

## **SEQUIM PLANNING COMMISSION**

### **Public Meeting**

**Civic Center  
152 West Cedar Street  
Sequim, WA 98382  
6:00 P.M.  
Tuesday, October 1, 2019**

### **Agenda**

- 1. CALL TO ORDER, PLEDGE OF ALLEGIANCE & ROLL CALL:**  
PC: Carter, Ferrell, Lotzgesell, Mahalick, Protze, Smith, Wiseman.
- 2. APPROVAL OF MINUTES:** [September 17, 2019.](#)
- 3. PUBLIC COMMENT**
- 4. NEW BUSINESS**
  - a. [Discussion on Proposed Accessory Dwelling Unit Code Amendments](#)
  - b. [Discussion on Proposed Residential Infill Development Regulations](#)
- 5. UNFINISHED BUSINESS**
- 6. DIRECTOR'S REPORT**
- 7. GOOD OF THE ORDER**
- 8. ADJOURNMENT**

**Next Meeting:** October 15, 2019

**Item 2.**

**CITY OF SEQUIM  
PLANNING COMMISSION MINUTES  
SEQUIM CIVIC CENTER  
152 WEST CEDAR STREET  
SEQUIM, WA  
SEPTEMBER 17, 2019**

**1. CALL TO ORDER, PLEDGE OF ALLEGIANCE & ROLL CALL:**

Present: Jeff Carter, Thomas Ferrell, David Lotzgesell, Karen Mahalick, Gary Smith, Roger Wiseman

Excused: Olaf Protze

**2. APPROVAL OF MINUTES: August 6, 2019.**

**MOTION** to approve the Minutes of the August 6, 2019 Planning Commission meeting; moved by Lotzgesell and seconded by Wiseman.

**Carried unanimously.**

**3. PUBLIC COMMENT**

Eleven members of the audience spoke against the Jamestown S’Klallam Tribe’s potential medication-assisted treatment (MAT) clinic. Views and concerns expressed included: drug use statistics include end of life care; opioid death statistics include assisted suicide; a clinic at Jamestown is not at full capacity; don’t want “tent city”; local treatment is best; SOS is 3,000 strong; MAT should be reviewed as a conditional use; medical professionals created epidemic by overprescribing, and now we are supposed to trust them when they say MAT is the best treatment; facility of this size not needed; questions not answered; morals and character of MAT clients; err on the side of caution; clients may add to the number of homeless in Sequim; word has spread that Sequim has drugs and services; police will be affected; the facility should be in Blyn; this is a retirement community; personal experiences related to drug addiction; preventive measures needed; lack of opportunities for young people in Sequim; characteristics of a MAT facility in Anacortes; Ordinance 2019-004 requires 30 days’ notice to enact per 35A.11.090; MAT is ineffective; psychiatric help needed in Sequim; \$7.2 million is hard to compete with; the community should vote on it; there are better ways to get off of opioids; and, the facility will be within walking distance of a school.

One member of the audience spoke regarding MAT, stating that there has been mean and divisive fearmongering; there are not 3,000 against MAT and Facebook is not a way to determine that; the Reagan administration did not respond quickly to the aids crisis because it was happening to gay men, so it became a bigger epidemic; there is an opioid epidemic; medical professionals at Jamestown Health, OMC, and public health

officials are using medical science to treat addiction; and, encouraged the Planning Commission to follow the law and to not let hysteria guide decisions.

Lotzgesell stated that he understands a barn was torn down at the potential MAT site and asked Berezowsky why the Planning Commission has not received an application. Berezowsky stated that a demolition has nothing to do with a MAT application. Lotzgesell stated that his understanding is that the Planning Commission cannot legally take action until an application is presented, and Berezowsky confirmed. Ferrell stated that he admired the group's persistence.

