

TOWN OF EATONVILLE
PLANNING COMMISSION AGENDA
Monday, August 17th, 2015 – 7:00 P.M.
COMMUNITY CENTER
305 CENTER STREET WEST

Call to Order

Roll Call: Beach ___ Bertoia ___ Craig ___ Justice ___ Lambert ___ Miller _____

Town Staff Present: Mayor Schaub, Doug Beagle and Kerri Murphy

Pledge of Allegiance

Approval of the Agenda:

Approval of Minutes: July 20th, 2015

Communications and Announcements:

From Public:

From Commissioners:

Unfinished Business: Amendments to Code Enforcement

Public Comments:

Staff Comments:

Commissioner Comments:

Next Meeting: **September 8th, 2015 (Tuesday)** Public Hearings

**Town of Eatonville
PLANNING COMMISSION MEETING
Monday, July 20th, 2015
COMMUNITY CENTER
305 CENTER STREET WEST**

CALL TO ORDER

Chairman Lambert called the meeting to order at 7:00 PM.

ROLL CALL

Present: **Commissioners Beach, Bertoia, Craig, Justice, Miller and Lambert.**

STAFF PRESENT: Mayor Schaub, Doug Beagle and Kerri Murphy

OPENING CEREMONIES

Commissioner Beach led the Pledge of Allegiance.

APPROVAL OF AGENDA

Commissioner Beach move to approve the agenda. Seconded by **Commissioner Miller.** AIF
Correction to next meeting; August 3rd, 2015.

APPROVAL OF MINUTES

Approval of the **June 15th, 2015** minutes. **Commissioner Beach** motion to approve. Seconded by **Commissioner Justice.** AIF

COMMUNICATIONS OR ANNOUCEMENTS

There were no comments from the citizens.

Commissioner Beach announced that recently the Supreme Court of the United States recently rendered a decision on Reed vs. The Town of Gilbert, in which the Supreme Court said that the town could not discriminate between religious signs and other signs. In other words, if a real estate sign could be 20 square feet so could the religious sign. He said that he reviewed our sign ordinance and did not find where it addressed religious signs, so obviously it does not discriminate since it does not even say anything. He suggested that the town attorney look at the decision. **Mr. Beagle** said that staff has already reached out to the attorney and had him review. We are going to have a memo to the council at the next regularly scheduled council meeting and he will be sharing it with the planning commission also.

NEW BUSINESS

Sign Code Amendment

Doug Beagle, Town Administrator read the following memo to the Planning Commissioners;

In 2012, the Town Council adopted Ordinance No. 2012-20 relating to civil infraction procedures, which was codified as EMC 1.12.020. It is my understanding the Council's intent was use the civil infraction process described in EMC 1.12.020 and chapter 7.80 RCW as the primary tool for enforcing violations of the municipal code, uncodified ordinances, and regulations when the act or omission was designated as a civil infraction, or a civil violation, or for which a monetary penalty or fine may be imposed. The Town's sign code, EMC chapter 18.06, is located in Title 18 Zoning. Title 18 also includes chapter 18.10 Enforcement, which describes the procedures for enforcing the requirements of Title 18. The enforcement procedures described in EMC chapter 18.10 are different from the enforcement procedures described in EMC 1.12.020. Most importantly, EMC 18.10.018 describes a civil action lawsuit for enforcing Title 18 and makes no mention of civil infractions.

In order to avoid confusion, and out of an abundance of caution, the town attorney has recommended the planning commission consider the following amendment to chapter 18.06 Sign Code:

Chapter 18.06.185 Violations – Penalties.

Notwithstanding the provisions of EMC chapter 18.10, a violation of EMC chapter 18.06 shall be a class 1 civil infraction. Enforcement of the civil infraction shall be in accordance with EMC 1.12.020.

