



WORK SESSION AGENDA

BOARD OF CLALLAM COUNTY COMMISSIONERS

223 East 4th Street Room 160

Port Angeles, Washington

Monday, February 7, 2022 – 8:00 a.m.

****ATTENTION****

In response to the current pandemic, to promote social distancing, and in compliance with Governor's Proclamation and the recommendation of the Clallam County Health Officer, the Board of Commissioners meetings will be virtual only. The Board of Commissioners strongly encourages public comments to be submitted in writing.

This meeting can be viewed on a live stream at this link:
<http://www.clallam.net/features/meetings.html>

If you would like to participate in the meeting via Zoom audio only, call 253-215-8782 and use meeting ID: 875 561 7844 and passcode: 12345

If you would like to participate in the meeting via Zoom video conference, visit <https://zoom.us/j/8755617844> and use meeting ID: 875 561 7844 and passcode: 12345

Public comment and questions can be directed to the Clerk of the Board at 360-417-2256 or agores@co.clallam.wa.us.

Administration – 9 a.m.

1. Calendar/Correspondence
2. Contract Amendment 1 with the Washington State Military Department and the U.S. Department of Homeland Security to change the agreement end date

Contract amendment 

Community Development

3. Briefing and notice of hearing to be held Tuesday, March 1, 2022 at 10:30 a.m. for an Ordinance amending Clallam County Code Title 33.50 Zoning (Accessory Housing).

Briefing and notice of hearing 

Board of Commissioners

4. Discussion with Washington State Department of Transportation regarding Highway 101 roundabout project

Discussion 

5. Discussion and next steps with Olympic Peninsula Resource Advisory Committee to determine whether one of the Commissioners wishes to become a member

Discussion and next steps 

6. Discussion regarding updates to the language in the 2022 Memorandum of Agreement with the Clallam Conservation District

Discussion 

7. Resolution appointing Tim Fletcher and Navarra Carr to the Homelessness Task Force

Resolution 

8. Resolution appointing Steven W. Johnson to the Solid Waste Advisory Committee

Resolution 

Community Development

Board of Commissioners

Budget

9. Agreement with Public Works for Olympic Discovery Trail improvement projects

Agreement 

10. Agreement with Parks, Fair and Facilities for marketing, promotional efforts, site improvements and staff support

Agreement 

11. Discussion on proposed budget revisions to be considered on February 22 (3a)*

Budget revisions 

12. Discussion of proposed supplemental appropriations to be considered on February 22 (3b)*

Supplemental appropriations 

13. Discussion of proposed budget emergencies to be considered on February 22 (3c)*

Budget emergencies 

General Discussion/Items for Future Agendas

- a. Marine Resources Committee update (February 14)
- b. Continued Work Session - Cancelled (February 14)
- c. National Park update (March 7 at 10:30 a.m.)
- d. Continued Work Session – Topic TBD (March 14 at 1 p.m.)
- e. Department of Natural Resources joint meeting (March 21 at 1 p.m.)
- f. Continued Work Session – Topic TBD (April 11 at 1 p.m.)

- g. Joint Meeting with the Port of Port Angeles (April 25 at 11 a.m. at Port)

EXECUTIVE SESSION

The Board may recess into Executive Session to consider employment or dismissal of personnel, to review the performance of a public employee, to consult with legal counsel, to consider the position to be taken in collective bargaining, to consider acquisition or sale of real estate, or other matters per RCW 42.30.110

9. Agreement with Public Works for Olympic Discovery Trail improvement projects

- Other items may be added at the discretion of the Board and additional Work Sessions may be scheduled if more time is needed to allow for adequate discussion.
- Written testimony presented by members of the public during the Board meeting is considered a public document and must be submitted to the Clerk of the Board.
- Copies of public documents from Board meetings are available by contacting the Public Records Department.



AGENDA ITEM SUMMARY

(Must be submitted NLT 3PM Wednesday for next week agenda)

2
2/1/22

Department: Sheriff

WORK SESSION ☒ **Meeting Date:** 02/07/22

REGULAR AGENDA ☒ **Meeting Date:** 02/15/22

Required originals approved and attached? ☒
Will be provided on:

Item summary:

- | | | |
|---|---|--------------------------------------|
| ☐ Call for Hearing | ☒ Contract/Agreement/MOU - Contract # 11068-20-01 | |
| ☐ Resolution | ☐ Proclamation | ☐ Budget Item |
| ☐ Draft Ordinance | ☐ Final Ordinance | ☐ Other |

Documents exempt from public disclosure attached: ☐

Executive summary:

Amendment 1 to the E21-054 Operation Stonegarden Homeland Security Grant Program Agreement from the Washington State Military Department received in FY2020. The Amendment changes the agreement end date from 03/31/22 to 08/31/22 to allow additional time to expend the remaining funds and complete all operations of the grant. The award amount of \$438,750 remains unchanged. The other changes are to personnel names and contact information and how future Amendments and Modifications are processed.

Budgetary impact: (Is there a monetary impact? If so, are funds for this already allocated or is a budget change necessary? If this is a contract and a budget change is necessary, the budget change form must be submitted with the item at work session and for the regular agenda) **If a budget action is required, has it been submitted and a copy attached?** ☐

No budget change is needed. All remaining funding is adequately allocated in the FY2020 11068.811 Operation Stonegarden grant fund.

Recommended action:

Approval and signature by the Board

County Official signature & print name: W.L. Benedict W.L. Benedict, Sheriff

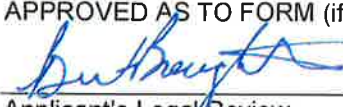
Name of Employee/Stakeholder attending meeting: Beth Waknitz, Grant Coordinator

Relevant Departments: Sheriff's Office

Date submitted: 02/03/22

* Work Session Meeting - Submit 1 single sided/not stapled copy
** Regular Meeting - Submit 1 single sided/not stapled copy and originals (1 or 3 copies)

Washington State Military Department AMENDMENT

1. SUBRECIPIENT NAME/ADDRESS: Clallam, County of Sheriff's Office 223 East 4th Street, Suite 12 Port Angeles, WA 98362-3000		2. GRANT NUMBER: E21-054	3. AMENDMENT NUMBER: 1
4. SUBRECIPIENT CONTACT, PHONE/EMAIL: Alice Hoffman, (360) 417-2257 ahoffman@co.clallam.wa.us		5. DEPARTMENT CONTACT, PHONE/EMAIL: Deborah Henderson, (253) 512-7470 Deborah.henderson@mil.wa.gov	
6. EIN: N/A	7. ASSISTANCE LISTINGS # & TITLE: 97.067 - 19HSGP (OPSG)	8. FEDERAL AWARD ID # (FAIN): EMW-2019-SS-00044-S01	
9. FUNDING AUTHORITY: The Washington State Military Department (Department) and the US Department of Homeland Security (DHS)			
10. DESCRIPTION/JUSTIFICATION OF AMENDMENT: Due to the ongoing COVID-19 impact on staff availability to work operational overtime, the Grant Agreement End Date is being extended to ensure expenditures remain within the allowable period of performance. Changes are noted in strikethrough, red font, and grey highlight.			
11. AMENDMENT TERMS AND CONDITIONS: 1. The Grant Agreement Amount of \$438,750 remains unchanged. 2. Change the Grant Agreement End Date from March 31, 2022, to August 31, 2022, as described on Page 2 of this Amendment. 3. Change the Department Contact, Phone/Email, as described on Page 2 of this Amendment. 4. Change Exhibit A, SPECIAL TERMS AND CONDITIONS, Article I-Key Personnel, as described on Page 2 of this Amendment. 5. Change Exhibit B, Section A.3 AMENDMENTS AND MODIFICATIONS, as described on Page 2 of this Amendment. 6. Change Attachment 2, as described on Page 2 of this amendment. This Amendment is incorporated in and made a part of the Grant Agreement. Except as amended herein, all other terms and conditions of the Grant Agreement remain in full force and effect. Any reference in the original Grant Agreement or an Amendment to the "Grant Agreement" shall mean "Grant Agreement as amended". The Department and Sub-Recipient acknowledge and accept the terms of this Amendment as identified above, effective on the final date of execution below. By signing this Amendment, the signatories warrant they have the authority to execute this Amendment.			
IN WITNESS WHEREOF, the parties have executed this Amendment:			
FOR THE DEPARTMENT:		FOR THE SUBRECIPIENT:	
Signature _____ Date _____ Regan Anne Hesse, Chief Financial Officer Washington State Military Department		Signature _____ Date _____ Mark Ozias, Chair Clallam County BOCC	
BOILERPLATE APPROVED AS TO FORM: _____/Signature on file/_____ David B. Merchant, Assistant Attorney General 10/11/2021		APPROVED AS TO FORM (if applicable):  Applicant's Legal Review _____ 2/2/2022 Date	

Washington State Military Department Amendments to Agreement E21-054

1. **Change the Grant Agreement End Date from March 31, 2022, to August 31, 2022.**
 - a. Agreement Face Sheet, Box 6. ~~March 31, 2022~~ August 31, 2022.
 - b. Original 19OPSG Timeline, Attachment 2, with Revised 19OPSG Timeline, Revision 1 Attachment 2
2. **Change Department Contact from Gary Stumph to Deborah Henderson.**
 - a. Agreement Face Sheet Box 7. ~~Gary Stumph, 253-512-7483, gary.stumph@mil.wa.gov~~ Deborah Henderson, 253-512-7470, deborah.henderson@mil.wa.gov.
3. **Change Exhibit A, Article I-Key Personnel.**
 - a. Exhibit A, SPECIAL TERMS AND CONDITIONS, Article 1-Key Personnel, under DEPARTMENT:
 - i. Replace Gary Stumph with Deborah Henderson (see below).
 - ii. Replace Gail Cram with Zoie Choate (see below).
 - iii. Add Courtney Bemus

SUBRECIPIENT		DEPARTMENT	
Name	Alice Hoffman	Name	~~Gary Stumph~~ Deborah Henderson
Title	Chief Civil Deputy	Title	Program Coordinator
E-Mail	ahoffman@co.clallam.wa.us	E-Mail	~~Gary.stumph@mil.wa.gov~~ deborah.henderson@mil.wa.gov
Phone	360-417-2257	Phone	~~253-512-7483~~ 7470
Name	Elizabeth Waknitz	Name	~~Gail Cram~~ Zoie Choate
Title	Grant Coordinator	Title	Program Manager
E-Mail	ewaknitz@co.clallam.wa.us	E-Mail	~~gail.cram@mil.wa.gov~~ zoie.choate@mil.wa.gov
Phone	360-417-2393	Phone	~~253-512-7472~~ 7461
Name	Ron Cameron	Name	Courtney Bemus
Title	Undersheriff	Title	Program Assistant
E-Mail	rcameron@co.clallam.wa.us	E-Mail	courtney.bemus@mil.wa.gov
Phone	360-417-2570	Phone	253-316-6438

4. **Change Exhibit B, Section A.3 AMENDMENTS AND MODIFICATIONS.**
 - a. Original Exhibit B, GENERAL TERMS AND CONDITIONS, Section A.3 AMENDMENTS AND MODIFICATIONS as follows:

~~The Subrecipient or the Department may request, in writing, an amendment or modification of this Agreement. However, such amendment or modification shall not be binding, take effect or be incorporated herein until made in writing and signed by the authorized representatives of the Department and the Subrecipient. No other understandings or agreements, written or oral, shall be binding on the parties.~~

The Subrecipient or the Department may request, in writing, an amendment or modification of this Agreement. However, such amendment or modification shall not be binding, take effect or be incorporated herein until made in writing and signed by the authorized representatives of the Department and the Subrecipient. No other understandings or agreements, written or oral, shall be binding on the parties.

The Agreement performance period shall only be extended by (1) written notification of DHS/FEMA approval of the Award performance period, followed up with a mutually agreed written

amendment, or (2) written notification from the Department to the Subrecipient to provide additional time for completion of the Subrecipient's project(s).

5. Change Attachment 2.

- a. Original Attachment 2 with Revision 1 Attachment 2.

FFY19 Homeland Security Grant Program (HSGP)

Operation Stonegarden (OPSG)

The OPSG Program provides funding to support joint efforts to secure the United States' borders along routes of ingress from international borders to include travel corridors in states bordering Mexico and Canada, as well as states and territories with international water borders.

Per the FY19 Preparedness Grants Manual, responsibilities of the Subrecipient include:

- Conduct operations on an as-needed basis throughout the length of the grant performance period;
- Integrate law enforcement partners from contiguous counties and towns into their tactical operations to expand the layer of security beyond existing areas;
- Ensure all required reports, including reports from friendly forces, are submitted to Border Patrol and the State Administrative Agency (SAA), when applicable, in the proper format and within established timeframes;
- Ensure applicable OPSG derived data is shared with the designated fusion center in the state or high-risk urban areas;
- Request instruction and information from the SAA, when applicable, and/or Border Patrol and other Federal law enforcement agencies regarding techniques, methods, and trends used by transnational criminal organizations in the area; and
- Provide the SAA and Border Patrol a single point of contact that maintains subject-matter expertise in OPSG who can coordinate, collect, and report operational activities within the established reporting procedures.

Attachment 2 includes the Work Plan/Budget and Timeline.

The Work Plan/Budget consists of the 19OPSG Operation Order Approval Letter and the Personnel Cap Waiver Approval Letter addressed to Adjutant General Daugherty on behalf of the Subrecipient.

- Personnel expenditures will not exceed 50% of the agreement award unless a waiver has been approved by FEMA. Once a Personnel Cap Waiver Approval Letter is received, the Subrecipient will be held to the personnel amount indicated in the letter. Expenditures above the approved amount will not be reimbursed unless and only after a revised approval letter is received from FEMA.
- A current approved Indirect Cost Rate Agreement must be provided to the SAA prior to requesting reimbursement of indirect costs. If the approved Indirect Cost Rate Agreement is updated, the updated Agreement must be submitted to the SAA before costs will be reimbursed.
- OPSG funds shall not be used to supplant inherent routine patrols and law enforcement operations or activities not directly related to providing enhanced coordination between local, state, tribal, and Federal law enforcement agencies.
- Cumulative transfers between budget categories in excess of 10% of the Grant Agreement amount will not be reimbursed without prior written authorization from the Department. All budget modifications must be validated by USBP concurrence and any applicable approvals.

WORK PLAN/BUDGET

U.S. Department of Homeland Security
Washington, DC 20472



FEMA

September 14, 2020

Bret Daugherty
Adjutant General
Washington Military Department
Militia Drive, Building 1
Camp Murray, WA 98430-5122

Based on the Department of Homeland Security, Federal Emergency Management Agency's (FEMA) Operation Stonegarden Grant Program (OPSG) guidelines and special conditions associated with this program, the below referenced Operations Order as submitted is approved:

Operations Order No: 20-BLWBLW-10-004 V0
Fiscal Year: 2019
Amount Approved: \$450,000.00
Operations Order Dates: 9/1/2019 – 8/31/2022
Recipient: Clallam County, WA

Expenditures from the Operations Order (OPORD) that were reviewed and approved by FEMA and U.S. Customs and Border Protection/Border Patrol (CBP) are outlined below. These expenses will assist the County in conducting border centric, intelligence driven operations with the goal of reduction or elimination of threat, risk, and vulnerability along our Nation's borders. Please see below for all approved costs for this OPORD and refer to the OPORD for specific items.

Category	Amount
Overtime:	\$257,006.64
Fringe:	\$61,687.94
Equipment:	\$70,184.05
Fuel:	\$15,956.00
Maintenance:	\$0
Mileage:	\$4,210.80
Travel:	\$350.00
Subrecipient M&A:	\$21,937.50
State M&A:	\$11,250.00
Indirect Cost:	\$7,417.07
Total	\$450,000.00

Please find the below special conditions associated with OPSG and retain this letter for your grant files. If you have any questions, please feel free to contact me at (202) 802-2755.

Sincerely,

Lindsey Tomes

FOR OFFICIAL USE ONLY – LAW ENFORCEMENT SENSITIVE

Lindsey Tomes
Preparedness Officer
U.S. Department of Homeland Security
Federal Emergency Management Agency
Grant Programs Directorate

Cc: U.S. Customs and Border Protection/ Border Patrol

The following Special Conditions are associated with this Operation Stonegarden award:

1. Construction and construction-type activities are prohibited.
2. Lethal or less than lethal forces including, but not limited to: weapons, firearms, ammunition and tasers are prohibited.
3. Per the *Personnel Reimbursement for Intelligence Cooperation and Enhancement (PRICE) of Homeland Security Act* (Public Law 110-412), the sum of all personnel related expenses shall not exceed 50% of the recipient's allocation without first obtaining a waiver from the FEMA Administrator.
4. All participating agencies shall monitor, review and track expenditures of OPSG funds under individual Operations Orders issued. Participating agencies shall not obligate, and/or encumber OPSG grant funds beyond the total of their allocation issued by FEMA.
5. The Operations Order has been reviewed and approved under the Environmental and Historic Preservation Program (EHP) guidelines as being categorically excluded from further EHP review.
6. Recipients must submit a letter of justification for all proposed vehicles or equipment items in excess of \$100,000. This justification will be reviewed by CBP and FEMA.

FOR OFFICIAL USE ONLY – LAW ENFORCEMENT SENSITIVE



FEMA

April 7, 2020

Bret Daugherty
Adjutant General
Washington Military Department
Militia Drive, Building 1
Camp Murray, WA 98430-5122

Dear Adjutant General Daugherty:

The Federal Emergency Management Agency (FEMA) has reviewed the request submitted by Washington Military Department (WMD) to waive the 50 percent Personnel Cap imposed by Section 2008 of the *Homeland Security Act of 2002*, Public Law 107-296, as amended (6 U.S.C. § 609).