#### 4. NEW BUSINESS

##### a. Ordinance No. 2019-004 Providing for Appointment of Hearing Examiner

Berezowsky shared a presentation prepared by Jeffrey Myers of Law, Lyman, Daniel, Kamerrer & Bogdanovich, who represents WCIA, called the "Pros and Cons of the Hearing Examiner Process". Berezowsky discussed aspects of the process, stating that over several years the City Attorney has discussed the process with Council; the three branches of government provide checks and balances; the process started to catch on around 1970; and, it provides local governments with separation between legislative and quasi-judicial roles and reduces the number of judicial appeals and lawsuits. Carter stated that a hearing examiner was used at Clallam County and it worked well, and that it puts the onus on citizenry, commissions and councils to get ordinances exactly how they want them and in alignment with the Comprehensive Plan. Ferrell asked about the availability of hearing examiners, and Berezowsky stated that many are available. Ferrell asked if the City Attorney could fill this role, and Berezowsky stated that she could not do so while working for the City. Ferrell stated that court cases brought against cities would need to be looked at in context. Berezowsky provided detail regarding some cases, and stated that the hearing examiner process provides the most protection because hearing examiners are trained attorneys and land use experts. Smith stated that the three branches of government come together for a common cause, and the hearing examiner process seems to delete one of those branches: the City Council and Commissioners. Lotzgesell asked Berezowsky about a lawsuit against Clallam County pertaining to an application for a bed and breakfast, and Berezowsky stated that he believes it is a code issue. Lotzgesell stated that he understood that it fits into a loophole, and Berezowsky stated that unfortunately you don't know loopholes exist until an issue arises. Carter stated that it demonstrates that the onus is on the Commission to focus on the legislative role. Berezowsky stated that the code is lacking and work is in progress to improve the code, but it is an ongoing task. Carter stated that when he is tasked with making a recommendation, he looks at code and determines whether the application meets code.

##### b. Sequim Housing Action Plan Next Steps

Woolett stated that the Affordable Housing Action Plan 2018 was an update to the 2009 plan; the plan is required under State code; "affordable housing" has a price range that a household can afford to rent or purchase using 35% of their gross income; eleven tasks

were outlined in the Affordable Housing Action Plan; and, recommendations of the Housing Ad Hoc Committee related to the eleven tasks will be brought to the Commission for consideration. Ferrell asked whether the City can reduce impact fees temporarily, and Berezowsky stated that Council can adjust fees based on some sort of analysis but the City must have a capital improvement plan that supports the 20-year growth plan. Mahalick stated that the Housing Ad Hoc Committee found that fees were very high, but a study would be needed to implement another rate. Berezowsky stated that if one fee is lowered and another must be raised somewhere else, it amounts to subsidizing. Smith stated that creative communities have found solutions, and that task 11, a periodic report, would be helpful. Ferrell stated that tax increases should be put last.

## 5. UNFINISHED BUSINESS

Smith stated that Charlie Bush did a nice job keeping the Housing Ad Hoc Committee going. Carter suggested adding a discussion of ordinances related to signage in City right of ways as a future agenda item.

## 6. DIRECTOR'S REPORT

None

## 7. GOOD OF THE ORDER

None

## 8. ADJOURNMENT

**MOTION** to adjourn by Smith; seconded by Ferrell.  
**Carried Unanimously, meeting adjourned at 7:50 pm.**

Respectfully submitted,

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Alisa Hasbrouck  
Secretary to the Planning Commission

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Karen Mahalick  
Chair

Minutes approved at a regular Planning Commission meeting October 1, 2019.

**Item 4.a.**

**PLANNING COMMISSION  
AGENDA COVER SHEET**

**MEETING DATE:** October 1, 2019

**FROM:** Barry Berezowsky, Director DCD

Initials

**SUBJECT/ISSUE:** Discussion on Proposed Accessory Dwelling Unit Code Amendments

Discussion dates	10/1/19			
<b>CATEGORY</b>	<input type="checkbox"/> City Manager Report	<input checked="" type="checkbox"/> Information Only		Time Needed for Presentation  15 min.
	<input type="checkbox"/> Public Meeting	<input type="checkbox"/> Consent Agenda		
	<input type="checkbox"/> Unfinished Business	<input type="checkbox"/> New Business		

**PROBLEM/ISSUE STATEMENT:**

The need for more affordable housing is probably the single most important reason for the growing interest in accessory dwelling units. Several studies by both public and private housing groups have amply documented the nature and extent of the affordable housing crisis in Washington.<sup>i</sup> Many see ADUs, which use existing housing resources, as a simple and inexpensive way for communities to respond to the affordable housing crisis. ADUs typically cost 25 to 40 percent less to build than new, comparably-sized housing units since they do not require development of new land, and because construction costs are lower. Consequently, ADUs are usually much less expensive to rent.