Because the sign code is considered a development regulation, the Town is required to follow the code amendment process set forth in the Growth Management Act, RCW 36.70A.035 and 140. These requirements include published notice and a public meeting at which public comment is taken regarding the proposed amendment.

Commissioner Beach move to town move forward with changes of memo of July 20, 2015. Motion died for lack of a second.

Mr. Beagle read the memo again to the planning commissioners.

Commissioner Beach asked the rest of the commissioners if they wanted to express their opinion as to why they didn't vote for the motion, what their concerns are?

Chairman Lambert asked Mr. Beagle to give more of an explanation of the memo.

Mr. Beagle reread and explained the change. More to streamline the effort. It becomes a civil infraction.

Commissioner Craig move to echo Commissioner Beach's motion. To transition the code in Chapter 18 to the code as it currently stands in Chapter 1.12

Commissioner Beach seconded the motion. AIF

Public Comments:

Mr. Richard Williams, 131 Mashell Ave N., (business located at 1358 Mashell Ave. N.)- talking about the Landmark Catering Van – this ford van is part of the Landmark business plan. The restaurant just catered an event last weekend. There was a lot of discussion back and forth about the sign code.

Chairman Lambert explained that the Planning Commission can hear his grievance regarding the sign code but really could not do anything about it. The Planning Commission only makes recommendations to the council and council sets policy.

Brent Sorenson asked why there was a vote, when the first call to vote died for lack of a second.

Chairman Lambert explained that the motion was made by a different member.

Mr. Sorenson added that he disagrees with Mr. Beagle and said that business owners on Mashell Ave N. cannot have signs. Businesses on Mashell Ave N. die because they cannot have signs. This adds to the unfriendliness towards business owners.

Mayor Schaub said this is one piece of the sign ordinance. The town is always open for the public to make recommendations. This is a good starting point for the community as a whole to get together for discussion. There have been many changes to signage on the truck. He does not want to see this go through the courts.

Commissioner Miller said that in Mr. Williams letter there was some good argument. He does not want Mr. Williams to think that he was just blown off. He would like to see Eatonville become a destination place. He thanked Mr. Williams for coming tonight.

Commissioner Craig said that Mashell Ave is beautiful and that Washington Ave is the worst. Most of Mr. Craigs sales are after 3:00 p.m. Most businesses succeed by word of mouth. This big problem could be made a lot smaller and he would like to see a resolution.

Chairman Lambert asked if either Mr. Williams or Mr. Beagle had ever sat down to discuss what could be done? (Both said "No"). He suggested that they do this adding that Mr. Williams has made adjustments to the signage on the truck.

Lorraine Van Eaton, 301 Center St E., - she has a summer business on this property. She is concerned about the lack of a sidewalk on Center St E. People cross to her place from the motel and the Milltown mobile home park. Concerned for peoples safety.

There were no comments from the staff.

Next meeting: August 3rd, 2015.

ADJOURNMENT

Chairman Lambert adjourned the meeting at 8:05 p.m.

Chairman Lambert

David Craig - Secretary

ATTEST:

Kerri Murphy - Recording Secretary



ACCESSORY DWELLING UNITS ACCESSORY STRUCTURES

ACCESSORY DWELLING UNITS (ADU)

Accessory dwelling units (ADU) are permitted in all residential districts subject to the following requirements:

- **Number.** One (1) ADU shall be allowed per residential lot in conjunction with any detached single-family structure. (See Olympia Municipal Code [OMC], Section 18.04.080(A)(3) regarding ADUs in new subdivisions.)
- **Location.** The ADU shall be permitted as a second dwelling unit added to, created within, or detached from the original dwelling. The ADU shall be oriented in a way that maintains, to the extent practical, the privacy of residents in adjoining dwellings. (See OMC, Chapter 18.04A, Residential Design Guidelines.)
- **Size.** The ADU shall have a gross floor area of no more than eight hundred (800) square feet, and no more than the following equivalent ratios:
 - forty percent (40%) of the gross floor area of the primary residence and accessory dwelling unit combined, or
 - sixty-six and two-thirds percent (66 2/3%) of the gross floor area of the primary residence alone; excluding any garage area, except as authorized by Section 18.04.060(A)(7).

