory structures which are not specified in this section as normal appurtenances to a residential use shall be permitted only as conditional uses.

5. Vacation rental or transient occupancy of a single-family residence or an accessory dwelling unit is subject to the applicable provisions of this section, the performance standards in SJCC 18.40.270 and the permit requirements specified in UDC Tables 3.1 and 3.2 in SJCC 18.30.030 and 18.30.040.

6. Every accessory dwelling unit in the shoreline must be located in a way that maintains the single-family appearance and shall also meet the performance standards for accessory dwelling units set forth in SJCC 18.40.240.