**ATTACHMENTS:**

- 1. [Proposed Amendments to the City's Existing ADU regulations](#)

**DISCUSSION / ANALYSIS:**

Allowing the development of accessory dwelling units, or ADUs, in single-family homes is becoming an increasingly popular technique for creating low- and moderate-income housing for both homeowners and renters. Homeowners benefit from the additional rental income that they can use to pay part of their mortgage payment or to help with the upkeep on their homes. Renters benefit from the availability of moderately priced

rental housing in single-family neighborhoods. The community benefits from the addition of affordable housing for little or no public expense.

ADUs are most commonly understood to be a separate additional living unit, including separate kitchen, sleeping, and bathroom facilities, attached or detached from the primary residential unit, on a single-family lot. ADUs are usually subordinate in size, location, and appearance to the primary unit.

**FINANCIAL IMPLICATIONS:**

None.

**RECOMMENDATION:**

None

**MOTION:**

None

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<sup>i</sup> 1 For more on the affordable housing crisis in Washington see: Closing the Gap: Housing Needs in Washington State, by James L. McIntire and Stanislav Fritz, University of Washington, Graduate School of Public Affairs, Institute for Public Policy and Management, Seattle, WA, prepared for the Washington State Department of Community Development, December 1990; The State of Washington 1992 Comprehensive Housing Affordability Strategy, Washington State Department of Community Development, November 1991; and Washington State Housing Needs and Market Trends: An Overview, by Raj Joshi, et al., Washington State Department of Community Development, Olympia, WA, March 1989

## Chapter 18.66 ACCESSORY DWELLING UNITS

Sections:

- [18.66.010](#) Purpose.
- [18.66.020](#) Definitions.
- [18.66.030](#) Designation.
- [18.66.040](#) Procedure.
- [18.66.050](#) Standards.
- [18.66.060](#) Additional requirements.

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### **18.66.010 Purpose.**

Expand the mix of affordable housing opportunities within the city by permitting the creation of secondary dwelling units as an accessory use to existing single-family detached dwellings while maintaining the visual and functional character of single-family residential neighborhoods. (Ord. 2001-002 § 1)

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### **18.66.020 Definitions.**

A. "Accessory dwelling unit (ADU)" means a subordinate dwelling unit with complete and independent living facilities on the same lot as and detached from, attached to or contained within an existing single-family dwelling.

B. "Rental occupancy" means nonownership including long term lease ownership per Chapter [18.59](#) RCW. (Ord. 2001-002 § 1)

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### **18.66.030 Designation.**

One accessory dwelling unit shall be permitted only on parcels which meet the following conditions:

- A. Is a legally created lot;
- B. Contains one existing single-family detached dwelling which is a conforming use;
- C. Contains no other accessory dwelling unit(s). (Ord. 2001-002 § 1)

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### **18.66.040 Procedure.**

Each accessory dwelling unit shall require an administrative permit as follows:

- A. The permit for an accessory dwelling unit shall be considered a Type A-1 permit per SMC Title 20 to be approved by the director of the department of community development.
- B. The required fee shall be submitted with the application for permit.
- C. The application shall be made in accordance with submittal requirements on file with the department of community development.
- D. Prior to submitting an application the applicant shall meet with the department of community development to determine compliance of the property with current zoning codes.
- E. The permit shall be recorded prior to occupancy as a deed restriction to run with the land or until removed with the concurrence of the city. (Ord. 2011-017 §§ 1, 2; Ord. 2001-002 § 1)

**18.66.050 Standards.**

A. New construction for an accessory dwelling unit shall comply with all the development standards for a single-family detached dwelling including, but not limited to, setbacks, height limits and lot coverage and ~~shall will~~ not increase any nonconforming aspect of any existing structure unless otherwise addressed by this chapter.