[NOTE: Section 18.04.060(O)(1) requires that manufactured homes placed on a lot outside a manufactured housing park must be at least eight hundred sixty-four square feet in floor area. Consequently a manufactured home can be used as a primary residence, but not as an ADU.]

- **Ownership.** The property owner (i.e., title holder and/or contract purchaser) must live on the site as his/her principal residence. Owners shall sign a notarized affidavit attesting to their principal residency upon permit application. Owners shall provide evidence thereof through such means as voter registration, driver's license, or the like. This requirement does not apply to ADUs built prior to the initial sale of the primary unit on the lot. Purchasers of such ADUs shall meet these requirements within sixty (60) days of purchase (See Section 18.04.080(A)(3).)

A covenant or deed restriction, approved by the Olympia City Attorney, shall be signed and recorded with the Thurston County Auditor which specifies the requirement that the property owner must live on the site as his/her principal residence.

- **Occupancy.** No more than one (1) family (as defined in Chapter 18.02, Definitions) shall be allowed to occupy an ADU.
- **Existing ADUs.** Accessory dwellings created prior to the enactment of these regulations, June 19, 1995, may be approved subject to applicable requirements. Existing ADUs located on lots which cannot accommodate an additional off-street parking space required by Chapter 18.38, Parking, may receive a waiver from the parking requirement.

If the owner of an existing unauthorized ADU applies to make the unit legal, but cannot meet all of the standards, he/she will be allowed a "grace period" of six months from date of application to comply with applicable standards. However, where health and safety is an issue, the Building Official will determine when the necessary modifications must be made. If the owner cannot meet the standards, the unauthorized accessory unit must be removed or its use as a dwelling must be suspended.

- **Deviation From Requirements.** The Director or the Director's designee may allow deviation from the requirements of this section (18.04.060(A)) as follows:
 - To allow use of the entirety of a single floor in a dwelling constructed two (2) or more years prior to the date of application in order to efficiently use all floor area; and
 - To enable ADUs to be established in structures constructed prior to June 19, 1995, which are located in rear or side setbacks, provided that Uniform Building Code requirements and the Development Standards contained in Section 18.04.080 are met.

Other requirements to consider when constructing an ADU:

- Connections to city sewer and water services can share the same connections as the primary home.
- One (1) on-site parking stall is required for an Accessory Dwelling Unit in addition to the two (2) on-site parking stalls required for the single family residence.
- Setbacks-
 - Structure must be five (5) feet from any interior side property line and 10 feet from a flanking street side yard.
 - Detached ADU's may encroach into the rear yard. However, if the rear yard does not abut an alley, the accessory unit must be set back ten (10) feet from the rear property line.
- Maximum building height on detached ADU's is 16 feet, measured at mid gable.
- Design Review of the ADU is required. The review is conducted through the building permit application process. A design review fee and a Residential Design Review Supplemental Application will be needed. (Design criteria below)
- Impact fees are applicable and are paid at building permit issuance. (see current rate schedule for fee amounts)

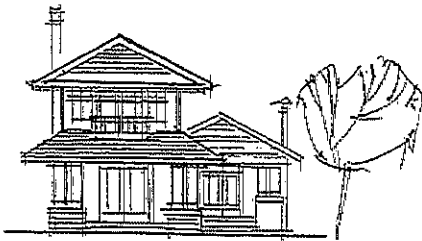
DESIGN REVIEW

ACCESSORY DWELLING UNIT (ADU); BUILDING DESIGN

REQUIREMENT: Reflect the architectural character of the primary residence in an ADU through use of related building features.