WMD is retaining 2.5 percent for M&A, \$64,532.03. The following counties have requested to expend up to 85 percent of their total FY 2019 Operation Stonegarden allocations, award number EMW-2019-SS-00044, on operational overtime and related personnel costs:

County	FY 2019 OPSG Allocation	85 % P-Cap Maximum
Clallam	\$438,750.00	\$372,937.50
The Confederated Tribes of the Colville Reservation	\$54,008.18	\$45,906.95
Ferry	\$121,875.00	\$103,593.75
Island	\$198,301.35	\$168,556.15
Jamestown S'Klallam Tribe	\$73,125.00	\$62,156.25
Makah Tribe	\$70,217.55	\$59,684.92
Nooksack Indian Tribe	\$102,630.45	\$87,235.88
Okanogan	\$238,875.00	\$203,043.75
Pend Oreille	\$146,476.20	\$124,504.77
Quileute Tribe	\$73,125.00	\$62,156.25
San Juan	\$156,731.25	\$133,221.56
Skagit *	\$41,184.00	\$35,006.40
Spokane	\$146,493.75	\$124,519.69
Stevens	\$165,750.00	\$140,887.50
Swinomish Indian Tribal Community	\$88,481.25	\$75,209.06
Whatcom	\$400,725.00	\$340,616.25

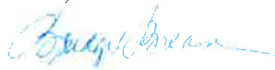
***Note – we acknowledge that Skagit County has withdrawn from the OPSG program and their funds will be reallocated to another subrecipient**

www.fema.gov

This request is consistent with the terms and conditions of the grant award and is necessary for the continued success of border security operations. This request is therefore approved pursuant to the waiver authority provided by 6 U.S.C § 609(b)(2)(B).

As a reminder, if any subrecipient's approved or initial revised budget will exceed 85 percent in personnel costs, they are required to submit a waiver request as described in section III.C.3 of Information Bulletin 421b. Please contact your Preparedness Officer, George L. Mitchell, at george.mitchell@fema.dhs.gov if you have any questions.

Sincerely,



Bridget Bean
Assistant Administrator
Grant Programs Directorate

CC: Mike O'Hare, Regional Administrator, Region X
Patrick Marcham, Grants Division Director, Region X

Clallam County Sheriff's Office
REVISED 19OPSG Timeline

Date	Task
September 1, 2019	Grant Agreement Start Date
September 14, 2020	Operations Order approved by FEMA
November 1, 2020	Estimated date work will begin
NLT April 1, 2021	Submit 2021 Indirect Rate Agreement
NLT April 30, 2021	Submit Reimbursement Request
NLT July 31, 2021	Submit Reimbursement Request
NLT October 31, 2021	Submit Reimbursement Request
NLT January 31, 2022	Submit Reimbursement Request
NLT February 25, 2022	In collaboration with U.S. Border Patrol, assess status of award. Determine if additional time is needed to complete operations and/or if there is a need to submit a FRAG Order changing the approved Operations Order.
NLT April 30, 2022	Submit Reimbursement Request
NLT July 31, 2022	Submit Reimbursement Request
~~March 31, 2022~~ August 31, 2022	Grant Agreement End Date. All work ceases.
NLT ~~May 15, 2022~~ October 15, 2022	Submit Final Reimbursement Request and Closeout Report. Reports are due before final invoice will be reimbursed.

Grant Performance Period: September 1, 2019 - August 31, 2022



AGENDA ITEM SUMMARY

(Must be submitted NLT 3PM Wednesday for next week agenda)

3
2/7/22

Department: DCD

WORK SESSION ☒ Meeting Date: 2-7-2022

REGULAR AGENDA ☒ Meeting Date: 2-15-2022

Required originals approved and attached? ☒
Will be provided on:

Item summary:

- | | | |
|--|--|--------------------------------------|
| ☒ Call for Hearing | ☐ Contract/Agreement/MOU - Contract # | |
| ☐ Resolution | ☐ Proclamation | ☐ Budget Item |
| ☒ Draft Ordinance | ☐ Final Ordinance | ☐ Other |

Documents exempt from public disclosure attached: ☐

Executive summary:

The current Accessory Housing ordinance was last updated 19 years ago. This update seeks to account for changes in housing needs and preferences within Clallam County as well as clarify design requirements related to accessory housing and their use as vacation rentals, as opposed to needed long term housing. The Planning Commission held a public hearing on November 3, 2021 and voted to forward the ordinance titled "Amending Clallam County Code Title 33.50 Zoning (Accessory Housing)" to the Board of Commissioners on November 17, 2021. The Board may now review the ordinance and move forward with their public hearing process for adoption.

The ordinance will allow for an exemption from the 50% gross floor area requirement for detached ADUs smaller than 400 sq. ft., allow ADUs to be located on legal parcels 1.5 acres or greater, clarify residency requirements of ADUs in relation to vacation rentals, require ADUs to be within 300 linear feet of primary dwelling, and eliminate provisions for new temporary medical hardship dwellings.

Budgetary impact: (Is there a monetary impact? If so, are funds for this already allocated or is a budget change necessary? If this is a contract and a budget change is necessary, the budget change form must be submitted with the item at work session and for the regular agenda) **If a budget action is required, has it been submitted and a copy attached?** ☐
None

Recommended action: (Does the Board need to act? If so, what is the department's recommendation?)

Discuss the proposed ordinance and approve a Call for Hearing.

County Official signature & print name:

Handwritten signature of Mary Ellen Winburn in black ink.

Name of Employee/Stakeholder attending meeting: Holden A. Fleming, Planner II

Relevant Departments: DCD

Date submitted: 2-2-2022

* Work Session Meeting - Submit 1 single sided/not stapled copy

** Regular Meeting - Submit 1 single sided/not stapled copy and originals (1 or 3 copies)

PUBLIC HEARING

Proposed Ordinance titled "Amending Clallam County Code Title 33.50 Zoning (Accessory Housing)"

NOTICE IS HEREBY GIVEN that the Clallam County Board of Commissioners will conduct a remote public hearing on March 1, 2022 at 10:30 a.m., or as soon thereafter as possible in and can be attended by Zoom by going to <https://zoom.us/join> or by calling 253-215-8782 and then enter Meeting ID: 875 561 7844 Passcode: 12345. The purpose of the public hearing is to receive public testimony on proposed changes to the Clallam County Zoning code, amending CCC 33.50 and related definitions to update and clarify regulations related to accessory housing.

SUMMARY OF PROPOSAL: The current Accessory Housing ordinance was last updated 19 years ago. This update seeks to account for changes in housing needs and preferences within Clallam County as well as clarify design requirements related to accessory housing and there use as vacation rentals, as opposed to needed long term housing. The Planning Commission held a public hearing on November 3, 2021 and voted to forward the ordinance titled "Amending Clallam County Code Title 33.50 Zoning (Accessory Housing)" to the Board of Commissioners on November 17, 2021. The Board may now review the ordinance and move forward with their public hearing process for adoption.

The ordinance will allow for an exemption from the 50% gross floor area requirement for detached ADUs smaller than 400 sq. ft., allow ADUs to be located on legal parcels 1.5 acres or greater, clarify residency requirements of ADUs in relation to vacation rentals, require ADUs to be within 300 linear feet of primary dwelling, and eliminate provisions for new temporary medical hardship dwellings.

HOW TO COMMENT: All persons wishing to comment are welcome to either submit their written comments before the hearing is commenced or present written and/or oral comments via zoom or by phone during the public hearing. Written comments should be sent to the Clallam County Board of Commissioners, 223 East 4th Street, Suite 4, Port Angeles, WA 98362-3015.

DOCUMENTS AND INFORMATION: Copy of the Ordinance is available for review at the Clallam County Department of Community Development located in the Clallam County Courthouse at 223 E. 4th Street, Port Angeles, WA or http://www.clallam.net/bocc/public_meetings.html.

In compliance with the Americans with Disabilities Act (ADA), appropriate aids and/or reasonable accommodations will be made available upon request. Requests must be received by the Commissioner's office (Phone: 360-417-2233; see address above) at least 7 days prior to the hearing. The facility is considered "barrier free" and accessible to those with physical disabilities.

Publish: February 20 & February 27

Bill: Dept. of Community Development

Loni Gores, Clerk of the Board



MEMORANDUM

Clallam County Department of Community Development

The following items are related to the Accessory Housing Ordinance Update:

1. Draft Ordinance
2. Accessory Housing PowerPoint with Update Summary and Justification
3. 300' radius on 5 and 10 acre parcels, showing proposed proximity requirement
4. Additional Accessory Housing Resources
 - a. Rural by Design (Excerpt)
 - b. WDOC: 2021 Legislative Changes to the Housing Laws
 - c. Jefferson County: The ABCs and 123s of ADUs
 - d. AARP: The ABCs of ADUs
 - e. APA: Quick Notes- Accessory Dwelling Units

Amending Clallam County Code Title 33 Zoning (Accessory Housing)

BE IT ORDAINED BY THE BOARD OF CLALLAM COUNTY COMMISSIONERS:

Chapter 33.03, Section 33.03.010, Definitions is amended to read as follows:

For the purpose of this title, certain terms or words herein shall be interpreted as specifically defined in this chapter. All other words in this title shall carry the meanings as specified in the latest edition of Webster's New Collegiate Dictionary. Words or phrases not listed here have neither been amended or repealed by the ordinance codified in this section and remain as currently enacted.

(1) "Accessory apartment" means an accessory housing unit located above the first floor of a multistoried commercial or limited industrial use building.

(2) "Accessory dwelling unit" or "ADU" means a separate dwelling unit, containing habitable space, bathroom(s), and a kitchen, within a single-family dwelling or separate structure associated with a single-family dwelling which is incidental and subordinate to the primary residential use of the property. Accessory dwelling units are further defined as follows:

(a) *Detached.* Those accessory dwelling units that are lawfully constructed within existing outbuildings, or stand alone, where the ADU does not share a common wall with the primary residential dwelling unit. ADUs that are connected to the primary residential structure only by a covered breezeway or similar appurtenant structure shall be considered detached.

(b) *Attached.* Those accessory dwelling units that share a common wall or floor/ceiling with the primary dwelling unit and do not meet the definition of detached accessory dwelling unit.

(3) "Accessory housing" means an accessory single-family housing unit, the residential use of which remains a clearly incidental and subordinate use to a legally constructed primary single-family dwelling, commercial, or industrial use. "Accessory housing" includes accessory dwelling units, accessory apartments, caretaker apartments, and temporary medical hardship dwellings.

(4) "Accessory use or improvement" means a use or improvement which is necessary for the full use and enjoyment of the main use of the property, is typically associated with the main use, and is subordinate to, incidental to the main use of a parcel and which includes the utilities necessary to serve the accessory use. Accessory uses and improvements are allowed in all zoning districts.

(5) "Administrator" means the Director of the Department of Community Development of Clallam County or his/her designee.

(6) "Affected party" means those parties with standing to bring action on appeals of decisions rendered pursuant to this title and is limited to the following parties:

- (a) The applicant or owner of property on which the development is proposed;
- (b) Any person entitled to notice of the application pursuant to CCC [33.37.010](#); or
- (c) Any person who deems themselves aggrieved by a decision and who will suffer direct and substantial impacts from the proposal.

(7) "Agriculture" means improvements and activities associated with the raising and harvesting of crops and livestock. "Agriculture" includes ancillary activities, including equipment storage and repair, seasonal employee housing, and temporary on-site retail stands for the sale of agricultural goods.

(8) "Airport, general aviation" means an area of land or water that is used or intended to be used for the landing and taking off of aircraft. General aviation airports are designated by the Federal Aviation Administration (FAA) and may include ancillary structures and facilities that support the public and/or commercial use of the airport, including boarding terminals, air traffic control towers, cargo decks, baggage and ticketing terminals, parking areas, fueling facilities, aircraft storage (hangars), and aircraft servicing and repair facilities.

(9) "Airport, private use" means an area of land or water that is used or intended to be used for the landing and taking off of aircraft. Private use airports are not designated by the Federal Aviation Administration (FAA) as general aviation airports and may include ancillary structures and facilities that support the private, noncommercial recreational use of the airport, including air traffic control towers, parking areas, fueling facilities, aircraft storage (hangars), and aircraft servicing and repair facilities.

(10) "Allowed use" means a use or structure which is allowed outright by this chapter in one or more zones without issuance of a conditional use permit but remains subject to all other development regulations applicable to the proposal.

(11) "Antenna" means any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves external to or attached to the exterior of any building.

(12) "Asphalt plant" means a permanent (longer than six months) installation of an asphalt plant; provided, that the facility complies with all applicable water quality, air quality, and other environmental regulations.

(13) "Bed and breakfast inns" means a single family dwelling on property occupied by the owner or manager which is constructed or converted totally or partially into an overnight, short-term boarding house which does not detract from the residential appearance of the structure, and has five or fewer rooms for overnight accommodations.

(14) "Business park" means commercial or industrial development supporting low-intensity activities compatible with adjoining residential land uses when properly landscaped.

(15) "Caretaker apartment" means an accessory housing unit that is permitted in association with a commercial or industrial use where a residential dwelling exists, and the expressed purpose of the accessory housing unit is to provide housing for an on-site security or operations personnel.

(16) "Cemetery" means land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums and mausoleums.

(17) "Child daycare center" means a person or agency that regularly provides care for a group of children for periods of less than 24 hours (RCW [74.15.020](#)).

(18) "Church" means a building or buildings intended for religious worship including ancillary activities and improvements such as religious education, assembly rooms, kitchen, reading room, recreation room, and may include a residence for church staff. This definition does not include schools devoted primarily to nonreligious education.

(19) "Commercial greenhouse or nursery" means a structure (greenhouse) or land (nursery) devoted to the cultivation and wholesale or retail of plants.

(20) "Commercial horse facility" means a facility greater than 2,000 square feet for the commercial boarding, care, training or riding of horses.

(21) "Commercial storage" means a structure, or part thereof, or area used principally for the storage of goods and merchandise.

(22) "Commercial use" means any premises devoted primarily to the wholesaling or retailing of a product or service for the purpose of generating an income.

(23) "Commercial use, neighborhood" means commercial uses whose primary function is to serve a limited geographic market area intending to enhance a neighborhood or limited residential market.

(24) "Commission" means the Clallam County Planning Commission appointed by the Board of Commissioners.

(25) "Communication relay facilities" means telephone, telegraph, television, radio, cables, microwave stations, retransmission improvements, substations and any other communication conveyance. This definition includes commercial broadcast stations, accessory control buildings, and security fencing.

(26) "Comprehensive Plan" means the Clallam County Comprehensive Plan, CCC Title [31](#).

(27) "Conditional use" means an activity or structure which is permitted in a zoning district through a special permitting process with public input and a determination that the proposed use is consistent with applicable land use regulations and the character of the neighborhood.

(28) "Corner lot" means a lot abutting on and at the intersection of two or more streets.

(29) "County" means Clallam County.

(30) "Density" means the number of dwelling units per gross acre of land which includes road rights-of-way to the centerline of fronting streets, tidelands and dedicated open space areas.

(31) "Development right" is defined as the difference between the existing use of a parcel and its potential use as permitted by existing law, i.e., a development right is equal to the unused development potential of a parcel of land. In simplest terms, a single development right usually represents the potential to build one dwelling unit.

(32) "Development standards" means a set of requirements establishing parameters to be followed in site and/or building design and development.

(33) "Duplex" means two dwelling units having a common roof.

(34) "Dwelling unit" means any building or any portion thereof which is intended or designed to be used, rented, leased, let or hired out to be occupied for living purposes having independent living facilities for one family including permanent provisions for living, sleeping, eating, cooking, sanitation and including accessory structures and improvements.\

(35) "Easement" means a grant of one or more property rights by the property owner to and/or for the use or general use by a person or public.

(36) "Family daycare provider" means a child daycare provider who regularly provides child daycare for not more than 12 children in the provider's home in the family living quarters for periods of less than 24 hours ([RCW 24.15.020](#)).

(37) "Financial institution" means a building, property or activity, the principal use or purpose of which is the provision of financial services, including but not limited to: banks, facilities for automated teller machines (ATMs), credit unions, savings and loan institutions, stock brokerages and mortgage companies.

(38) "Gas station" means a principal building site and structures for the sale and dispensing of motor fuels or other petroleum products and the sale of convenience retail.

(39) "Grocery store" means a structure devoted primarily to the sale of staple foodstuffs and household commodities.

(40) "Gross floor area," for structures used for commercial or industrial purposes, shall include the sum of the horizontal areas of one or more floors of a building measured from the exterior face of exterior walls or from the centerline of a wall separating two commercial uses but not including interior parking spaces, storage spaces, loading spaces and basements which are not used for human habitation or service to the public. For structures used for residential purposes,

“gross floor area” shall include the sum of the horizontal areas of one or more floors of a building measured from the exterior face of exterior walls but not including garages or exterior storage spaces.

(41) “Group home” means a facility licensed by the State which is located in a single building utilized for the full-time shelter and care of a group of unrelated people. A group home is considered to be a multiple-family dwelling when it is occupied by 17 or more clients. A group home is considered to be a home enterprise when occupied by 16 or fewer clients and when consistent with the standards for a home enterprise.

(42) “Hazardous waste” means:

(a) Any discarded, useless, unwanted, or abandoned nonradioactive substances, including but not limited to certain pesticides or any residues of such substances which are disposed of in such quantities or concentration as to pose a substantial present or potential hazard to human health, wildlife, or the environment because such wastes or constituents or combinations of such wastes have short-lived toxic properties which may cause death, injury, or illness or have mutagenic, teratogenic or carcinogenic properties; or are corrosive, explosive, flammable, or may generate pressure through decomposition or other means.

(b) Any waste described in subsection (42)(a) of this section which will persist in a hazardous form for several years or more at a disposal site and which in its persistent form presents a significant hazard and may be concentrated by living organisms through a food chain or may affect the genetic makeup of man or wildlife and is highly toxic to man or wildlife; or if disposed of at a disposal site in such quantities as would present an extreme hazard to man or the environment.

(43) “Hazardous waste treatment and storage unit” means a site or facility used to store or treat hazardous waste as defined in subsection (42) of this section.

(44) “Home-based industry” means a revenue generating enterprise which is located on a residential parcel and which generates or involves outdoor activity and/or outdoor storage of equipment or supplies.

(45) “Home enterprise” means a revenue generating enterprise which is conducted entirely within a dwelling and/or within other legally existing buildings on a residential property and is subordinate and incidental to the residential use of the dwelling.

(46) “Indoor shooting range” means a facility, commercial, public or private, which provides for recreational shooting and hunter education within a fully enclosed and soundproof structure which is clearly subordinate to the residential use, if applicable, of the property.