B. The following standards shall also apply:

1. The total floor area of the ADU ~~shall will~~ not exceed ~~700-850~~ square feet or ~~50-60~~ percent of the area of the primary unit, whichever is less.
2. ~~The ADU shall not reduce the size of the primary unit to less than two times the size of the ADU.~~
3. Both the ADU and the primary unit ~~shall must~~ comply with the International Building Code regulations for smoke alarms.
4. If the ADU is attached to the primary unit, the main exterior entrances may not be on the same side of the building.
5. The architecture of the ADU ~~shall must~~ match that of the primary unit.
6. One paved off-street parking space shall be provided in addition to those required for the primary unit.
7. ~~There shall be no~~ ~~E~~ exterior stairways leading to the ADU ~~may not be~~ on the front of the house.

**Commented [BB1]:** Proposed size increase to make ADU more desirable as living quarters

**Commented [BB2]:** Conflicts with B.1 above.

**Commented [BB3]:** Some jurisdictions are not requiring off-street parking. In most neighborhoods Sequim has plenty of on-street parking so this requirement may be unnecessary.

~~8. There shall be no more than two bedrooms in an ADU.~~ Regulating the number of bedrooms seems to be micromanaging.

Commented [BB4]:

~~8. The accessory dwelling unit shall meet all zoning development standards, such as setback, lot coverage and height restrictions, when increasing square footage or adding a new detached structure; and accessory dwelling units shall meet all building code standards adopted by the city, including building, electrical, fire, and plumbing code requirements.~~

~~9. Mobile homes, manufactured homes, or recreational vehicles shall not be considered an accessory dwelling unit.~~

~~10. An ADU may not be used as a short-term rental, and must be rented for a minimum of ninety days or more.~~

~~911.~~ Separate utility connections are not required by the city.

~~1012.~~ Any additions to the ADU shall will meet the requirements of this chapter.

C. An ~~A~~ accessory dwelling units ~~are not included in density calculations which conforms to the standards in this chapter shall not be considered to exceed the allowable density for the lot upon which it is located and shall will~~ be considered a residential use which is consistent with the comprehensive plan and zoning designation for the lot. (Ord. 2001-002 § 1)

**18.66.060 Additional requirements.**

Accessory dwelling units shall be ~~are~~ subject to the following requirements:

A. Sale or ownership of such unit separate from the primary residential unit ~~without a subdivision~~ is prohibited.

B. ~~The occupant of either the ADU or the primary unit shall be the owner of the entire property.~~

Commented [BB5]: Recommend removing ownership requirement

C. ~~No more than three persons shall occupy an ADU. If ADUs are residential units then their occupancy should be handled the same way other residential units are handled.~~

Commented [BB6]:

D. A permit for an ADU shall be subject to the payment of infrastructure impact or general facility fees equal to the established rate for a hotel/motel room.

E. Prohibited occupancy or sale, in addition to authorizing all other remedies available to the city, shall will constitute a zoning violation and a nuisance subject to abatement. (Ord. 2001-002 § 1)

18.66.065 Approval

A. Any property owner seeking to establish an accessory dwelling unit must apply for an accessory dwelling unit permit with the Community Development Department (DCD). The ADU application will be processed consistent with the appropriate permit type.

B. If approved, the city shall file the ADU application form and conditions of approval as a deed restriction with the Clallam County auditor's office to indicate the presence of the accessory dwelling unit. The deed restriction shall run with the land and bind all current and future property owner's assigns, beneficiaries and heirs, unless the ADU registration is otherwise cancelled.

C. Cancellation of the accessory unit's registration may be accomplished by the owner submitting notice to DCD for recording at the Clallam County auditor's office or may occur as a result of enforcement action. The cancellation notice will confirm that the residence has reverted to use as a single dwelling, and the cooking stove in the ADU has been removed.