GUIDELINES:

1. Replicate or approximate roof forms and pitch found on the existing residence.
2. Use window patterns and proportions similar to those on existing residence.
3. Use building facade material and colors that match or are compatible with those used on the existing residence.



ACCESSORY DWELLING UNIT (ADU); ENTRY FEATURES

REQUIREMENT: Provide a clearly defined building entry for an ADU that is easily accessible from the street or the existing residence.

Provide a well-lighted, paved sidewalk to the building entry.

GUIDELINE:

1. The entry to an ADU may be shared with the primary residence.
2. When there is a separate entry, construct an identifying feature, such as a porch, stoop and/or an eave overhang that is integral to the ADU structure.
3. When an exterior stairway to the main entrance to the ADU is needed, avoid the use of open metal, prefabricated stairs



ACCESSORY STRUCTURES.

Accessory structures are permitted in all residential districts subject to the following requirements:

- **Time of Establishment.** Accessory structures shall not be built prior to commencing construction of the main building on the lot. However, lots may be created which contain an accessory structure (without an associated primary use) constructed prior to submission of the subdivision application.
- **Subordination to Primary Use.** Accessory structures shall be clearly incidental and subordinate to the use of the lot (e.g., structures used for storage of personal property or the pursuit of hobbies) or used for agricultural purposes. In single-family and two-family residential districts each accessory structure shall not exceed eight hundred (800) square feet in size, except for structures accessory to an agricultural use which are located on a parcel one (1) acre or larger in size.
- **Garages.** Private garages shall meet the following standards:
 - Garages shall not exceed a total of eight hundred (800) square feet of floor space per dwelling unit.
 - Garages exceeding eight hundred (800) square feet per dwelling unit may be permitted as conditional uses in the districts specified in Table 4.01 provided that they will not be adverse to the public interest and are compatible with the surrounding neighborhood. The Hearing Examiner shall establish a maximum size for garages receiving conditional use approval. See Section 18.04.080.

Maximum building height on detached accessory structures is **16 feet**, measure at mid-gable.

SETBACKS:

A detached garage may be set on the property line if the garage door is at a right angle to the alley entrance. Garage walls on or within 3 feet of the side property line, however, must be fire walls and have no windows or other openings. A detached garage may be set on the rear property line, but if the garage door faces a side yard (flanking street), it must be set back 20 feet from that side yard. In this case, the wall on the rear property line needs to be a fire wall. A detached garage may be set on both the rear and side property lines if it has access from the front yard. In this case, both walls must be fire walls. If the garage doors face the alley, it must be setback 10 feet.

A detached accessory structure may be located anywhere within the rear forty feet of the lot, with the exception of a flanking street side yard. The structure must have at least 6 feet of separation from other structures.



DEPARTMENT OF PLANNING & DEVELOPMENT

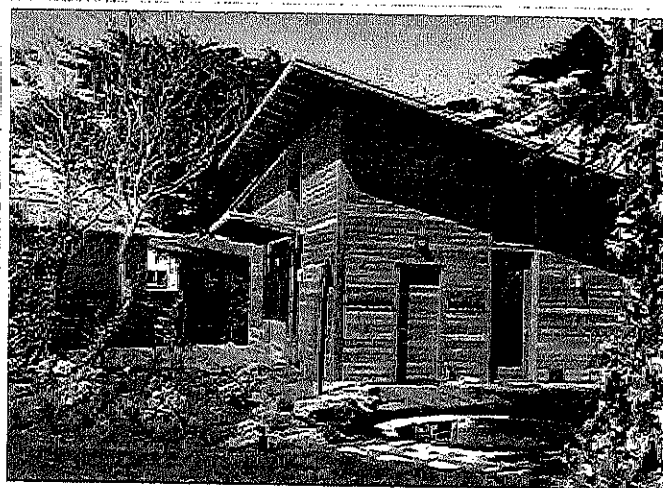
Home / Permits / Common Projects / Accessory Dwelling Unit

Accessory Dwelling Unit (Mother-in-Law Apartment)

See also: Garages

What Is It?