(47) “Industrial use” means any premises devoted primarily to the manufacturing of finished or semi-finished products, and the processing of materials. This definition includes accessory facilities such as but not limited to storage facilities, transfer facilities, warehousing, heavy vehicular storage and repair, log storage, milling and sorting.

(48) “Kennel” means an establishment which is designed to accommodate the temporary boarding of six or more household pets owned by persons other than the owner of the premises.

(49) “Land use” means an activity on land serving man in some manner.

(50) “Limited industrial use” means those industrial uses which generate minimal amounts of noise, odor, glare, traffic, and other nuisance characteristics.

(51) “Lodges” means any structure accommodating an organization which is operated not-for-profit where entrance to the premises is contingent upon the payment of a monthly or yearly fee.

(52) “Long-term commercial significance” includes (or signals) the growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land’s proximity to population areas, and the possibility of more intense uses of land. Long-term commercial significance means the land is capable of producing the specified natural resources at commercially sustainable levels for at least the 20-year planning period, if adequately conserved. Designated mineral resource lands of long-term commercial significance may have alternative post-mining land uses, as provided by the Surface Mining Reclamation Act, Comprehensive Plan and development regulations, or other laws.(53) “Lot coverage” means the total ground coverage of all buildings or structures on a site measured from the outside of external or supporting walls, but not to include: at-grade, off-street parking lots; deck areas; terraces; swimming pools; pool deck areas; walkways and roadways; and driveways.

(54) “Lot depth” means the horizontal length of a straight line drawn from the midpoint of the front property line of the lot to the midpoint of the rear property line.

(55) “Lot line, front” means the boundary of a lot which is common to a public or private road or access easement. Where the lot abuts two or more roads the lot owner may designate one of the lot lines common to one of the roads as the front lot line at the time the lot is developed.

(56) “Lot line, rear” means the property line of a lot that is most opposite and most distant from the designated front lot line and that does not intersect the front lot line. In the case of a triangular lot, it means a line 10 feet in length within the lot parallel to and at the maximum distance from the front lot line. In the event that the front property line is a curved line, then the rear property line shall be assumed to be a line parallel to the tangent to the front property line at its midpoint. In the case of waterfront property, the rear lot line is that which adjoins the ordinary high water line, unless otherwise designated by the Zoning Administrator.

(57) “Lot line, side” means any lot line that is not a front or rear lot line, or any lot line that intersects a front lot line.

(58) “Lot, parcel, tract” means an ownership of land in which the boundary is defined by a deed recorded in the County Auditor’s office and assigned a tax parcel number by the County Assessor; or a lot which has been defined by a survey recorded pursuant to Washington State surveying or platting laws and assigned a parcel number by the County Assessor; or parcels recognized by resolution of the Board of County Commissioners adopted prior to the effective date of this title.

“Lot width” means the horizontal distance between side lot lines measured at right angles to the lot depth line at a point midway between the front and rear property line. If the side property lines are not parallel the width of the lot shall be the length of a line at right angles to the depth line of the lot at a distance midway from the front and rear lines required for the district in which the lot is located.

(60) “Marijuana processor” means a person licensed by the State Liquor and Cannabis Board to process marijuana into marijuana concentrates, usable marijuana and marijuana-infused products, and package them for sale in retail outlets and at wholesale to marijuana retailers.

(61) “Marijuana producer” means a person licensed by the State Liquor and Cannabis Board to produce and sell marijuana at wholesale to processors and other producers.

(62) “Marijuana retail” means a person licensed by the State Liquor and Cannabis Board to sell marijuana concentrates, usable marijuana, and marijuana-infused products in a retail outlet.

(63) “Master planned resort” means a self-contained and fully integrated planned unit development, in a setting of significant natural amenities, with primary focus on destination resort

facilities consisting of short-term visitor accommodations associated with a range of developed on-site indoor or outdoor recreation facilities.

(64) “Medical hardship” means a physical or mental incapacitation requiring daily care by an on-site caregiver and is attested to, in writing, by a licensed practicing physician in the State of Washington.

(65) “Medical hardship dwelling” means a mobile home or manufactured home, as defined by WAC [296-150M-0020](#), allowed to provide temporary housing in cases of documented medical hardship.

(66) “Medical service facility” means a licensed medical physician’s clinic or outpatient care clinic where overnight accommodations are not provided.

(67) “Mineral extraction” means activities involved in the extraction and processing of minerals from the earth for industrial, commercial, or construction uses, excluding water. For the purpose of this chapter, removal of solid materials from the earth is not deemed mineral extraction until the activity collectively results in more than three acres of land being disturbed or that results in pit walls more than 30 feet high and steeper than one horizontal to one vertical. This definition does not include disturbances greater than three acres of land during any one period if the cumulative area that has not been rehabilitated according to the state’s reclamation requirements outlined in Chapter [78.44](#) RCW is less than three acres. Farming, road construction, mineral exploration testing and site preparation for construction shall not be deemed mineral extraction activities.

(68) “Mineral Resource Land Overlay District” or “MRLOD” means an overlay designation given to the location of a surface mine or proposed surface mine. A surface mine located upon land having the MRLOD designation may operate there without first obtaining a conditional use permit, if one would otherwise be required in the absence of the MRLOD designation. Such a surface mine is and remains subject to the regulations in Chapter [35.62](#) CCC and all other applicable development regulations.

(69) “Minimum lot size” means the smallest parcel size upon which a dwelling may be placed or constructed, provided, that roads and open spaces which are dedicated to the public and tidelands shall be excluded in the calculation of lot size, provided, that lots in the Rural (R1) zoning district may have roads dedicated to the public as part of a land division in the minimum lot size calculation.

“Mini-storage/self-storage” means any real property designed and used for the purpose of renting or leasing individual storage space to occupants for the purpose of storing and removing personal property. A self-service storage facility is not a public warehouse.

(71) “Mixed-use” means development that combines two or more different land uses on the same lot or contiguous lots in the same zone, such as retail uses and residential uses.

(72) “Mobile home park” means a lot or parcel of land occupied by two or more mobile homes on a rent or lease basis, and approved by Clallam County pursuant to County regulations.

(73) “Motel/hotel” means a structure which provides overnight, short-term boarding to transient guests and not defined as a bed and breakfast inn facility.

(74) “Multiple-family dwelling” means a building containing three or more dwelling units.

(75) “Nonconforming use or structure” means a lawful structure or use existing at the time this title or any amendment thereto becomes effective, which does not conform to the requirements of the zone in which it is located.

(76) "Off-street parking" means any space specifically allocated to the parking of motor vehicles that is not located within a public right-of-way, travel lane, service drive, or any easement for public use.

(77) "Outdoor-oriented recreation facilities" means buildings, land alterations, or other facilities which are intended to provide for recreational activity including, but not limited to, campgrounds, boat launching facilities, golf courses and ball fields.

(78) "Outdoor shooting range" means a facility, commercial, public or private, and use, part of which occurs outdoors, which is established for the purpose of recreational shooting and hunter education/training. An "outdoor shooting range" includes the discharge of firearms for any lawful purposes. Accessory uses which directly relate to the use of the site as an outdoor shooting range such as campgrounds and indoor retailing of shooting supplies are included.

(79) "Parking space" means an area set aside for the parking of one motor vehicle.

(80) "Performance standards" means criteria that are established and must be met before a particular use will be permitted. These measures are designed to guide development of property and include, but are not limited to, open space requirements, water and wastewater requirements, buffer zones, screening, size and height limits for buildings, noise, vibration, glare, heat, air or water contaminants, and traffic.

(81) "Permitted use" means an activity or structure which is either allowed in a zone pursuant to this chapter without conditions or formal action by the County, or is identified as a conditional use.

(82) "Person" means a man, woman, firm, association, partnership, political subdivision, government agency, corporation or any other human entity whatsoever.

(83) "Preferred use" means the use that is the most appropriate lawful use for a particular parcel because that use best furthers the public policy behind the zoning or overlay designation applicable to that particular parcel.

(84) "Primary dwelling unit" means a structure consistent with the definition of "single-family dwelling," as set forth in this section; provided, that this definition applies to those single-family residential structures on parcels where an accessory dwelling unit, consistent with the standards of Chapter 33.40 CC, is also permitted.

(85) "Primitive campground" means a campground for day use and overnight accommodations by campers only (no recreational vehicles or tent-trailers). A primitive campground is also an outdoor-oriented recreation use, unless specified in each zoning district.

(86) "Professional office" means a structure accommodating the following professional offices: medical, dental, chiropractic, accounting, consulting, cosmetologist, real estate offices or such other offices of persons required to be licensed by the State of Washington following completion of required training.

(87) "Public building" means a building or improvement which is used or owned by a governmental agency.

(88) "Public improvement" means a facility which is used or owned by a governmental agency.

(89) "Race track" means an area devoted to the racing of motor and nonmotorized vehicles or animals, and all improvements normally associated with racing such as off-street parking, patron seating, concessions, and a fixed race track.

(90) "Restaurant" means a business in which food is prepared and sold for consumption.

(91) "Research facility" means an improvement devoted to or supporting research activities and having minimal nuisance characteristics related to odor, noise, glare and radiation. "Research"

is an activity devoted to the obtaining of knowledge and does not include any product retailing or wholesaling activity. Testing for surface and subsurface minerals is not a research activity.

(92) “Retail use” means a land use devoted primarily to the wholesale and retail sale of a product or service to the general public.

(93) “RV park” means a campground for day use and overnight accommodations by motor homes, travel trailers, truck campers and camping trailers.

(94) “Satellite Bedroom” means habitable space (may include bathroom(s)) that is a separate structure and associated with a single family dwelling. Satellite bedrooms must share water and wastewater disposal systems, when applicable, with the primary residential unit. Satellite Bedrooms do not qualify as vacation rentals or bed and breakfasts.

(95) “Satellite dish antenna” means a round, parabolic antenna intended to receive signals from orbiting satellites and other sources. Noncommercial dish antennas are defined as being less than four meters in diameter. Commercial dish antennas are typically more than four meters and typically used by broadcasting stations.

(96) “School” means a building where instruction is given to persons to enhance their knowledge or skills. Buildings where instruction is given primarily on religious matters are not deemed to be schools.

(97) “Setback” means the minimum distance allowed by this chapter between a lot line or the centerline of a street right-of-way and the foundation of any building on the lot; provided, however, that eaves, decks, porches, bay windows, chimneys or other architectural elements may project no more than two feet in any required setback except in instances where such projection would be over or on an easement, which is not allowed; and, provided further, that structures and improvements associated with utilities or roads dependent on location on or near road right-of-way shall be allowed without meeting the setback standards of the Zoning Code.

(98) “Shooting range” means a facility established for the purpose of recreational shooting, including, but not limited to, target and skeet shooting.

(99) “Should” when used in a statement indicates a preference, recommendation or exhortation rather than a mandate or requirement and is a synonym for “may.”

(100) “Single-family dwelling” means a dwelling unit detached from any other dwelling unit and intended to be occupied by one family and including accessory improvements and uses. This definition includes manufactured homes such as mobile homes, modular homes and other homes manufactured in components or as one complete dwelling unit.

(101) “Storage facility” means a building or fenced open yard used solely for the storage of goods and materials; provided, that automobile wrecking or salvage facilities are excluded from this definition.

(102) “Street” means any vehicular right-of-way which:

- (a) Is an existing State, County or municipal roadway; or
- (b) Is a privately owned easement; or
- (c) Is shown upon a plat or short plat or survey approved pursuant to County regulations; or

(d) Is approved by other governmental action. The street shall include all land within the boundaries of the street right-of-way which is improved.

(103) “Street classifications” means those functional classifications given to streets by the Clallam County Board of Commissioners under the provisions of RCW [36.86.070](#).

(104) “Street right-of-way” means a strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation, and intended to be occupied by a street, as specified by

recorded easements, recorded ownership instruments, or dedications accepted by the Board of County Commissioners for public transportation purposes.

(1054) “Tavern” means any establishment with special space and accommodation for sale by the glass and for consumption on the premises of beer and/or wine.

(1065) “Timber harvesting” means improvements and activities associated with the growing and harvesting of trees. Such activity includes land preparation for tree planting, road construction, tree thinning, brush control, log storage and sorting yards, tree nursery facilities, research activity related to timber growing, improvements required for environmental impact mitigation, temporary chipping and barking activity utilizing portable equipment, storage of materials, vehicles and equipment supporting timber growing, harvesting and transportation activities, staging areas and facilities, timber trans-shipment facilities, log scaling facilities, the extraction of gravel and rock necessary to support timber management activity and all other practice and associated practices which are recognized by and consistent with the regulations of the Washington State Forest Practices Act of 1974.

(1076) “Timber labor camp” means facilities which are designed to accommodate persons who are employed in timber management activities. Such facilities provide overnight sleeping, waste disposal and one cooking facility to serve the entire facility.

(1087) “Tourist shop” means a facility devoted primarily to the sale of a product or service to the traveling public, including antique or curio shops, and memorabilia.

(1098) “Transfer of development rights” or “TDR” means an innovative voluntary program in which unused transferable development rights (TDRs) created by the County to one parcel can be sold and transferred without buying and selling the land. The transferable development rights may be utilized in an urban growth area to increase allowable densities.

(11009) “Unclassified” means an activity on land not defined by this title and not listed as an allowed use, conditional use, or prohibited use in this title.

(1110) “Urban growth area” means those areas designated by Clallam County pursuant to the policies in the County-wide Planning Policy and the Comprehensive Plan.

(1124) “Urban level of facilities and services” means those services defined as “urban governmental services” which level of services is defined within the capital facilities element of the Clallam County Comprehensive Plan.

(1132) “Utility” means a fixed, conveyance type improvement serving two or more ownerships. Said improvement conveys power, gas, water, sewage, surface drainage, or communication signals. This definition does not include intercounty or interstate transmission facilities.

(1143) “Vacation rental” means a legally constructed dwelling intended for occupancy of the entire dwelling (not rental of individual rooms) by any person/group other than the primary owner for periods of 30 days or less and is an allowed use in all zoning districts that allow single-family residences. Unhabitable structures like garages, barns, or sheds shall not be used as vacation rentals. “Vacation rental” does not include a bed and breakfast permitted and operated in accordance with this code.

(1154) “Variance” means an exception from the minimum standards of this chapter allowed by the provisions of Chapter 33.30 CCC.

(1165) “Vehicular repair” means a structure or land use devoted to the repair of motor vehicles and not otherwise defined as a home-based industry.

(1176) “Veterinary clinic” means any building or portion thereof designed or used for the medical care or treatment of cats, dogs, or other animals.

(11~~87~~) “Wholesale commercial use” means establishments or places of business primarily engaged in selling merchandise or services to retailers, industrial customers, institutional agencies, professional business users or to other wholesalers.

(11~~98~~) “Wood manufacturing” means any wood manufacturing premises devoted primarily to the manufacturing of semi-finished products, finished products and the processing of materials. This definition includes accessory facilities such as but not limited to storage facilities, transfer facilities, warehousing, heavy vehicular storage and repair, log storage, milling and sorting.

(120~~19~~) “Wood manufacturing (small-scale)” means any wood manufacturing activity meeting the following criteria: cabinet shops and other wood finishing facilities; all activity takes place indoors; and the structure is less than 5,000 square feet.

(121~~0~~) “Wrecking yard” or “junk yard” means an open area where scrap materials or motor vehicles are bought, sold, exchanged, recycled, stored, disassembled or handled, but which cannot be used again for the purpose for which it was originally intended.

(122~~1~~) “Zone” means a mapped area to which a uniform set of regulations applies. The Clallam County Official Zoning Map describes the extent and boundaries for the zones described within this title.

(123~~2~~) “Zoning” means the process by which a county or municipality legally controls the use of property and physical configuration of development upon tracts of land within its jurisdiction.

Chapter 33.50, Section 33.50.010, Purpose and intent is amended to read as follows:

Clallam County recognizes the benefits that accessory housing can provide as a housing alternative where such benefits considered and are balanced with other community goals. The purpose and intent of this chapter is to:

(1) Ensure that accessory housing remain clearly an incidental and subordinate use to the existing single-family dwelling or business.

(2) Protect the local and neighborhood character in areas where accessory housing is allowed.

(3) Accommodate unique or special housing needs and circumstances such as caretaker housing.

(4) Increase and diversify available low-income rental housing stock inside the County’s ~~designated urban growth areas.~~

(5) Provide for the general convenience of area land owners to accommodate family and guests with independent living quarters.

(6) Allow for accessory apartments above commercial and industrial buildings without consuming valuable commercial and industrial property with residential uses.

(7) Create alternative housing opportunities that promote more efficient use of existing or planned public and private transportation facilities and utilities.

(8) Encourage accessory housing where public and private utilities, transportation facilities, and other facilities already exist.

Chapter 33.50, Section 33.50.020, Applicability is amended to read as follows:

Accessory housing units are allowed land uses in all zones where otherwise consistent with the standards of this chapter and the Clallam County Code. Accessory housing includes accessory dwelling units (ADUs), accessory apartments, and caretaker apartments, ~~and medical hardship dwellings~~. Accessory housing 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 be

considered a residential use which is consistent with the comprehensive plan and zoning designation for the lot.

Chapter 33.50, Section 33.50.030, General requirements is amended to read as follows:

The requirements listed below apply to all accessory housing:

(1) Certificate of Occupancy. A certificate of occupancy is required ~~to be obtained pursuant to the Uniform Building Code and shall be obtained~~ from the Building Official and posted within the accessory housing unit. The code inspection required to obtain a certificate of occupancy in an existing structure shall be restricted to the portion of the structure to be occupied by the accessory housing unit and shall apply only to new construction, and not the existing components of the primary dwelling.

(2) Structure Type. Accessory housing units shall not be trailers, recreational vehicles, buses, truck storage containers, or similar manufactured units which are not originally intended to be used for permanent residences. Structures described under WAC [296-150R-0020](#) as “temporary living quarters” shall not be permitted or placed under the provisions of this section. If such structures are occupied for a period of ninety (90) or more consecutive calendar days in the same location, such occupation shall be considered a violation of this chapter and subject to enforcement under Clallam County Code.

(3) Water and Wastewater Disposal.

(a) Accessory housing shall be required to utilize the same potable water source as the associated primary residential dwelling for commercial or industrial use.

(b) Accessory housing shall not be permitted unless the Environmental Health Division certifies that the water supply and sewage disposal facilities are adequate for the projected number of bedrooms.