D. The accessory dwelling unit will continue to be permitted upon transfer of property ownership and subject to the limitations of this chapter, the approved ADU permit and deed restriction, unless the ADU registration is otherwise cancelled

Also recommend changing the definition in SMC 18.08 as follows:

*"Accessory dwelling unit (ADU)" means a second dwelling unit added to, created within, or detached from an existing single-family detached dwelling for a family member, by blood or by marriage only, to use as a completely independent or semi-independent unit with provisions for cooking, eating, sanitation and sleeping.*

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**Item 4.b.**

**PLANNING COMMISSION  
AGENDA COVER SHEET**

**MEETING DATE: October 1, 2019**

**FROM:** Barry Berezowsky, Director DCD

Initials

**SUBJECT/ISSUE: Discussion on Proposed Residential Infill Development Regulations**

Discussion dates				
<b>CATEGORY</b>	<input type="checkbox"/> City Manager Report	<input checked="" type="checkbox"/> Information Only		Time Needed for Presentation  15 min.
	<input type="checkbox"/> Public Meeting	<input type="checkbox"/> Consent Agenda		
	<input type="checkbox"/> Unfinished Business	<input type="checkbox"/> New Business		

**PROBLEM/ISSUE STATEMENT:**

Infill development is the process of developing vacant or under-used parcels within existing urban areas that are already largely developed. Most communities have significant vacant land within city limits, which, for various reasons, has been passed over in the normal course of urbanization. This land provides opportunities through infill development to provide appropriately scaled residential development that supports existing neighborhood character and is more affordable than new suburban development.

**ATTACHMENTS:**

1. [Draft Residential Infill Regulations](#)

**DISCUSSION / ANALYSIS:**

Communities across the country are increasingly recognizing that the spread out patterns of growth, which have shaped American communities for the past several decades, cannot be sustained. Problems of lengthy commutes, overextended public facilities and increased infrastructure costs, loss of farmlands, open space, and other valued community resources, and even reduced physical activity and community health are typically associated with such patterns. Instead, an increased emphasis on developing passed-over parcels within developed areas, and on maximizing use of existing public facilities is needed. Many Washington communities have adopted urban

growth boundaries that restrict the amount of land outside of urban centers that is available for urban development. The reduced land supply has created new interest in infill development opportunities in central and suburban cities alike

**FINANCIAL IMPLICATIONS:**

None.

**RECOMMENDATION:**

None

**MOTION:**

None

Infill Residential Development Standards.

1. Purpose. Within the R4-8, DMU I & DMU II districts, the opportunity to achieve maximum utilization exists on parcels one and one-half acres or less in size, that have been bypassed in past platting. Alternative development standards are deemed an appropriate incentive to accomplish infilling within established residential neighborhoods. The primary purpose of infill incentives is to encourage development in existing but underutilized lots located within established neighborhoods in a way that is consistent with the existing neighborhood character.

2. Criteria. Within the R4-8, DMU I & DMU II districts, parcels that meet all the following criteria are eligible for infill.

- a. The infill provisions of this section may be accomplished through the design review process or short subdivision permit process (Chapter [17 SMC](#)).
- b. All public services and facilities are immediately available and adequate to the site or can be made available and adequate prior to completion of development.
- c. The public roads and streets serving the site are adequate to carry the additional traffic generated by the development of the site.
- d. Lot Requirements. The following minimum lot requirements are:
  - i. Lot Area. Minimum and maximum lot sizes are based on calculating the average of the lots along the block face as described in 3.a.1 below.
  - ii. Lot width: see "d.i" above.
  - iii. Lot depth: see "d.i" above
  - iv. Front yard: see d.i" above.
  - v. Side yard: five feet. See "d.i" above
  - vi. Rear yard: see "d.i" above.
  - vii. Side and rear yard adjacent to developed residential property: see "d.i." above.
  - viii. Maximum building lot coverage: see "d.i" above.

3. Infill Residential Design Standards. Property that is eligible for infill residential development and is proposed to be located within an established neighborhood will adhere to site and architectural design requirements. While variation in architectural design is desired, the purpose of these requirements is to ensure compatibility of new infill development with the character of the existing neighborhood.

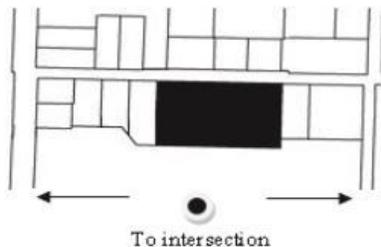
a. New infill residences shall meet the following site and architectural design criteria, as defined by the predominant character of the existing block face.