An accessory dwelling unit or detached accessory dwelling unit (sometimes called a mother-in-law apartment) is a separate living space within a house or on the same property as an existing house. These units aren't legal unless they have been established through a permit process. A legally permitted unit in the home is called an accessory dwelling unit (ADU). A legally permitted unit on the property (but not within the home) is called a backyard cottage or detached accessory dwelling unit (DADU). The property owner must live in either the house or the attached or detached accessory dwelling unit.



What Permits Do You Need?

Adding within an existing house. You need a construction addition / alteration permit.

Building a detached unit. You need a construction new addition / alteration permit.

Legalizing an existing unit. You need a construction permit to establish use.

You may also need to apply for electrical service changes or new services from Seattle City Light.

Research the Code

You can build these separate living spaces in a single-family or lowrise zone. Our codes limit the size and placement of your accessory or detached unit. The owner is required to live in either the house or in the additional unit; we require a signed owner occupancy covenant agreeing to this condition.

Attached accessory dwelling unit (ADU) requirements:

- An ADU is limited to 1,000 square feet in a single-family structure and up to 650 square feet in a rowhouse or townhouse
- The ADU must meet current standards of the Seattle residential, building, mechanical, electrical, energy, land use, environmentally critical areas, and shorelines codes
- One off-street parking space is required for the ADU except for a rowhouse or townhouse in designated urban villages and urban centers and in lowrise zones

Detached accessory dwelling unit (DADU) requirements:

- The minimum lot size required for a DADU is 4,000 square feet in single-family zones
- A DADU is limited to 800 square feet of gross floor area, including garage and storage areas, in single-family zones and 650 square feet in a lowrise zone
- The DADU must meet current standards of the Seattle residential, building, mechanical, electrical, energy, environmentally critical areas, land use, and shoreline codes
- One off-street parking space is required for the DADU, except in designated urban villages and urban centers and in lowrise zones

Establish an Accessory Dwelling Unit or Backyard Cottage Application

Owner Occupancy Covenant

Tip 103, Site Plan Requirements

Tip 106, General Standards for Plans and Drawings

Tip 116A, Establishing an Attached Accessory Dwelling Unit (ADU)

Tip 116B, Establishing a Backyard Cottage (Detached Accessory Dwelling Unit)

Tip 117, Parking Waivers for Accessory Dwelling Units

Tip 217, How to Legalize a Use Not Established by Permit

Tip 606, Illegal Dwelling Units

DR 7-83, Determining the Existence of a Dwelling Unit for the Purpose of Code Enforcement

Backyard Cottages Annual Report (April 2011)

Backyard Cottages: A New Choice for Seattle Families (July 2009)

A Guide To Building a Backyard Cottage (June 2010)

Seattle Municipal Code 23.44.041

Should You Hire a Professional?

We recommend that you hire a professional to assist in the design process. Accessory or detached dwelling units that fall under the Seattle residential code do not require a professional stamp indicating they were created by an architect or engineer.

CITY OF SUMNER

18.12.030 Accessory uses. SHARE

Accessory uses permitted in the LDR district are uses and structures customarily appurtenant to the principally permitted uses, such as:

A. Accessory dwelling units subject to the following criteria:

1. One accessory dwelling unit shall be allowed per legal building lot as a subordinate use in conjunction with any single-family structure;
2. Either the primary residence or the accessory dwelling unit must be occupied by the owners of the property. In addition, accessory dwelling units shall not be subdivided or otherwise segregated in ownership from the main building, except in accordance with subsections (A)(14), (15), (16) and (17) of this section. The owners shall sign an affidavit affirming that the owners will occupy the main building or the accessory dwelling unit as their principal residence for at least six months of every year. The owners shall sign a covenant agreeing to the conditions of this section which shall be recorded with the Pierce County auditor. The form of the affidavit and covenant shall be specified by the community development department;
3. The total number of occupants in both the primary residence and the accessory dwelling unit combined may not exceed the maximum number established by the definition of family in this title;
4. The accessory dwelling unit shall not contain floor area of less than 300 square feet and not more than 800 square feet, excluding any related garage area; provided, that if the accessory unit is completely located on a single story, with no basement, the director may allow increased floor area in order to efficiently use all floor area, so long as all other standards set forth in this section are met;
5. *Repealed by Ord. 2300;*
6. There shall be one off-street parking space provided for accessory dwelling units with one bedroom and two off-street parking spaces provided for accessory dwelling units with two or more bedrooms. Off-street parking spaces shall be in addition to that which exists on the site for the primary residence and located in a carport, garage, or designated space;
7. Except in the LDR 12,000 zone, accessory dwelling units shall be located only in the same building as the principal residence;
8. An accessory dwelling unit shall be designed to maintain the appearance of the main building of the single-family residence. If the accessory dwelling unit extends beyond the current footprint of the principal residence, such an addition shall be consistent with the existing roof pitch, siding and windows. If an accessory unit is detached from the main building it must also be consistent with the existing roof pitch, siding and windows of the principal residence. In addition, only one entrance for the main building will be permitted in the front of the principal residence. A separate entrance to the main building for the accessory dwelling unit shall be located either off the rear or the side of the building;

9. Height. Detached accessory dwelling units shall have a maximum building height of 16 feet for gabled, hipped and gambrel roofs and 12 feet for flat and mansard roofs, except that the height may be increased to 18 feet when it is necessary to match the existing roof pitch of the principal structure. In no case shall the second story contain exterior walls exceeding five feet in height on more than 50 percent of the perimeter of the second story;
10. Setbacks. Minimum yard setbacks for detached accessory dwelling units are as follows:
- a. Front yard setback in feet: equal to or greater than existing setback of the principal structure or the required setback, whichever is greater;
 - b. Rear yard setback in feet: 15, except when the rear property line is abutting an alley, then five feet or that required for garage ingress and egress per SMC 18.12.080(E);
 - c. Interior side yard in feet: five, except 10 when the building exceeds one story; or if the interior side property line is abutting an alley with vehicular access to a garage, then the setback is per SMC 18.12.080(E); and
 - d. Street side yard in feet: same as required for the principal structure;
11. Setbacks. Minimum yard setbacks for attached accessory dwelling units shall be the same as the setback requirements for the principal structure;
12. Windows in living, dining, and great room areas located on the second story shall face interior to the site. Window area above the first floor shall not exceed 30 square feet in total cumulative window area for all windows on any one side facing the rear or side yards, unless bordering an alley where there is no limit on window area. There is no limit on window area located on the first story;
13. The accessory dwelling unit shall meet all technical code standards including building, electrical, fire, plumbing and other applicable code requirements;
14. The accessory dwelling unit may be subdivided from the original parcel; provided, that the minimum lot size, all yard requirements as well as other applicable dimensional standards, such as lot coverage, lot size and building height, of this title are met;
15. Accessory dwelling units constructed prior to January 1, 2008, may be subdivided from the original parcel; provided, that the minimum lot size, lot coverage, building height, and all other applicable dimensions in SMC 18.12.070 are met, except that interior side and rear yard setbacks do not have to be met;
16. If a pipestem lot is created in the LDR-6 zone for an accessory dwelling unit that existed prior to January 1, 2008, then the minimum lot size may be 6,000 square feet; provided, that the maximum lot coverage is 30 percent and all other applicable dimensional standards, including building height, in SMC 18.12.070 are met, except that the interior side and rear yard setbacks do not have to be met;
17. Accessory dwelling units that are subdivided from the original parcel shall meet the off-street parking standards in SMC 18.12.060 for the applicable zone;