(4) Recording. To ensure continued compliance with owner-occupancy and other ordinance requirements by current as well as subsequent owners, a registration of the accessory housing unit in the form of a notice to title shall be filed and recorded with the Clallam County Auditor. The notice to title shall be on a form provided by the Administrator and filled out completely by the applicant prior to filing. The notice to title shall run with the land and serve as notice to all future purchasers of the subject property of the presence of the accessory housing unit and applicable restrictions regarding accessory housing units contained in the Clallam County Code. Prior to registration, in the form of a copy of the filed document, shall be submitted to the Department of Community Development prior to issuance of a certificate of occupancy. Said registration may only be removed upon a demonstration to the Department of Community Development that the accessory housing unit has been lawfully removed from the subject property, or the portion of the subject property containing the accessory housing unit is legally subdivided from the remainder of the property pursuant to CCC Title [29](#).

(5) Sale or Transfer of Accessory Housing Units. Accessory housing units shall not be sold as separate dwelling lots from the subject property, unless the portion of the subject property containing the accessory housing unit is legally subdivided from the remainder of the property pursuant to CCC Title [29](#).

(6) Density. There shall be no more than one accessory housing unit allowed per lot.

Chapter 33.50, Section 33.50.040, Additional standards for accessory dwelling units is amended to read as follows:

In addition to the general requirements of CCC [33.50.030](#), accessory dwelling units shall be subject to the following requirements.

(1) Size.

(a) Size of Detached ADU. Detached ADUs shall not exceed fifty (50) percent of the gross floor area of the primary dwelling unit, nor exceed 1,250 square feet in gross floor area. This requirement shall not apply to any detached ADU 400 square feet or less.

(b) Size of Attached ADU. Attached ADUs shall not exceed thirty-five (35) percent of the gross floor area of the primary dwelling unit.

(2) Density.

(a) The property on which an ADU is to be located must be a legally created parcel, comply with the minimum lot size of the underlying zone. Parcels not meeting the minimum lot size may be allowed an attached ADU, but detached ADUs are prohibited.

(b) Outside of designated urban growth areas, the property on which a detached ADU is to be located shall be at least 1.5 acres in size. This standard may be waived by the Administrator where it can be demonstrated that the detached ADU will be served by a community water supply and community sewage disposal system.

(c) Inside areas zoned Agricultural Retention (AR), detached ADUs are prohibited except on lots that are subject to the agricultural retention development standards of CCC [33.07.010\(4\)](#) to CCC [33.07.010\(10\)](#), or where the existing parcel is thirty (30) acres or larger in size.

(d) Inside areas zoned Commercial Forest (CF), detached ADUs are prohibited.

(3) Occupancy.

(a) The owner of the parcel shall live in the primary dwelling or ADU as their primary residence. For the purpose of this standard, "primary permanent residence" shall mean occupancy by the underlying property owner for at least 120 days during a calendar year.

(b) ADUs may be used for occupation by family members, guests, renters, lessees, and estate caretakers/groundskeepers.

(c) Either the primary dwelling or the ADU may be used as a vacation rental, as defined in CCC 33.51, but not both.

Design. ADUs shall be designed so that the appearance of the lot remains that of a single-family residential development through the following standards:

When development abuts or is accessed by a county road, All building entrances shall be located so that only one entrance faces the road frontage of the development.

(b) On-site parking area shall be provided.

(c) Access for vehicle ingress and egress shall share the same legal access onto a public or private road as the primary dwelling unit and no new access shall be established for the ADU.

(d) The primary dwelling and the ADU may be no more than 300 linear feet from each other.

Chapter 33.50, Section 33.50.050, Additional standards for accessory apartments and caretaker apartments in commercial and industrial zones is amended to read as follows:

In addition to the general requirements of CCC [33.50.030](#), accessory apartments and caretaker apartments shall be subject to the following requirements.

(1) The gross floor area of an accessory or caretaker apartment shall not exceed 1,250 square feet.

(2) In order to ensure accessory apartments do not constitute an encroachment into commercial areas or otherwise compete with commercial or industrial developments for limited commercial or industrially zoned land, accessory apartments shall only be allowed to locate above the first floor of multi-storied commercial or industrial buildings.

(3) Caretaker apartments shall be permitted in commercial or industrial zones.

Chapter 33.50, Section 33.50.060, Additional standards for temporary medical hardship dwellings is amended to read as follows:

~~In addition to the general requirements of CCC 33.50.030, temporary medical hardship dwellings shall be subject to the following requirements.~~

~~— (1) The mobile home, manufactured home or the primary single-family dwelling will be occupied by a person who is caring for or being cared for by the person occupying the second dwelling on the same parcel.~~

~~— (2) Evidence of the medical hardship shall be documented in writing by a licensed physician practicing in the State of Washington, on a form provided by the County, stating the nature of the medical hardship and verifying that one of the occupants of the temporary hardship dwelling or dwelling specified in subsection (1) of this section requires care by the caregiver living on the parcel due to a documented medical hardship.~~

~~— (3) This exception from the single-family dwelling and density standards of the underlying zone does not excuse the applicant from Uniform Building Code, Environmental Health Code, or any other applicable land use or construction regulation. All other applicable permits shall be procured by the applicant prior to construction.~~

~~— (4) The mobile home or manufactured home will be removed following termination of the medical hardship within a period not to exceed ninety (90) days from the date the medical hardship terminated, unless the hardship dwelling can be brought into compliance with the requirements of CCC Title 29 (Land Division Code), or the accessory dwelling unit standards of CCC 33.50.040.~~

~~— (5) A certificate of occupancy shall be issued by the Clallam County Building Division for the mobile or manufactured home when all applicable requirements and permits have been satisfied. The certificate of occupancy shall be valid for a period not to exceed three (3) years from the date of issue. The applicant shall be allowed the opportunity to renew the certificate of occupancy prior to expiration.~~

~~— (6) As a condition of approval for the temporary medical hardship dwelling exception, the applicant must demonstrate to the satisfaction of the Zoning Administrator that suitable living accommodations can not be provided for consistent with the CCC 33.50.040, Accessory dwelling unit standards. Any waiver by the Administrator shall be based on a finding that it is necessary to accommodate the medical hardship. Any waiver shall be the minimum necessary to accommodate the medical hardship.~~

ADOPTED this _____ day of _____ 2022

BOARD OF CLALLAM COUNTY COMMISSIONERS

Mark Ozias, Chair

ATTEST:

Randy Johnson

Loni Gores, CMC
Clerk of the Board

Bill Peach

DRAFT



CLALLAM COUNTY

ACCESSORY DWELLING UNIT CODE UPDATE



BACKGROUND & HISTORY

• Original ADU code adopted in December of 1995

- Established 1.5 acre minimum lot size for rural zones
- Established 1200 sq. ft. minimum SFD size for attached ADUs
- Established 35% sq. ft. maximum for attached ADUs
- Established 800 sq. ft. maximum for detached ADUs

• ADU code updated in July of 1996

- Increased the maximum size of detached ADUs from 800 sq. ft. to 1250 sq. ft.

• Current ADU code adopted in August of 2002

- Established Purposes & Intent of ADU code
- Established General Requirements for ADUs
- Limited Detached ADUs to fifty (50) percent of the gross floor area of the primary dwelling unit
- Established Occupancy Requirements for ADUs
- Established Design Criteria for ADUs
- Established Additional standards for accessory apartments and caretaker apartments in commercial and industrial zones
- Established Additional standards for temporary medical hardship dwellings



PURPOSE & GOALS OF UPDATE

- Evaluate Current ADU code after 19 years of use
- Account for changes in housing needs and preferences
- Increase access to affordable housing by making obtaining ADUs easier
- Clarify design requirements of ADUs
- Help protect affordable housing stock by modifying occupancy requirements of ADUs.



KEY CODE CHANGES

1. Allow for an Exemption from the 50% gross floor area requirement for ADUs 400 sq. ft. or smaller
2. Eliminate requirement for ADUs to be located on parcels meeting minimum lot size requirements
3. Prevent Vacation Rentals from competing with long term rentals by limiting parcels with an ADU to one Vacation rental
4. Ensure incidental and subordinate use of ADU by requiring ADUs to be within 300 feet of primary dwelling
5. Eliminate provisions for temporary medical hardship dwellings



RATIONALE FOR CHANGES

1. Clallam County recently began permitting “BLU 392s” as a way meeting affordable housing needs within the county while minimizing potential development impacts. A 400 sq. ft. detached ADU exemption would allow the placement of detached ADUs on parcels that were originally developed with small (less than 800 sq.ft.) primary dwellings allowing these property owners to enjoy the benefits of a detached ADU without having to develop a larger primary dwelling.



RATIONALE FOR CHANGES

2. Under the 2002 ADU ordinance, detached ADUs must be placed on parcels meeting the minimum lot size requirements of the underlying zone. There are many legally created parcels (most notably in the RCC3 & RCC5 zones) that have well over 1.5 acres but have less than the required zone minimums because the lots were created prior to current zoning requirements. By changing the wording of the ADU code requirement to reflect on the parcels legality, we are allowing many parcels that were previously unable to have detached ADUs to have detached ADUs. Example: under current requirements a 8 acre parcel in the RCC5 zone would not be allowed a detached ADU, under the proposed requirements this parcel would support a detached ADU.



RATIONALE FOR CHANGES

3. ADUs serve a vital role in Clallam County's ability to meet affordable housing needs. When an ADU is utilized as a Vacation Rental (short term, less than 30 days) it can no longer serve this vital function. When the current ADU code was adopted in 2002 the concept of single family home used as Vacation Rentals was not as ubiquitous in this area as it is now. By limiting parcels to only one vacation rental, this restriction would help ensure that ADUs are being used to meet the long term housing needs of County residents.



RATIONALE FOR CHANGES

4. By requiring detached ADUs to be within 300' of the primary dwelling, this code can help alleviate a portion of the subjectivity built into the phrase "incidental and subordinate". At 300' a primary dwelling and its ADU can be reasonably assumed to be related with the other design requirements present in the ADU code. Additionally, 300' is enough distance to maintain a level of privacy desirable to property owners seeking an ADU.



RATIONALE FOR CHANGES

5. Provisions for Temporary Medical Hardships (TMH) were implemented in 2002 and allowed qualifying applicants to avoid the size, density, occupancy, and design requirements of ADUs. As a part of the requirements of a TMH, a certificate of compliance valid for three years would be issued with an option to renew the certificate prior to expiration. The three year gap between issuance and expiration made enforcement of the provisions of the TMH conditions difficult and has lead to confusion related to the structures legality. It has been approximately three years since a TMH has been approved which means that there should be no active TMH at this time...(cont.)



RATIONALE FOR CHANGES

(Cont.)... Changes found within this proposed ADU code update along with the contents of the proposed new RV ordinance should allow for county residents in need of alternative housing solutions related to medical hardships should to find reasonable relief. Additionally, county residents always have the ability to request a zoning variance related to the ADU code for situations that fall outside the typical requirements of the code.



ADDITIONAL JUSTIFICATION

ADUs serve a vital role in supplying Clallam County with affordable rental housing as well as providing a potential income source for owners of ADUs. They are not however a solution to all housing needs. To this point, Clallam County staff has begun utilizing the term “Satellite Bedroom” to refer to bedrooms separate but associated with a single family dwelling. These bedrooms may or may not be served by an en suite bathroom, but always require the support of the primary dwelling for kitchen services. It should be noted that in certain situations where detached ADUs are not allowed, the needs of the property owner may be met through the construction of a satellite bedroom. Satellite bedrooms can not be used as vacation rentals or as a part of bed and breakfast.

ADUs AROUND THE STATE

Summary of Selected County Accessory Dwelling Unit Ordinances
DRAFT

County, Population & Code	Location (rural)	Owner Occupancy Requirement	Size Requirements	Parking Requirements	Permitting Process required	Design Standards	Other
Clallam County 73,486 33.5 Accessory Housing	Attached or Detached (must comply w/ zoning) Outside of UGA, detached ADU must be on at least 1.5 acres	Yes, no less than 120 days per year	Detached ADUs shall not exceed 50% of the gross floor area of the primary dwelling unit, nor exceed 1,250 square feet in gross floor area. Attached ADUs shall not exceed 35% of primary residence	One site parking shall be provided.	Public notice is required	Appearance of lot must maintain single family feel. Entrance to ADU cannot face the road (not same direction as primary) Parcels not meeting the minimum lot size allowed an attached ADU, but detached ADUs are prohibited.	A certificate of occupancy is required pursuant to the Uniform Building Code. Density: " must comply with the minimum lot size of underlying zone. Parcels not meeting the min lot size...detached ADU prohibited"
Clark County* 459,495 PROPOSED AMENDMENT: 40.260.022 Accessory Dwelling Units – RURAL (RADU) *Currently urban only. Proposed new ordinance. Planning Commission in November, Board in January.	Proposing RADU: Rural Accessory Dwelling Unit Attached only	Yes, record a deed restriction and covenant. At least 6 months of the year	Size shall not exceed 1,500 or 40% of the primary dwelling space, whichever is less	One parking space shall be provided on-site	Subject to a 75% reduction in transportation impact fees	Building height shall meet the requirements of the zone Entrance located on the side or rear of primary dwelling	The dwelling unit that includes the primary unit and the RADU together shall conform to the standards of the zone, including, but not limited to lot coverage and setbacks. Accessibility. To encourage the development of ADA-accessible housing units, reasonable deviation from the requirements of this section for features that facilitate accessibility
Kitsap County* 260,131 *grandfather clause, may not apply to Thurston County 17.410.060 Provisions applying to special uses.	ADU= Detached with Conditional Use Permit (CUP) ALQ= Attached in rural areas	Yes	Not exceed fifty percent of the square footage of the habitable area of primary residence. For ADU: Or 900sq ft whichever is smaller	Provide additional off street parking	ADU= Hearing Examiner & CUP	ADU * Same side street entrance as primary residence * w/in 150ft of primary residence or conversion of existing structure ALQ: No additional street side entrance	* No mobile homes or recreational vehicles allowed as ADU * Manufactured homes are allowed

DRAFT



ADUs AROUND THE STATE

Summary of Selected County Accessory Dwelling Unit Ordinances
DRAFT

County Population	Location (rural)	Owner Occupancy Requirement	Size Requirements	Parking Requirements	Permitting Process required	Design Standards	Other
Lawis County* 75,882 <i>17.102 Accessory Dwelling Units</i> <i>*In the process of updating policy</i>	Attached or detached		up to 1,256 square feet of gross floor area		condition stating no future subdivision allowed	Share same primary access as principal unit No more than 2 bedrooms	Establish a bonus density for clustered developments in rural lands that set aside 50 percent or more of a project site as a permanent restrictive easement (see 16.18.030). Permit duplexes as an allowed use on rural lands (see 17.42.040).
Mason County 61,023 <i>17.03.029 Accessory dwelling unit requirement</i>	Either attached or detached	Yes, either principal residence or ADU	The ADU shall not exceed 80% of the square footage of the habitable area of the primary residence or 1,000ft, whichever is smaller	Additional off street parking must be provided	Special Use Permit	All setback requirements must be met by the ADU Detached: Located within 150ft of the principal residence or a conversion of an existing detached structure (i.e. garage)	No recreational vehicles shall be allowed as ADU
Pierce County* 943,954 <i>*Not included in density, grandfather clause.</i> <i>18A.37.120 Accessory Dwelling Unit (ADU)</i>	Attached or detached	Yes, with affidavit	When located outside an Urban Growth Area, the size may be up to 1,250 square feet	One additional off street parking space is required	Building permit and ADU application, and record a notice on property title	Detached: the building height of the ADU shall not be greater than the principal dwelling's building height, unless the ADU is above a detached garage. Entrance not directed toward the front yard	Not allowed on Small Lot Design A detached ADU may be any dwelling permitted in the applicable land use classification.
Snohomish County* 772,501 <i>30.28.010 Accessory apartments</i> <i>*Detached allowed, never challenged</i>	*Accessory Apartments" Attached or detached	Yes, declaration of occupancy required	Attached size depends on size of primary residence, based on % Detached shall not exceed 40% of primary, or 850 square feet, whichever is less	One additional off-street parking space required	Administrative Conditional Use Permit	Must match design of primary structure Attached: entrance shall be on the side or rear of dwelling	Mobile home allowed as detached accessory apartment. Not allowed on substandard lots: lots smaller than the current zoning

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ADUs AROUND THE STATE

Summary of Selected County Accessory Dwelling Unit Ordinances
DRAFT

County Population	Location (rural)	Owner Occupancy Requirement	Size Requirements	Parking Requirements	Permitting Process required	Design Standards	Other
Skagit County 121,846 14.16,710	Attached or detached	Yes, owner or immediate family member on property for 6 months	Max 900sq ft, but no more than 50% principal unit	A total of 3 parking spaces for principal and ADU	ADU application,	Only 1 obvious entrance if attached. Detached must maintain appearance of principal	
Spokane County* 490,945 14.618.230 ADU *grandfather clause, may not apply to Thurston County	Attached or Detached	No	Attached: no greater than 35% primary residence, or 900sq ft Detached: no more than 800sq ft on main floor	Off street parking required	Detached: CUP with public hearing	Maintain appearance of primary, if attached the entrance to be located on side or rear of house. No more than 2 bedrooms, and detached within 150ft of primary	Code specifies that ADU does Not count when calculating density
Whatcom County* 212,284 20.36 Rural District ADU *grandfather clause, may not apply to Thurston County	Attached= Accessory Apartment Detached = Accessory unit, but limits on the zones	Yes, either principal residence or ADU	No larger than 1,248 square feet in floor area		A deed restriction is recorded with the Whatcom County auditor prior to building permit issuance	One additional entrance visible from the front yard for detached (not for attached) Meet setback requirements, and location in immediate proximity to primary residence preferred	Outside of an UGA, the minimum lot size for detached ADU shall be on a lot no less than 4.5 acres, unless the parcel is large enough to accommodate two dwelling units consistent with the underlying zoning density * Still include temporary medical units in separate code