**i.** Block Face Definition. The block face consists of all residential properties along both sides of the public or private right-of-way or easement on which the infill development fronts. The block face is measured from intersection to intersection, to the road end, or two hundred feet in either direction from the building site, whichever is nearest.

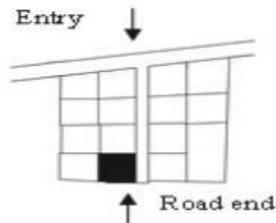
**Commented [TW1]:** In cases of private right-of-way, do we want to require dedication?

Examples of how to measure the block face:

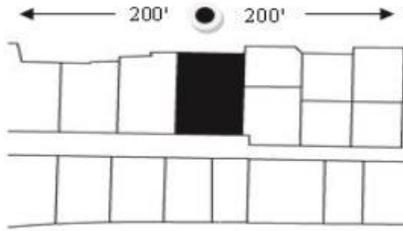
1. Measured from intersection to intersection—Block face is both sides of the street from intersection to intersection:



2. Measured to the road end—Block face is both sides of the street from road entry to road end:



3. Measured two hundred feet in either direction from infill site: Block face is both sides of the street two hundred feet in each direction from infill site:



- i. "Predominant" means the most frequently occurring residential design characteristic along both sides of the road frontage along the block face.
- b. Building Orientation. New infill residences' building orientation within an established neighborhood will match the predominant orientation of other buildings along the block face.
- c. Front Yard Setback. The front yard setback of an infill residence within an established neighborhood will be the average of the existing residences along the block face.
- d. Height.
  - i. If the infill residences proposed within an established neighborhood are to be taller by five, ~~to nine~~ but less than ten feet in height than the average height of the existing residences on the block face, the infill residences must step back the upper floor(s) a minimum of five feet to help maintain compatible scale.
  - ii. When the proposed infill residence's height is ten feet or higher than the average height of the existing residences on the block face, the upper floor must step back a minimum of eight feet.
  - iii. Stepbacks required above must be made on the building face in the following circumstances:
    - a. Street face; and
    - b. Side building face when adjacent to existing residences. New proposed infill residences adjacent to another new infill residence are not required to provide side stepback(s).
  - iv. The review authority may determine that the above required stepback does not provide sufficient compatibility of bulk and scale to the existing residences on the block

face. Upon providing such a finding, and when the proposed infill residences are ten feet or higher than the average height of the existing residences on the block face, the review authority may decrease the height of the infill residences. The modified building height may not be reduced to less than twenty-five feet.

e. Architectural Variety. Proposed infill residences within an established neighborhood shall incorporate architectural variety to its front facade, ensuring housing style diversity.

Duplicative front facade elevations adjacent to each other are prohibited; simple reverse configurations of the same facade elevation on adjacent lots are not sufficient to meet this requirement. In order to ensure architectural variety, three or more design elements per infill residence shall be utilized:

- i. Different window opening locations and designs;
- ii. Differing roof line configurations;
- iii. Different entry/porch designs;
- iv. Different exterior finish materials and finishes;
- v. Different garage location, configuration and design.

f. Narrative and Building Design. The applicant shall provide a written narrative describing the predominant character of the existing residences' block face; detailing how the proposed infill residences' size, height, placement and design meet the above design standards; and describing how compatibility along the predominant block face has been met. In addition, conceptual architectural building design shall be submitted with the short subdivision and conditional use application.

4. Multi-family dwelling, small scale infill in DMU I & DMU II zones

a. Multifamily development shall be limited to duplex, triplex or fourplex dwellings located on a single parcel/lot not smaller than 9,000 sq. ft. for a duplex (9.68 units/acre), 11,500 for a triplex (11.34 units/acre) and 13,000 sq. ft. for fourplex units (13.4 units/acre).

5. At the time of building permit application submittal, the DCD director will review submitted building permits for compliance with this section, approved conceptual building drawings, and any applicable conditions of approval.