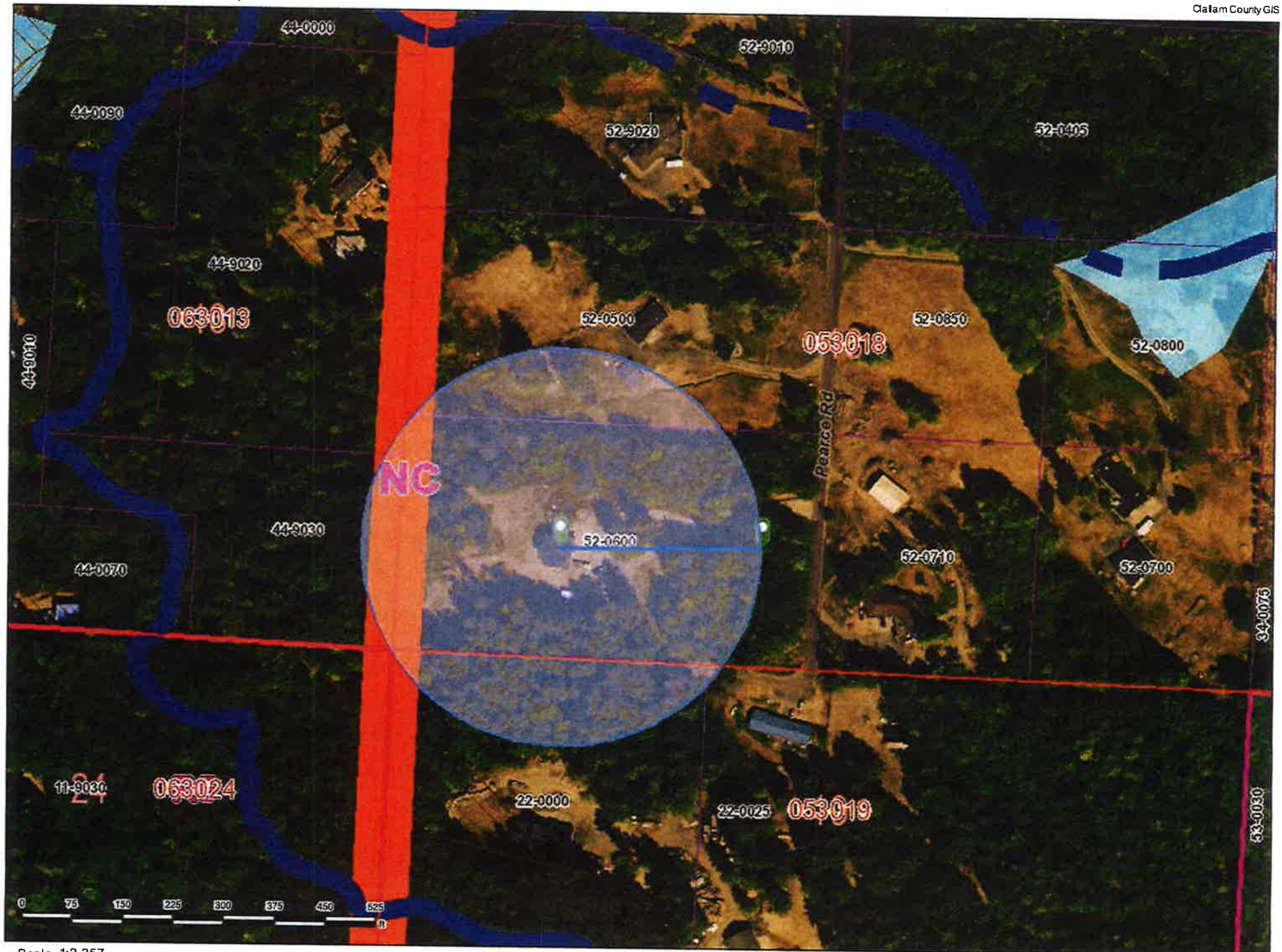
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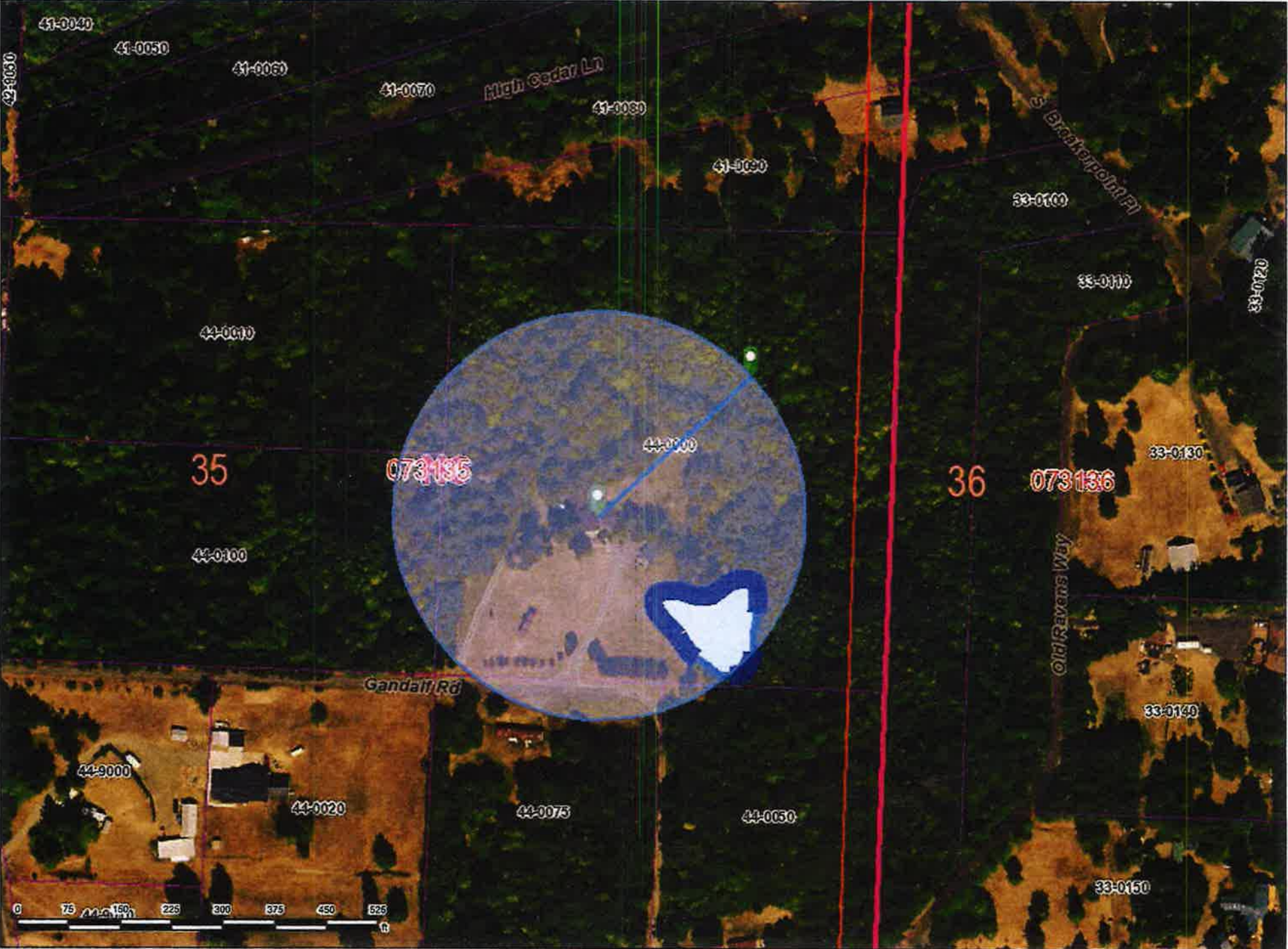
ADDITIONAL RESOURCES

- Washington State DoC- 2021 Legislative Changes to the Housing Laws: Guidance for HB 1220 and Related Bills
- Jefferson County- The ABCs and 123s of ADUs
- AARP- The ABCs of ADUs
- American Planning Association- Quicknotes: Accessory Dwelling Units





Scale 1:2,257



Second Edition

RURAL BY DESIGN

PLANNING FOR TOWN AND COUNTRY



RANDALL ARENDT

The scale of density bonuses needed to encourage compatible architectural design and sensitive site planning will vary among different localities. Although in many communities a density of seven units per acre may seem extraordinarily high, it certainly can be accomplished in a manner that is a credit to most neighborhoods. As illustrated in the pocket neighborhood section of this chapter, densities half as high as this are achievable with small single-family detached homes.

Zoning regulations often need to be refined to permit double houses on reasonably sized lots; some communities have adopted inappropriate standards, either requiring no lot area increase or requiring twice the lot area. The most reasonable course lies between those two paths.

MULTIFAMILY DWELLINGS

Much of the preceding text regarding two-family homes is equally applicable to multifamily dwellings, where the principal difference is scale. Due to their larger size, multifamily dwellings harmonize best when located in areas where single-family houses are above average in bulk or are located on a separate site where immediate comparisons are impossible. One clever approach is designing multiunit housing to resemble large single-family homes, as has been done at Park Street in Davidson, noted previously (see Figure 9-13). A similar approach was taken by William Rawn, an award-winning Boston architect who recognized the potential of the classic New England "connected farmhouse" to accommodate several dwellings (Figure 9-12). These long, rambling connected farmhouse structures, which gradually evolved during the mid-19th century, were the result of successive additions to the basic homestead and are recalled in the children's chant "big house, little house, backhouse, barn" (Hubka 1984).

Another approach is to combine single-family units at the ends of buildings, with row house units in between, as done at Wyndcrest in Sandy Spring, Maryland (see Figure 9-16). A third way is to create interesting facades by varying the architectural treatment in terms of color and materials, as also done at Wyndcrest.

Determined to avoid the image of apartment buildings or town houses in his Battle Road Farm project in Lincoln, Massachusetts, Rawn adapted the lines of traditional rural New England architecture and added long porches on many of his structures (see Figures 20-27 and 20-28 and the accompanying case example in chapter 20). Although the subject of much debate during its proposal stages, the final design was overwhelmingly approved by voters at a town meeting. According to Rawn, "The plan neutralized the opposition because no longer could they say 'This is ugly'" (quoted in Leccese 1990). Perhaps most amazingly, Rawn achieved this construction for just \$54 per square foot in the Boston suburbs in the late 1980s.

One of the most commendable aspects of the Battle Road Farm project was the initiative of local officials who believed the town should actively promote affordable housing. By taking the first step itself, Lincoln was able to select the most appropriate site and influence its design, rather than commenting on an ill-conceived site plan presented by a developer in a less suitable location. After purchasing the Battle Road Farm parcel for \$2 million, town officials published a request for proposals in the *Boston Globe* inviting qualified professionals to submit conceptual plans for competitive review. Site information and a short list of development principles (e.g., including that the project be designed to harmonize with the town's traditional rural character) were made available by the town.

Of the 120 units at Battle Road (in a combination of quadruplexes and duplexes), 48 were priced at roughly 50 percent below market rates. Subsidies from the Home Ownership Opportunity Program, administered by the Massachusetts Housing Partnership, enabled these units to be virtually indistinguishable from the other 72 full-priced units, erasing the image of publicly assisted housing as "cheap and undesirable." In addition, a Community Development Action Grant helped to defray infrastructure construction costs (Massachusetts Housing Partnership 1989). Another interesting feature is the protection of seven acres of the 31-acre site as permanent open space, including a network of walking trails looping through the woodlands and connecting with the townwide trail system and the Minute Man National Historical Park.

Communities wishing to exercise more control over the location and design of new affordable housing could emulate Lincoln's example. When advocating for affordable housing, officials benefit from knowing that producing sensitive designs and mixing market rate units with subsidized ones can soften opposition. However, it may be even more useful to cite the conclusions of property value impact analyses, such as the statewide survey in Maine and the national study conducted by the state of California. In both cases, researchers "found that there are no significant negative effects from locating affordable housing near market rate developments" (Peterson and Sternberg 1990). Research published by the online journal *Shelterforce* indicates that many of the common fears about affordable housing are either overstated or simply wrong. It concludes that "if affordable housing is well designed, fits in with the surrounding neighborhood, and is well managed, there appear to be no negative impacts of that housing on the property values of neighboring houses" (http://www.shelterforce.org/article/2891/fear_of_affordable_housing_perception_vs_reality).

ACCESSORY DWELLING UNITS: A HIDDEN RESOURCE

One of the potentially best—but typically overlooked—opportunities for communities to accommodate new growth

is the accessory dwelling unit (ADU), or “granny flat” (“secondary suite” in Canada). This traditional housing type requires no additional land and normally involves little or no change to the existing townscape. The steady decrease in average household size in recent decades has made such housing easier than ever to provide for two reasons: many empty-nester home owners have more room than they need, and the number of people looking for small apartment space has risen markedly.

Accessory dwellings are complete and separate housing units typically created in the surplus space within single-family homes or on their lots. They may take the form of internal apartment units within existing houses, or they may be accessory units located above garages or in small cottages on the same house lot, often toward the rear. Their principal benefit to home owners is rental income, but there are other benefits, including providing for relatives, added security (through an extra pair of eyes on the property when the owner is away), potential informal companionship, and the possibility of receiving rent reductions in return for providing services such as yard maintenance or household help (Sage Computing 2008).

Such benefits can help older home owners age in place in comfort, single parents remain at home after a divorce, and young home buyers buy a house they might otherwise be unable to afford. ADUs typically create affordable rental housing integrated into the community without public subsidy. Surveys show that home owners with ADUs are generally pleased with them (Hare 1991).

If this sounds too good to be true, that’s because it is in fact an option that is rarely available in most municipalities. The problem is not cost, technology, or administrative complexity. Rather, it lies largely in codes that either prohibit or make it exceedingly difficult for home owners to create accessory apartments in their houses or on their properties. Communities interested in encouraging the use of accessory units should first take a critical look at their local codes. It may also be necessary to inform home owners, remodeling contractors, and realtors about the advantages of such conversions, as many of them have little experience creating and marketing units of this type.

Demand for accessory apartments has grown in recent decades, particularly as the demographic bump known as the baby boomers reaches retirement age. Most empty nesters and many elderly people live in homes that are larger than they actually need. Accessory apartments offer them a way to trade surplus space for extra income—money that many retirees need to offset rising property taxes and cover routine maintenance costs. Alternatively, these empty nesters, particularly if widowed, could themselves become renters of ADUs owned by others, enabling them to stay within their communities.

The implications of tapping this great stock of underutilized housing are tremendous. The American Housing Survey estimated that one-third of single-family homes with

five or more rooms are occupied by only one or two people. If just seven percent of these homes were converted, Hare estimates that one million new accessory dwellings could be created *without* adding to suburban sprawl or building new apartment complexes. This is truly “invisible affordable housing,” as exterior appearances usually involve little more than an extra car or two parked in the driveway or on the street (Hare 1991).

Young couples unable to purchase a house without creating an income-producing apartment could be the largest single group implementing this concept (Gellen 1985). Housing advocates interested in promoting ADUs could provide a coordinating service to assist applicants dealing with permits, contractor selection, tenant screening, and the like (Kennedy 1992).

The cost of creating accessory apartments is roughly one-third that of building conventional rental units, making it possible to charge lower rents. These savings could enable families to help young married children save money to buy their own homes or help elderly relatives live independently, yet conveniently close, at bargain rates. Even when they are rented to nonfamily members, accessory apartments are often rented at below-market rates, because it is in the home owner’s interest to retain good tenants, whose presence adds to their own safety.

One difficulty involves parking, particularly in areas where house lots are small or where there is no spare capacity for curbside parking. However, most postwar subdivisions in small towns or rural areas were laid out in a relatively spacious manner, often with broad local access streets far wider than needed for existing traffic volumes and parking loads. In these and many other situations, substantial potential exists to accommodate these new units (see Figure 9-24).

One impediment to creating accessory apartments involves overcoming fears of local officials and residents that this type of housing would negatively impact neighborhoods. Another is the reluctance of home owners to file an application in a system they perceive to be bureaucratic or unfriendly. Hare (1991) offers a six-point strategy for addressing these concerns:

1. **Public Input.** Providing ample opportunity for the public to be heard is critically important. Requiring full-blown public hearings in all cases could, however, add delays and discourage elderly applicants who are often reluctant to appear in the municipal spotlight. Streamlining the process may be accomplished by delegating decisions to staff for action within two weeks from receipt of a complete application, unless neighbors request a hearing.
2. **Renewable and Revocable Permits.** Permits should be renewable and revocable and issued to the property owner, not to the property itself. The owner should also be required to live on the premises. A revocation



Figure 9-24: Accessory units make more efficient use of already developed land and provide unobtrusive rental accommodation for people who prefer to live in a real neighborhood setting in their own communities. The far end of the early 19th century house in Hadley, Massachusetts, at top, was sensitively extended in 1990 to include a connected apartment and garage. Income from the accessory dwelling repaid the entire 15-year loan that financed the addition. In the bottom photo, space above a garage in Snohomish, Washington, was converted from a large workshop to an accessory unit in 2008, without affecting the streetscape or neighborhood. (Sources: Randall Arendt, top; Mark Hinshaw, bottom)

clause provides strong incentives for all requirements to be observed; renewals should be ensured if requirements are met.

3. **Exterior Appearance.** Permitted alterations to exterior appearance should be minimal and should never detract from the character of the neighborhood (particularly regarding doorways and parking).
4. **Conversion Ceiling.** The percentage of homes that may be converted in a given area should be limited. Initial limits (say, 10 percent of properties within 300 feet of an existing accessory unit) could, for example, be gradually relaxed after a 10-year trial period.
5. **Zoning Review.** Periodic review (including soliciting neighbor comments) and subsequent renewal should

be written into the zoning amendment authorizing accessory dwellings. If the amendment is repealed, units legally created under its authority should be “grandfathered” and remain subject to the original requirements and permit conditions.

6. **Neighborhood Evaluation.** Neighbors must be reassured that valid complaints will be heard. This can be accomplished by soliciting evaluations from them (via comment cards mailed to their homes) prior to permit renewal.

Because of the time and energy typically required to address fears of home owners concerned about their property values potentially declining, advocates of revised zoning should focus their efforts on more receptive municipalities and document a track record with such housing. Where nearby communities already permit ADUs, their experience should be cited. Short application processing times are critically important, since applicants are ordinary citizens, inexperienced in zoning and real estate matters (Hare 1991). Readers can access the Department of Housing and Urban Development’s case study at <http://www.huduser.org/Publications/PDF/adu.pdf>.

PRESERVING AFFORDABILITY THROUGH COMMUNITY LAND TRUSTS

Community land trusts (CLTs) are a special type of land trust focused on creating affordable housing and maintaining its affordability. They typically achieve this goal by removing (or reducing) land costs as a factor in determining housing rental and sale prices. This is normally done by purchasing land with the trust’s own private funds (sometimes supplemented by public monies) and making it available at reduced or zero cost to qualified buyers. It can also be accomplished by negotiating with local governments for zoning density increases, which are typically tied to use of the land, for a specific number of subsidized housing units.

This approach is also being used by some local and state housing authorities, which subsidize the land costs of full market housing prices to bring units within the economic reach of more people. For example, if 25 percent of the house value is the cost of the land, fully subsidizing that cost allows purchasers to buy the house for 75 percent of its normal market price. However, to ensure the unit’s continued affordability for future purchasers, the original buyer would receive the same 75 percent of the market value when he or she sells it.

While this is an excellent mechanism for preventing the first buyer from pocketing the subsidy and converting the unit into a market rate dwelling, it has drawbacks. The most obvious is that program participants may face the same “affordability gap” if they sell their units and move to another community without similarly subsidized housing. In

Discussion Draft



2021 Legislative Changes to the Housing Laws: Guidance for HB 1220 and Related Bills

Introduction

The 2021 legislative session produced significant changes to housing laws that will impact updates to the housing element of communities' comprehensive plans. Updating the housing element is a substantial part of a periodic update to a comprehensive plan and development regulations. As housing becomes more costly and homelessness continues to increase, it has never been more critical to have available housing stock. Cities, having power over land use, are key to permitting the types and densities of housing that will allow all Washingtonians to have a place to call home. Of course, expanding funding for the lowest income segments and providing incentives to develop housing is also essential to sustainably increase the available housing supply.

More information is on the Growth Management Services' (GMS) housing web page at [Growth Management Planning for Housing](#). The GMS team will update guidance for the housing element to reflect these new laws in 2022.

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Table of Contents

- GMA housing goal strengthened 2
 - Commerce will provide need projections for housing elements 2
 - Updated housing elements must include moderate density housing 2
 - Review of 'adequate provisions' for all segments of the community 2
 - Communities must examine racially disparate impacts, displacement and exclusion 3
 - For 'buildable lands' jurisdictions 4
 - Housing element update due with periodic update 4
 - Transitional housing, permanent supportive housing and indoor emergency shelters 5
 - New definitions for your code 5
 - Minor changes for accessory dwelling units 6
- Other bills of interest 7
 - SB 5235: Accessory dwelling units and increasing housing inventory 7
 - SB 5287: Major changes to the Multifamily Tax Exemption program 8
 - HB 1189: Tax increment financing 8
 - HB 1410: Protecting taxpayers from home foreclosures 8
 - SB 5024: Condominium construction 8
 - SB 5141: Healthy Environmental for All 8
 - HB 1070: Local tax revenue for affordable housing 9
- Housing Action Plan and Housing Element Requirements 10

GMA housing goal strengthened

In the 2021 legislative session, [HB 1220](#) substantially amended the housing-related provisions of the Growth Management Act (GMA). These updates strengthened the GMA housing goal from “Encourage the availability of affordable housing to all economic segments of the population” to “Plan for and accommodate housing affordable to all economic segments of the population of this state.” The remaining objectives to “promote a variety of residential densities and housing types, and encourage the preservation of existing housing stock” did not change. Local governments should review local comprehensive plan policies and countywide planning policies to be consistent with the updated goal.

Commerce will provide need projections for housing elements

The housing needs analysis must now take a more detailed look at housing needs for all economic segments of the population and examine need for different housing types, such as permanent supportive housing and shelters. To implement [HB 1220](#), Commerce must supply more detailed projections of housing need, including:

- (i) Units for moderate, low, very low, and extremely low-income households; and
- (ii) Emergency housing, emergency shelters, and permanent supportive housing.

By mid-2022, Commerce plans to provide countywide housing need projections for each income band, along with projections of need for emergency housing, shelters and permanent supportive housing, aligned with the population projections from the Washington State Office of Financial Management (OFM). In this way, each county can de-aggregate the needs at a countywide level, as is currently done for population projections. Commerce will also provide recommendations on how to do this.¹

Updated housing elements must include moderate density housing

The goals and policies of the housing element must now include more specific items. In addition to goals, policies, objectives, and mandatory provisions for the preservation, improvement and development of housing, housing elements must include, within an urban growth area (UGA) boundary, moderate-density housing options, including but not limited to, duplexes, triplexes, and townhomes. This means that for cities and the urban growth area portion of counties, there must be policies supporting moderate density housing options such as “missing middle”² housing. This list may also include cottage housing, four- and six-unit multi-plexes, row houses, and courtyard apartments, with the goal of providing additional housing units at a lower cost than traditional single-family housing. The expectation is to develop and implement development regulations in the near future.

Review of ‘adequate provisions’ for all segments of the community

HB 1220 added specific work items to RCW 36.70A.070(2)(d) regarding “adequate provisions for existing and projected needs of all economic segments of the community.” These include:

- (i) Incorporating consideration for low, very low, extremely low, and moderate-income households;

¹ Counties that have identified housing targets at the jurisdiction level need to ensure the total countywide population projection falls within the range provided by OFM, and review how local zoning allows the development of a sufficient number of housing units of the types that may be needed to accommodate households at each income level.

² Missing Middle Housing is a range of house-scale buildings with multiple units—compatible in scale and form with detached single-family homes—located in a walkable neighborhood.

- (ii) Documenting programs and actions needed to achieve housing availability including gaps in local funding, barriers such as development regulations, and other limitations;
- (iii) Consideration of housing locations in relation to employment locations; and
- (iv) Consideration of the role of accessory dwelling units in meeting housing needs.

Commerce recommends that the housing needs assessment include a section discussing how the community has considered the housing needs of each income segment of the population. This assessment should also identify housing types generally needed and affordable to each segment in your community, then demonstrate that zoning is sufficient to allow the types and number of housing units each income segment is likely to need. The market is unlikely to provide housing affordable to the lowest income segments, so to satisfy part (ii) communities should document programs, funding sources and other actions needed to encourage, support, and provide housing affordable to these groups. This could include housing funds, surplus lands, innovative housing types or programs, incentives, fee waivers or other tools.

This section should also respond to parts (iii) and (iv), stating how the jurisdiction has considered jobs-housing balance within a community, or housing located in proximity to employment, and how accessory dwelling units (ADUs) can meet housing needs. The analysis should point to policies, regulations, incentives or other tools that demonstrate you have considered these factors.

Communities must examine racially disparate impacts, displacement and exclusion

Communities must now review past discriminative land use practices and take steps to address and prevent future displacement. A new component for [RCW 36.70A.070\(2\)\(e\)](#) is to identify local housing “policies and regulations that result in racially disparate impacts, displacement and exclusion.” Such policies and regulations may occur in the following:

- (i) **Zoning that may have a discriminatory effect:** Are there areas that were subject to historic redlining or racially exclusive deed restrictions? Have you reviewed the racial distribution of residents to review how policies may have affected the overall racial distribution? Are there large lot areas that may have been set up to be racially or economically exclusive? In these areas, can you expand moderate density housing uses , such as allowing duplexes, townhouses, detached ADUs, etc.?²
- (ii) **Disinvestment:** Are there areas that may have been lower priority for public investment? Consider a strategy to focus on areas most in need of public investment with subarea plans, incentives for development, infrastructure prioritization, or other tools to increase opportunity. Consider adding parks, transit services, schools, sidewalks, bike facilities or public buildings in these areas to balance investment across the community.
- (iii) **Infrastructure availability:** Are there residential areas within urban growth areas (UGAs) that are not served by public utilities or multimodal transportation options? Could such services increase opportunities for attainable housing or jobs? If an area is difficult to serve due to geographic

² For a broad overview, [Washington Environmental Health Disparities Map](#) and [Justice Map: Visualize race and income data in your community](#), both of which use U.S. Census and other data.

constraints, should it be re-designated to a more appropriate use, or is it appropriate to include within the UGA?

The housing needs assessment should also provide a statement of observations for each of the above categories. After identifying such housing policies and regulations, part (f) of the [legislation](#) requires communities to identify and implement “policies and regulations to address and begin to undo racially disparate impacts, displacement, and exclusion in housing caused by local policies, plans, and actions.”

The housing element should also identify “areas that may be at higher risk of displacement from market forces that occur with changes to zoning development regulations and capital investments” under 36.70A.070(2)(g). As you consider changes in zoning, consider developing strategies to address preservation of existing housing units and/or replacing affordable units as new development occurs.³ Your updated housing element should include anti-displacement policies, which consider:

- (h) Preservation of historical and cultural communities as well as investments in low, very low, extremely low, and moderate income housing; equitable development initiatives; inclusionary zoning; community planning requirements; tenant protections; land disposition policies; and consideration of land that may be used for affordable housing.

Commerce intends to provide more detailed guidance to address this section, including methodologies to identify places with racially disparate impacts and displacement risk. Commerce will also provide examples of anti-displacement policies.⁴

Another bill from the 2021 legislative session, [HB 1335](#), provides funding to universities to research recorded documents with potential racial restrictions, such as deeds. Any such provisions are declared void by [RCW 49.60.224](#). [RCW 49.60.227](#) provides ways to legally address such statements on a deed or title.

For ‘buildable lands’ jurisdictions

A last change to the housing element occurs within the section related to the seven counties and associated cities and towns that are required to complete a “buildable lands” assessment under [RCW 36.70A.215](#). These counties should also demonstrate how the housing element links “jurisdictional goals with overall county goals to ensure that the housing element goals are met.” In this case, the housing needs assessment should demonstrate how the local housing element is consistent with countywide planning policies and multicounty planning policies, if applicable. For those within the Puget Sound Regional Council (PSRC) region, this could include a statement of consistency. As local governments develop their buildable lands report, they should take the opportunity to gather data needed to meet new housing element requirements.

Housing element update due with periodic update

An updated housing element is due in the next update cycle.⁶ Commerce is exploring a legislative funding request for local governments to complete a review, and if necessary, revision of local comprehensive plans

³ See [WAC 365-196-835](#) relocation assistance for low income tenants

⁴ Commerce has gathered some example displacement policies from local Housing Action Plans at this [link](#). Cities have taken a variety of approaches to analyzing the risk of displacement. Examples include [Walla Walla](#), [Shoreline](#) (see page 6-9), [Burien](#) (see page 51-53 and 92), [Lynnwood](#) (see page 57, Appendix E: Displacement Memo), [Everett](#) (see page G-12 in Appendix E), and [Spokane Valley](#) (see page 23). The Puget Sound Regional Council’s [anti-displacement risk mapping project can be found here](#) and [technical documentation here](#). Communities might also review “[Dismantling Poverty in Washington State](#).” The resources section has kits for cities already doing this work.

⁶ [Growth Management Periodic Updates - Washington State Department of Commerce](#)

and development regulations. A local government that intends to start early could apply for Housing Action Plan (HAP) funding to update its housing element, which would allow periodic update resources to be used for other parts of the periodic update. Please see the [table](#) at the end of this document showing the relationship between the HAP and new housing element.

Transitional housing, permanent supportive housing and indoor emergency shelters

Sections 3, 4, and 5 of [HB 1220](#) provide specific requirements related to permanent supportive housing, transitional housing and emergency housing. Compliance with this requirement is due by September 30, 2021. The Municipal Research and Services Center (MRSC) has posted guidance at [MRSC - Changing Your Zoning Code to Accommodate Housing and Shelters for the Homeless](#). Commerce suggests that jurisdictions approach this requirement broadly to take advantage of funding for permanent supportive housing, the opportunity to convert hotels to shelters and to other forms of housing, and to respond to pandemic-related housing impacts. With the periodic update, jurisdictions will establish local targets for these types of housing and this ordinance can be revisited then.

New definitions for your code

Section 6 of [HB 1220](#) includes new definitions for the housing types mentioned above within [RCW 36.70A.030](#). During the update, local governments should include the following definitions in their code, or equivalent, as specific by HB 1220:

- (9) **Emergency housing** means temporary indoor accommodations for individuals or families who are homeless or at imminent risk of becoming homeless that is intended to address the basic health, food, clothing, and personal hygiene needs of individuals or families. Emergency housing may or may not require occupants to enter into a lease or an occupancy agreement.
- (10) **Emergency shelter** means a facility that provides a temporary shelter for individuals or families who are currently homeless. Emergency shelter may not require occupants to enter into a lease or an occupancy agreement. Emergency shelter facilities may include day and warming centers that do not provide overnight accommodations. Emergency shelters include overnight shelters which provide safe and dry conditions which save lives.
- (18) **Moderate-income household** means a single person, family, or unrelated persons living together whose adjusted income is at or below 120 percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development. This definition is added to the existing definitions in RCW 36.70A.030 for low-income household, very low-income household, and extremely low-income household.

Other housing definitions added to [RCW 36.70A.030](#) in the recent legislative sessions include:

- (2) **Affordable housing** means, unless the context clearly indicates otherwise, residential housing whose monthly costs, including utilities other than telephone, do not exceed thirty percent of the monthly income of a household whose income is:
 - (a) For rental housing, sixty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development; or

(b) For owner-occupied housing, eighty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

- (11) **Extremely low-income household** means a single person, family, or unrelated persons living together whose adjusted income is at or below thirty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.
- (16) **Low-income household** means a single person, family, or unrelated persons living together whose adjusted income is at or below eighty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.
- (19) **Permanent supportive housing** means subsidized, leased housing with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy and utilizes admissions practices designed to use lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors. Permanent supportive housing is paired with on-site or off-site voluntary services designed to support a person living with a complex and disabling behavioral health or physical health condition who was experiencing homelessness or was at imminent risk of homelessness prior to moving into housing to retain their housing and be a successful tenant in a housing arrangement, improve the resident's health status, and connect the resident of the housing with community-based health care, treatment, or employment services. Permanent supportive housing is subject to all of the rights and responsibilities defined in chapter 59.18 RCW.
- (30) **Very low-income household** means a single person, family, or unrelated persons living together whose adjusted income is at or below fifty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

Minor changes for accessory dwelling units

Section 7 of HB 1220 provided that cities and counties “should consider” policies to encourage the construction of ADUs. This section was vetoed Gov. Jay Inslee because it did not specifically limit the policies to lands within urban growth areas. Commerce recognizes the significant work of the Legislature in recommending these policies and encourages jurisdictions to review them as options in managing ADUs within urban growth areas, where they are most appropriate.⁷ Policies for consideration (only within UGAs) include the following from [HB 1220](#) Section 7:

- Not requiring owner occupancy;
- Not allowing an accessory dwelling unit to be used for short-term rentals;
- Excluding residents of accessory dwelling units against existing limits on the number of unrelated residents on a lot;

⁷ ADUs in rural areas require more considerations due to the potential to increase densities beyond those that may be supported by rural levels of services, and hearings board cases have addressed this issue. Commerce plans to develop guidance to address ADUs; [MRSC has a substantive page on ADUs at MRSC - Accessory Dwelling Units](#)

- Reducing minimum gross floor area requirement for accessory dwelling units to that at or below the state building code;
- Making the same allowances for accessory dwelling units' roof decks, balconies, and porches to encroach on setbacks as are allowed for the principal unit;
- Applying abutting lot setbacks to accessory dwelling units on lots abutting zones with lower setback requirements;
- Establishing an amnesty program to help owners of unpermitted accessory dwelling units to obtain a permit;
- Permitting accessory dwelling units in structures detached from the principal unit on any lot that meets the minimum lot size and permitting attached accessory dwelling units on any lot, even if non-conforming.
- Allowing accessory dwelling units to be converted from existing structures, even if they violate current code requirements for setbacks or lot coverage;
- Reducing or eliminating public street improvement requirements as a condition of permitting accessory dwelling units; and
- Not requiring a separate utility connection from an ADU, and if needed, fees should be eliminated, or made proportional to impact.

Other bills of interest

The 2021 legislative session presented additional bills that can shape and influence local housing policies, goals or strategies for achieving them.

SB 5235: Accessory dwelling units and increasing housing inventory

[SB 5235](#) amended [RCW 36.70A.696](#), pertaining to accessory dwelling units. Gov. Inslee vetoed several components of this bill, while sections 2, 5, 6, and 7 were signed into law. Section 2 added two new definitions that could be useful to local governments:

- (8) **Owner** means any person who has at least 50 percent ownership in a property on which an accessory dwelling unit is located.
- (9) **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, is offered or provided to a guest by a short-term rental operator for a fee for fewer than 30 consecutive nights.

Sections 5, 6, and 7 added the following to chapter 35.21 RCW (cities and towns), 35A.21 (code cities), and 36.01 (counties), limiting the ability of cities to regulate the number of people within a dwelling unit:

Except for occupant limits on group living arrangements regulated under state law (such as assisted living, group homes or adult family homes) or on short-term rentals as defined in RCW 64.37.010 and any lawful limits on occupant load per square foot or generally applicable health and safety provisions as established by applicable building code or city ordinance, a city or town, a code city, or a county may not regulate or limit the number of unrelated persons that may occupy a household or dwelling unit.

Jurisdictions should review their code for definitions of "family" or other definitions that may limit the number of unrelated persons living within a single dwelling unit. See also [MRSC - Group Homes](#) and the sample definitions of "family."

SB 5287: Major changes to the Multifamily Tax Exemption program

The Legislature passed major revisions to the Multifamily Tax Exemption (MFTE) program in [SB 5287](#), which will open the program to all Washington cities and towns. The legislation requires Commerce to develop guidance, develop and implement an auditing program and conduct a legislative study. In addition, the legislation removed the “high-cost” provision of the program. Any projects already under construction should be completed under their original agreements, but no new certificates should be issued with high-cost provisions. Other provisions, such as offering a 20-year tax exemption for “permanently affordable” housing or extending property tax exemptions, are local options.

HB 1189: Tax increment financing

After many years of consideration, [HB 1189](#) authorized tax increment financing in Washington state. This allows any city, town, county, port district or combination thereof to allocate a portion of local property tax increases to repay local bonds issued to finance infrastructure improvements within designated areas. Each local government may have up to two increment areas and must pass an ordinance designating them as such. Increment areas must sunset after no more than 25 years. MRSC intends to update its TIF web page at [MRSC - Tax Increment Financing \(TIF\) in Washington](#). It took effect July 25, 2021.

HB 1410: Protecting taxpayers from home foreclosures

[HB 1410](#) changes the way that counties may assess property tax interest and penalties, making it more difficult to foreclose on units of fewer than four dwelling units. Beginning in January 2023, the interest rate on unpaid taxes for “all residential real property with four or fewer units per taxable parcel, including manufactured/mobile homes” is lowered, and no penalties may be assessed on such property.

SB 5024: Condominium construction

[SB 5024](#) intends to reduce barriers to condominium construction through minor changes related to financing them. Changes that make it easier to buy an ownership unit in a multifamily building are good for the state’s housing goals. Condos often provide the benefits of home ownership (housing stability and wealth building), with the option to purchase a more affordable unit than most single-family homes. The “leaky condo crisis,” resulting from problems with design and construction in a wetter climate, has led builders (and their insurers) to shy away from this product.

SB 5141: Healthy Environmental for All

The purpose of [SB 5141](#), also known as the HEAL Act, is to reduce environmental and health disparities in Washington state and improve the health of all residents. It implements the recommendations of the Environmental Justice Task Force report titled “[Recommendations for Prioritizing EJ in Washington State Government](#)” (October 2020). The legislation conveys key findings from the task force report:

“Washington state studies and national studies found that people of color and low income people continue to be disproportionately exposed to environmental harms in their communities. As a result, there is a higher risk of adverse health outcomes for those communities. This risk is amplified when overlaid on communities with preexisting social and economic barriers and environmental risks, and creates cumulative environmental health impacts, which this act seeks to prevent and mitigate.”

The act defines environmental justice to mean:

“The fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, rules, and policies. Environmental justice includes addressing disproportionate environmental and health impacts in all laws, rules, and policies with environmental impacts by prioritizing vulnerable populations and overburdened communities, the equitable distribution of resources and benefits, and eliminating harm.”

The bill requires state agencies to consider environmental justice in their work, such as inclusive engagement processes and consideration of the [Washington State Environmental Health Disparities Map](#). This tool is an interactive map that compares communities across our state for environmental health disparities, such as pollution (diesel emissions and ozone), proximity to hazardous waste sites, poverty, and other concerns. The map provides insights into where public investments can be prioritized to overcome disparities. These resources can help local governments understand and address environmental justice within their communities.

HB 1070: Local tax revenue for affordable housing

[HB 1070](#) modifies the activities that the 0.1% sales-and-use tax for affordable housing and the state-shared lodging-tax revenues can be allocated toward. It now specifically authorizes that sales-and-use tax revenues can be used for:

- Constructing or acquiring affordable housing or land for the purpose of emergency, transitional or supportive housing.
- Constructing or acquiring behavioral health-related facilities, or land for these purposes. In addition, housing and facilities for youth who are experiencing homelessness are now allowable uses for state-shared lodging-tax revenues.

Housing Action Plan and Housing Element Requirements

Legend			
•	Required	•	Previous requirement
o	Recommended	•	New requirement

Housing
Action Plan
RCW
36.70A.600

Housing
Element
Update RCW
36.70A.070(2)

Housing Needs Assessment		
• Existing and projected housing needs for all income levels	•	•
• Existing and projected housing needs for emergency housing, shelters and permanent supportive housing	o	•
• Population trends with documentation of projections	•	•
• Employment trends with documentation of projections	•	o
• Land capacity analysis (now to be able to assess housing capacity for all income groups, emergency and permanent supportive housing and moderate density housing)	o	•
Community Engagement		
• Broad public engagement (including residents)	•	•
Housing Policy Framework Review		
• Evaluate progress to meet housing targets (# and types)	•	o
• Evaluate achievement of housing element goals and policies	•	o
• Evaluate implementation of the schedule of programs and actions	•	o
• Review development regulations such as zoning, street standards, etc. and document barriers to housing	o	•
• Review permitting process that impact development of housing and document barriers	o	•
• Review fee structures (impact fees, utility connections and permits, that influence housing development and document barriers)	o	•
• Evaluate housing programs and local funding, and document barriers	o	•
Mandatory Housing Policies		
• Increase supply of housing affordable to all income levels	•	•
• Preserve existing housing	o	•
• Increase variety of housing types, including moderate density housing options such as duplex, triplex and townhomes within UGAs.	•	•
• Consider the role of accessory dwelling units in meeting housing need	o	•
• Consider housing location in relation to employment location	o	•
• Evaluation of the potential efficacy of proposed strategies	o	N/A
Strategies to Minimize Displacement		
• Identify local policies/ regulations that result in racially disparate impacts including zoning, disinvestment and infrastructure availability	N/A	•
• Identify and implement policies to begin to undo racially disparate impacts, displacement, and exclusion in housing	N/A	•
• Identify areas that may be at higher risk of displacement from market forces that occur with changes to zoning, regulations, and capital investments	•	•
• Establish anti-displacement policies, including preservation of cultural and historic communities, equitable development initiatives, inclusionary zoning, tenant protections, land disposition policies, and land for affordable housing	•	•
Implementation Plan		
• Schedule of programs and actions to implement recommendations	•	o
• Monitoring plan to track outcomes of implemented actions	o	o

The ABCs and 123s of ADUs For Affordable Workforce Housing In Jefferson County WA



Version 0.6
August 7, 2021

About the Housing Solutions Network (HSN)

HSN was founded in 2018 through a generous grant of the First Federal Community Foundation, and serves as a response to the growing housing crisis in Jefferson County, Washington. We work to facilitate connectivity, communication and the co-creation of new strategies to increase the availability of affordable and attainable housing in our region. We work alongside local housing champions – both individuals and institutions – by providing support and capacity building to ensure success. HSN is an arm of the Jefferson Community Foundation.

HSN fundamentally works to grow a network of housing champions using the Community Network Building approach. The core of this network are our community-driven Housing Action Teams, made up of groups of volunteers who work together to identify obstacles to affordable housing and then craft and implement strategies to create new solutions.

About Jefferson County WA

Jefferson County is located in Northwest Washington State and had a population of 32,221 in 2019. About one-third of the residents live in Port Townsend, the only incorporated city. We acknowledge that in Jefferson County we live on land usurped from indigenous peoples. Jefferson County residents have a median age of 58.3 years, making it the oldest county in WA and one of the oldest counties in the US. As of 2019, Jefferson County had 18,965 housing units of which 74.3% were owner occupied with a median value of \$338,000. From 2015 – 2019 the median gross rent (rent plus utilities) was \$932.

About the *ABCs and 123s of ADUs for Affordable Workforce Housing in Jefferson County WA*

This document has been prepared by volunteers and staff of the HSN based upon information from a variety of sources, and experience from working with several homeowners. Your feedback for suggestions for improving this document and updating any information are welcome. Please send these to info@jscgives.org

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Table of Contents

Introduction	1
Part I – The ABCs	3
A. What is an ADU?	3
B. ADU Advantages and Drawbacks	5
C. ADU Design Options and Costs	6
D. Financing an ADU	9
E. Creating an Affordable Rental ADU	11
F. Landlord Considerations	13
G. Exhibits	
Exhibit A – Creating a Basement ADU	15
Exhibit B – Creating an ADU with Help from Local Investors	16
Exhibit C – Repurposing a Habitat for Humanity 1 BR Home Design	17
Exhibit D – Clallam County Pre-approved 392sf Design	18
Part II – The 123s	19
1. Explore	20
2. Decide	21
3. Design	22
4. Create	23
5. Rent	24
Appendices	
Appendix 1 – Jefferson County’s <i>Brochure #31 ADU – Accessory Dwelling Unit</i>	25
Appendix 2 – City of Port Townsend’s <i>Accessory Dwelling Unit General Information</i>	27

Introduction

Accessory Dwelling Units, or ADUs, are self-contained living units that exist on the same property as a single-family residence. ADUs can be attached (basement, upper floor, wing) or detached (separate building, part of a detached garage) to the primary residence. Local ordinances limit the size of ADUs and specify other requirements. ADUs can be cost effective to develop since land does not need to be purchased and often no additional public utility hookups need to be purchased. There are many possible uses for ADUs, but the one targeted in this document is for affordable housing for members of the local workforce.

The lack of affordable housing is a severe problem in Jefferson County as it is in many cities and counties across the United States. On one end of the spectrum are unsheltered people living in makeshift tents or vehicles that need to move into supportive transitional housing and onto permanent housing and employment. At the other end of the spectrum are working individuals and families who cannot afford the first rung of ownership with a starter house. This problem has been made worse with the pandemic as frequently full cash, above asking price offers are made by buyers with means. Between these end points on the spectrum are many members of the workforce and community for whom affordable rentals are the desired and most ideal housing solution for them at this point in their lives and careers. The community depends upon these service providers in hospitality & retail sectors, public employees in city & county government & schools, and healthcare workers. And our community and economy are more robust, engaging and resilient with workers in a broad range of sectors including manufacturing, marine trades, agriculture & aquaculture, and the arts & entertainment.

A few metrics illustrate the depth of the problem in Jefferson County: over one-third of the local workforce commutes daily into Jefferson County; a recent issue of the Leader advertised 40 job openings and only 1 rental; 47% of renters are cost burdened (paying 50% of their gross income for housing); rental vacancy rates hover between 0-1%.

Some of the root causes of the lack of affordable housing are wage disparity, cost of construction, demographics and policies that favor high-end housing. These are mostly beyond local control. Yet we all need to work together to overcome this problem to maintain a healthy demographic balance and diverse community. The community must pursue multiple avenues to increase affordable housing such as: tiny home communities; transitioning vacant homes into the rental market: home sharing; renting vacant rooms in single family dwellings; creating boarding houses and new apartment buildings; and adding ADUs. ADUs are only one component of a community strategy, and they are the focus of this document.

Part I – *The ABCs: Basics about ADUs* covers the basics. A previously uninformed reader should be “up to speed” on ADUs after reading Part I, while a previously informed reader may find the section to be a helpful organization of information. Topics include:

- A. What is an ADU?
- B. ADU Advantages and Drawbacks
- C. ADU Design Options and Costs
- D. Financing an ADU
- E. Creating an Affordable Rental ADU
- F. Landlord Considerations

Part II – *The 123s: Steps for creating an ADU for an affordable rental* presents a roadmap to getting a unit built and rented. Readers without previous construction project experience will find the roadmap to be a helpful guide, while veterans of construction projects may find this a useful checklist. The roadmap is divided into five phases:

1. Explore – Things to think about early before any decisions are made
2. Decide – Topics to consider in making a go/no-go decision
3. Design – Activities needed to design, permit and finance the ADU
4. Create – The actual building phase
5. Rent – Getting the ADU into the rental market.

Two appendices include the ADU guidelines for Jefferson County and the City of Port Townsend.

Part I – The ABCs: Basics about ADUs

A. – What is an ADU?

An Accessory Dwelling Unit or ADU is a self-contained living unit that exists on the same property as a single-family residence, and is smaller than the residence. “Self contained” means the unit includes both bathroom and kitchen facilities as well as sleeping and other areas. ADU is the accepted legal term for such a unit, but popular terms are often used such as in-law/mother-in-law units, granny flats, secondary dwelling units, casitas, backyard cottages and carriage units.

An ADU may be a structure detached from the primary residence (DADU), or a unit within or attached to the primary residence (AADU). The below figure¹ illustrates possible ADU configurations. One configuration not shown is an ADU apartment above or aside a detached garage.



Jefferson County ADU requirements are given in *Brochure #31 ADU – Accessory Dwelling Unit* available on the county website and included as Appendix 1. Some pertinent requirements include:

- Only one ADU is permitted on each legal lot.
- Maximum allowable size is 1,250 square feet of gross floor area.
- The owner of the subject property shall reside on the premises, either in the main or accessory dwelling (some exceptions for LI and LI/C zones).
- There is no restriction on short term rentals.
- The front of the house shall have only one exterior entrance.
- Proof of potable water and on-site approved septic system is needed.

The document also lays out the steps for obtaining an ADU permit.

¹ © AARP. This graphic will be replaced by an HSN original

The City of Port Townsend summarizes requirements for ADUs in *Accessory Dwelling Unit General Information* available on the city website and included as Appendix 2. Not mentioned in this document, but stated in the municipal code is “One accessory dwelling unit (ADU) may be established only as an accessory use to a single-family, detached residence (and specifically not including a duplex, triplex or fourplex) (PTMC 17.16.020). Other pertinent requirements include:

- An ADU established in an outbuilding shall not exceed 800 square feet in floor area.
- ADUs established within or attached to the primary residence shall not exceed 1,000 square feet.
- The accessory dwelling unit shall NOT be used as a short-term rental (less than 30 calendar days).
- One additional 9-feet wide by 19-feet long on-site parking space is required to establish an ADU, provided the off-street parking requirements for the other uses on the site are continuously met. If the property owner can demonstrate that there is no way to provide parking on-site, an on-street parking space may be proposed, subject to approval by the Public Works Director.
- The front of the house shall have only one exterior entrance.
- The ADU and the home may share a common side sewer line to the sewer main.
- Both the primary residence and ADU may be rented.

There are many other requirements summarized in the document regarding setbacks & lot coverage and building code requirements, as well the application process and a helpful checklist.

Both in the City and County, ADU’s are not required to have separate utility hook-ups, although the capacity of the primary house and site must be adequate. The homeowner may still want to provide separate metering of electricity, but it is optional. This makes adding ADU’s more affordable than the purchase of raw land and the utility hook-ups or the full septic required to service new construction.

Rented rooms within a single-family residence which are not self-contained living units are not considered ADUs. Such rooms might or might not have a bathroom and normally would require a shared kitchen facility.

Detached units on wheels are also not considered to be ADUs. Examples include recreational vehicles, Park Model homes, and tiny homes. These are classified as personal property rather than as real property.

HSN has prepared a number of Permit Navigator videos² which are helpful introductions to topics like: ADU Basics; Walking Through an ADU Permit in Port Townsend; and Walking Through and ADU Permit with Jefferson County.

² <https://housingsolutionsnetwork.org/permit-navigator/>

B. – ADU Advantages and Drawbacks

There are many advantages to a homeowner and to the community for adding an ADU to an existing or newly constructed single family residence³. Combinations of these advantages can be realized, either simultaneously or sequentially over time.

Advantages of ADU to the homeowner include:

- A source of rental income – long-term tenants can provide a steady, predictable stream of income to the homeowner.
- Rental income and help – Tenants might contribute a mix of rent income and help with garden or other services.
- Housing for a caregiver – As the homeowner(s) age and need care, the ADU can be used as living quarters for a caregiver.
- Housing for a family member – The ADU can be used for adult children, family members with disabilities who need to live independently but with support, and parents or other family members needing affordable housing.
- A place to downsize – As children move out or the homeowner ages, the homeowner could move into the ADU and rent out the primary residence to a family or multiple roommates. This allows the homeowner to remain in their neighborhood and community while reducing their housing costs and increasing their income.
- Increased property value – Being considered real property, an ADU will increase the value of the property.
- A source of friendship and connection – The homeowner and tenant may develop a friendship.

Advantages to the community include:

- Addition of an affordable rental unit for members of the community workforce. – This use is the primary focus of this document and more information will follow.
- Gentle densification – It is generally agreed that one path to creating more affordable housing units is to “increase density,” i.e. having more housing units per area of land. ADUs can do this in a “gentle” rather than a “disruptive” way to the neighborhood, and without requiring zoning changes.
- Workforce housing near employment locations – Many opportunities for ADU locations are near employment locations, lessening travel time for employees and impact on roads and climate.
- Use of infrastructure – ADUs use existing roads and utilities, saving the expense of adding new infrastructure.
- Environmentally beneficial – Adding ADUs to existing property can lessen the need to clear trees and add pavement. ADUs are generally compact and energy efficient, further reducing the environmental impact created by a growing community.

³ It is feasible for the first built unit to be the ADU, with the primary residence being later built.

- Increased tax revenue – The increased property value generates additional property tax without investing in more infrastructure.

Possible drawbacks to the homeowner include:

- Impact on privacy with the sharing of outdoor spaces, and/or ADU ingress or egress.
- For an attached ADU, noise through adjacent walls or a ceiling/floor.
- Disruption during construction.
- The homeowner, as landlord, will have responsibilities for maintenance, rent collection or other administrative duties.

Possible drawbacks to the neighbors include:

- Disruption during construction.
- Impact on the neighborhood with additional traffic or parking.

Overall, the advantages of ADUs to both the homeowner and community considerably outweigh the drawbacks. With proactive forethought, the drawbacks can be fully or partially mitigated.

C. – ADU Design Options and Costs

Deciding on a design is one of the most important aspects of adding an ADU to your property. The design will drive the cost and will determine how successful the unit will be in meeting the expectations of both the homeowner and ADU occupant. This section gives some information about design options to help orient the interested homeowner. For a detached ADU, and for an attached ADU added wing, the homeowner will need a carefully thought out site plan. Since each site plan is unique, addressing this topic fully is beyond the scope of this document.

Attached ADUs

Generally speaking, attached ADUs will cost less to create than detached ADUs since less structure will need to be built. If a detached ADU is being created by remodeling an existing detached structure, the cost may be less than that of a completely new structure. If either an existing inside or detached space is being remodeled/adapted to an ADU, the cost will be influenced by the condition of the existing structure and the degree to which it conforms to current building codes. The homeowner will need to engage an architect or builder for advice on their specific project. As exterior modifications or expansions are added to a primary residence, the costs will increase more significantly.

Design options for attached ADUs are entirely dependent on the space being remodeled or added. This document does not attempt to provide floor plans and or cost estimates for what are wide-ranging possibilities and desires for each site and homeowner. The interested homeowner might do online searches or check out a book from the library for remodeling examples. One local example is given in Exhibit A. Costs are best controlled by the homework

done before beginning the actual construction process. And for some homeowners, there may be features or other additions that are desirable but not part of the rental ADU consideration and economics.

Detached ADUs

Choices for designing and creating a detached ADU can be grouped into five categories, summarized in the following paragraphs.

Custom stick-built designs – These represent the traditional approach of working with an architect or designer to develop a design that meets the requirements and desires of the homeowner. The homeowner then would engage a contractor to build the custom design, or the homeowner might do part or all of the construction. The term “stick-built” reflects the construction process of building the house out of board lumber. This category can include using Structural Insulated Panels (SIPs) or other modular building products. SIPs are becoming more available and often have lower overall costs and improved energy efficiency compared to some traditional stick-built construction.

Cost of construction depends on the cost of materials and labor which can vary with market conditions and the choice of finishing features, appliances, etc. In the context of this document it is assumed that since the interested reader will be thinking of affordable housing, those choices will be driven by a cost conscious approach. Given that, for planning purposes construction costs including site work might range from about \$200 to \$300 per sf (square foot). For example, a 400sf ADU which would provide adequate housing for a single person or couple could cost \$80,000 to \$120,000. Achieving affordable costs will require cost conscious choices and construction management.

One example of a stick-built ADU in Jefferson County is given in Exhibit B. This family engaged a local design-build contractor to create a 432sf 1BR ADU for under \$90,000 by doing some of the work themselves.

Another example of a stick-built design profiled in Exhibit C is a 550sf 1BR Habitat for Humanity home designed by Terrapin Architecture. Although not built as an ADU, the design would be quite suitable for that purpose. Recently, the construction cost was estimated at about \$250 per sf for a total cost of \$137,500 including site work.

Pre-approved stick-built designs – Several communities have adopted standard designs which have been pre-approved for permits by a city or county. Pre-approved designs reduce permitting costs and time, and allow creating standard bill of materials for expediting the ordering of lumber and other building supplies. As of this date, neither Jefferson County or the City of Port Townsend have available pre-approved stick-built or pre-built ADU designs. In time these options may be available. A permit would still be required for the site plan to cover setbacks, impervious surface coverage and other site specific factors.

One example illustrating pre-approved designs is given on the City of Seattle’s ADUniverse website⁴. The city engaged a number of architects to submit ADU designs, and selected ten of varying size, type and style as shown on their website. This innovative approach might spark some interest in Jefferson County. The Seattle designs might be of interest locally, although not pre-approved in either the city or county.

Another example comes from Clallam County where the director of the Department of Community Development, who is also an architect, developed plans for a 392sf studio style ADU that has been pre-approved by the county (Exhibit D). The county provides the plans and up to five inspections for a fee of \$392. Cost for a Do-It-Yourself owner is estimated to be under \$40,000, and the estimated cost for a contractor built unit is \$60,000.

Pre-built Designs – A number of companies offer factory pre-built ADU-size dwellings which can easily be installed on a site-prepared foundation. There is a wide variation in costs for such units, from under \$200 per sf to well over \$500 per sf. The upper end of this range is not pertinent to the affordable workforce housing focus of this document, but may still be of interest to homeowners with other priorities. In considering pre-built designs, the homeowner will want to carefully consider what is and is not included in the pre-built model. The homeowner will need to estimate the other costs to finish the unit for ADU occupancy.

As with everything, there are both advantages and possible drawbacks to pre-built designs. Advantages can include:

- Circumventing the time consuming and sometimes nerve wracking process of developing a custom design by “letting your fingers do the walking” through online catalogs.
- Buying a guaranteed product with customer support.
- Possibly lower costs per square foot than a stick built design.
- There may be several options for customizing aspects of the design.

Drawbacks may include:

- Limitations in shape – Pre-built units tend to be long and narrow to fit on the back of a flatbed truck.
- Limitations in materials or finishing, although options may be available.
- Styles which might not meet the homeowner’s tastes or fit with the existing home style.
- Lack of local knowledge of or experience with vendors.
- Understanding how the unit will be delivered and “fit” to the homeowner property and what that will cost.

HSN maintains a list of pre-built and kit-built vendors on their website⁵. One example is Wolf Industries⁶ of Battle Creek WA which offers Modular Tiny Homes and Prefab ADUs. They have a

⁴ <https://aduniverse-seattlecitygis.hub.arcgis.com/pages/gallery>

⁵ <https://housingsolutionsnetwork.org/adu/>

⁶ <https://wolfind.com>

partnership with BackhomeADU and Craft3 to supply twenty ADUs for the greater Portland area⁷. Wolf Industries currently offers a range of products from a 300sf 1BR unit with a starting price of \$64,500 to 616sf 2BR units with a starting prices of \$92,500. Their designs are relatively long (30' to 44') and narrow (10' to 14') to fit on a flatbed truck, and have shed style roofs. For additional fees, Wolf will provide complete project management, including obtaining permits and installing the foundation.

Kit-built designs – These are similar to pre-built designs with standard floor plans and components produced at a factory, but differ in being delivered in pieces to be assembled onsite. At this time, no known local examples are available.

Conversions – This category includes converting existing detached structures such as a garage, shed or other outbuilding into an ADU. Since each conversion is unique, it is hard to provide general information. Often such buildings are old, have not been in use for some time, and may need upgrades to meet current building codes.

D. – Financing an ADU

The ability to finance an ADU is often a determining factor in moving forward with a project. Conventional home mortgage products are not designed for ADUs. This section contains an overview to assist the homeowner to navigate through the available and possible sources of financing.

Self financing – A place to start is for the homeowner to examine their liquid assets (savings, market investments, etc.) to determine if they have adequate resources to pay for the project. The remaining options covered in this section are for homeowners who are not in a position to self finance or opt not to do so.

For several of the following mortgage, home equity products and renovation loans, future rental income from the ADU is normally not allowed to be included in the income used for loan qualification. Once the rental is established, some conventional lending options do allow consideration of that rental income.

There are many specifics such as interest rates, Loan to Value⁸ limits, required credit scores, loan origination fees, and other factors that enter into qualification and repayment details. The reader should contact lending institutions for specifics. A list of local lending institutions with contact information is given in Part II.

Refinancing – Homeowners who have owned their residences for three, five or more years may have developed sufficient equity that they can refinance at a higher level of borrowing and use

⁷ <https://www.backhomeadu.org/how-it-works>

⁸ Lenders consider the value (or equity) you have in your home and limit the percentage of that they will lend you. This is called the LTV ratio. Depending on the product it could be as low as 70% and as high as 100%.

the resulting cash to fund the creation of their ADU. If they are refinancing at the same interest rate and loan duration, their monthly mortgage will increase. However, rental income from the ADU may be adequate to service the increased mortgage payments. On the other hand, if interest rates have decreased, or they take a longer duration loan, their monthly mortgage increase will be less, and in some cases might even remain the same. Refinances of mortgages generally result in a lump sum loan made available at one time to finance the ADU project and construction as it moves forward. Interest and monthly payment changes begin when the funds are made available to the homeowner.

Home Equity Loan – Homeowners who have built up considerable equity in their homes but who have limited liquid assets may could consider using a home equity loan to finance their ADU. As with first mortgages or refinances of first mortgages, home equity loans tend to be a lump sum loan made at one time. Whether it is preferable to take out a home equity loan or refinance their first mortgage would depend on prevailing interest rates, fees and available durations of these different products. Home Equity Loans have fixed rates of interest. Home Equity Loans and HELOCs (below) usually have shorter allowable loan durations than first mortgages.

Home Equity Line of Credit (HELOC) – Similar to home equity loans, this product is available to homeowners who have built up adequate equity in their primary residence. As the name implies, a HELOC establishes a line of credit with a lending institution against which the borrower can withdraw cash as needed, rather than all at once as with Home Equity Loan. This can be helpful for an ADU project where expenditures may be spread over many months. HELOCs usually require interest only payments for a period of time, say 5 or 10 years, and have variable interest rates. At or before the end of this period of time, the borrower is required to repay on an amortization schedule with a fixed interest rate.

Renovation Loans – Several products are available to finance the renovation of your home, including adding an attached or detached ADU. Fannie Mae, the FHA, and the VA all offer such loans. Terms differ between these products, but they all generally require that the renovations be done by a licensed contractor within a six-month time period, and allow longer repayment times than home equity products. Renovation loans have not been widely used recently due to a number of factors including changing construction costs and prolonged construction windows. However, they remain an attractive option.

Local Investors – Jefferson County has a large cadre of local investors, many of whom are members of the Local Investors Opportunity Network, or LION⁹. LION is a network that connects those seeking financing to local investors. LION is not an investment group. Each LION member makes their own investment decisions. LION members have historically invested mainly in local businesses, along with some lending to non-profits and financing of some real estate transactions. Recently some LION members have become interested in lending for affordable housing. Local investors generally lend for shorter durations than the commercial

⁹ <http://jeffersonlion.org/>

products listed above. One attractive possibility is for local investors to provide bridge loans for homeowners to create and bring their ADU into the rental market before applying for refinancing with a commercial product. Since loans would be negotiated between individual lenders and borrowers, LION investor terms and conditions can be more varied. For example, some terms might call for interest-only payments during the ADU construction, and then begin principal and interest payments after the unit is approved for occupancy. Full repayment could be made when the conventional financing is secured.

Combination of the above – The homeowner might combine two or more of the above options to create their ADU. Exhibit B presents one such example where the homeowners refinanced their home to cover about half the cost of the ADU, and local lenders provided the other half.

E. – Creating an Affordable Rental ADU

The commonly accepted guideline for affordable housing is that the monthly cost of housing should not exceed 30% of the household's gross income. For renters, housing costs include rent and utilities. This guideline or "rule" goes back to the 1969 amendment to the 1968 Fair Housing Act¹⁰. The 30% rule is almost universally used to determine if housing costs are "affordable," even though many of its assumptions are simplistic and broad. It is also generally accepted that households spending 50% of their gross income on housing are "severely burdened."

Based on the 30% rule and HUD data on Jefferson County 2021 household Area Mean Incomes (AMI) of \$67,400, Table E.1 illustrates a range of affordable rentals for different household incomes.

Table E.1 – 2021 Affordable Monthly Housing Costs for A
Range of Household Incomes for Jefferson County WA

Household Income	Equivalent Hourly Wage	Monthly Costs
120% of AMI \$80,800	\$38	\$2022
AMI \$67,400	\$32	\$1,685
60% of AMI \$40,400	\$19	\$1011
Min Wage \$28,475	\$13.69	\$711

¹⁰ https://www.huduser.gov/portal/pdredge/pdr_edge_featd_article_092214.html

Another perspective on what qualifies as affordable housing is given by HUD's Fair Market Rents (FMR) which are published annually for each city or county. The FMRs represent the 40th percentile of recent past rents, and are used for establishing Section 8 vouchers.

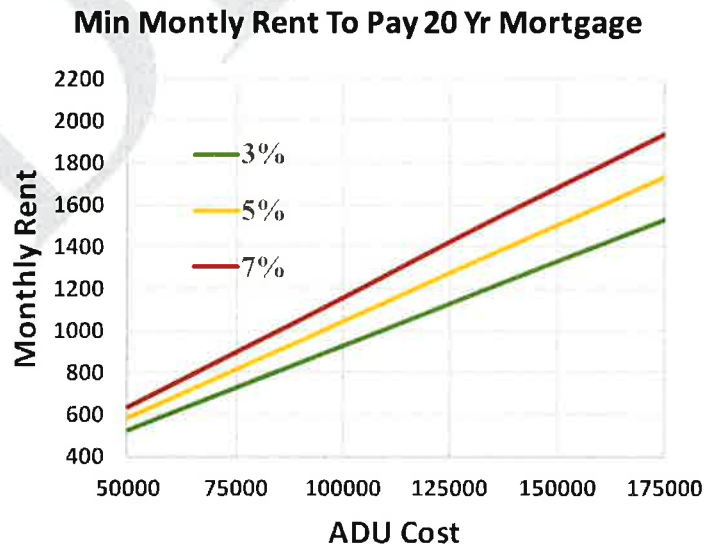
Table E.2 – 2021 Fair Market Rents
For Jefferson County WA

Unit	FMR
Efficiency	\$638
One bedroom	\$771
Two bedroom	\$964
Three bedroom	\$1,380
Four bedroom	\$1,663

Using the above data as guidelines, units renting from about \$700 to \$1,700 per month, including utilities, could be considered as affordable housing for workforce households in Jefferson County WA in 2021.

The question that one might ask is “given the cost of construction and operations, can homeowners benefit from creating and renting ADUs at affordable rates?” A brief response might be “yes, but making everything pencil out requires close attention to the design and construction choices and costs for the ADU.” Let's take a closer look.

There are many costs a homeowner will incur for operating a rental ADU, including: loan payments; increased property taxes; utilities included in the rent; maintenance; insurance; and tax on the net rental income. The below figure shows the rent that would need to be collected for different ADU construction costs and twenty-year loan interest rates, after factoring in estimated values for the above expenses and assuming that the unit is rented eleven out of twelve months each year.



To illustrate how to use the above chart, consider an example of a 1BR ADU that cost \$100,000 to construct and is being financed with a 20-year loan with a 5% interest rate. The unit would need to rent for \$1040 per month for the homeowner to break even. Assuming the homeowner would like some net income, they might set a rental rate of \$1,250. This would exceed the HUD Fair Market Rental rate, but would provide affordable housing to a household earning \$50,000 per year such as a household of two minimum wage earners each working 40 hours a week, or a single person earning about 75% of the Area Median Income.

To summarize, ADUs can contribute to affordable rentals for the Jefferson County workforce, but the “design space” to make everything “pencil out” is very constrained. Careful attention must be paid to minimizing construction costs and seeking favorable financing.

F. – Landlord Considerations

Building a comfortable ADU and managing the financial aspects is a big step towards creating an affordable rental. But for complete success, both the landlord and the tenant need to have a good experience. The ABCs section wraps up with introductory tips and guidance for the landlord.

Whether you are a new landlord or an experienced one it would be good to watch the 75 minute HSN video *How to Be a Good Landlord*¹¹ by Barney Burke. Barney is a long time resident of Port Townsend, an experienced landlord, and an advocate for affordable housing. The video is full of tips and information on finding tenants, handling leases, setting rental rates and rent increases, practical tips for maintaining the property, and guidance on how to have a good landlord experience. In this ABCs section an overview is given of four landlord responsibilities: Inclusiveness, Relationships; Transactions; and Maintenance.

Inclusiveness – People need safe and affordable housing – some claim this is a right. Yet collective individual behaviors of those with means as well as government priorities and policies have left many members of our community without access to this basic need. If you have reached this section of the document, you are likely interested in contributing to the stock of affordable housing in the community. Also important is making that housing equally available to everyone, independent of their race or color, national origin, religion or creed, sexual orientation, gender identification, familial and marital status, disability, or veteran/military status. As the landlord of a single unit, you would not be legally required to conform to national and state fair housing laws if your rental does not involve a realtor. Regardless, as a citizen of Jefferson County HSN expects you will make your ADU available to any qualified renter.

Relationships – Developing and maintaining good relationships with your tenants is a key part of having a successful landlord experience. This involves establishing mutual trust and respect

¹¹ <https://housingsolutionsnetwork.org/how-to-be-a-good-landlord-an-introduction-to-residential-rentals/>

through open and honest communication and treating your tenants as if they were your neighbors – which they are. Careful screening of applicants can contribute to a positive relationship. By responding in a caring way to tenant inquiries and needs, they in return will likely display good behavior. Most tenants will be responsible people. The occasional “bad apple” is an exception.

Transactions – Be prepared to deal with many transactions such as responses to ads, applications, leases, rent collections, tracking expenses, filing income tax forms, and more. Although time consuming and requiring good organization, transactions are straight forward compared to developing good relationships. Sample forms for many of these transactions are available on-line. The HSN website¹² has examples of applications and leases.

Maintenance – As a landlord, you will be responsible for maintenance of your ADU, as well as occasional replacements for things like appliances and carpets. If this is “not your bag,” there are property management firms available who can do this, and who can also handle many or all of the transactions. However, that will be an additional operational cost.

It is hoped that this ABCs section provides the orientation needed for you to get started. If so, continue onto Part II – *The 123s: Steps to creating an ADU for an affordable rental*.

¹² <https://housingsolutionsnetwork.org/how-to-be-a-good-landlord-an-introduction-to-residential-rentals/>

Exhibit A – Creating a Basement ADU

A contractor who was installing a half bathroom in the basement level of a retired couple's uptown home suggested the basement space could be converted into a rentable apartment unit. He said he would be happy to do the work which he estimated would cost about \$40K. Over the next 6 months the couple thought about his suggestion. As they aged, it could be a place for a live-in caregiver. And as they read about the community's need for affordable rentals, they realized it could serve that role until the time came. Financially, they could afford the project, and would be happy if the rent could just repay the costs. The space was below their kitchen and dining room (rarely used) and they would need to be conscious of making noise in the kitchen. They were concerned about how to locate a tenant, and if it would work out having someone living in their home. Balancing concerns with opportunities, they decided to proceed.



The contractor was fabulous to work with, did a fine job, but worked at his own pace so the project took eight months. He did the design and all the construction except electrical which was subcontracted. The unit is about 400 square feet with an entrance door that opens onto a parking area that the owners do not use. It has a full kitchen, ¾ bath, access to washer/dryer, and screened off bedroom area which the contractor created with a dresser and armoire. The owners decided to fully furnish the unit to avoid damage with furniture moving in and out. Extra insulation was added as a noise buffer between the apartment and the main living area.



The total cost of the project was \$45-\$50K including all appliances and furniture. After asking people about affordable rental rates, the owners decided to charge \$1200 per month including all utilities, wifi, and TV. With help from a lawyer they drew up an agreement that requires an initial rental period of 3 months, followed by month-to-month rent. A damage deposit equal to one months rent, and a post rental cleaning fee are required. Once they have some history on utility costs, they may lower the rent.



The owner's original goal was to make the unit available to visiting or newly arriving workers at Jefferson Healthcare. After finding little need for that at present, an advertisement on Craig's list drew many inquires. They showed the apartment to four people. Their first choice withdrew after her work required she live in Sequim. The present tenant moved in a week ago and plans to stay there for several months as she navigates through personal changes in her life. With the exception of one person who ranted at the \$1200 rent, others felt it was a good price. So far the rent has gone well, and initial concerns about tenants have not materialized.



Exhibit B – Creating an ADU with Help from Local Investors

This section is out for review.

DRAFT

Exhibit C – Repurposing a Habitat for Humanity 1 BR Home Design

This section is out for review.

DRAFT

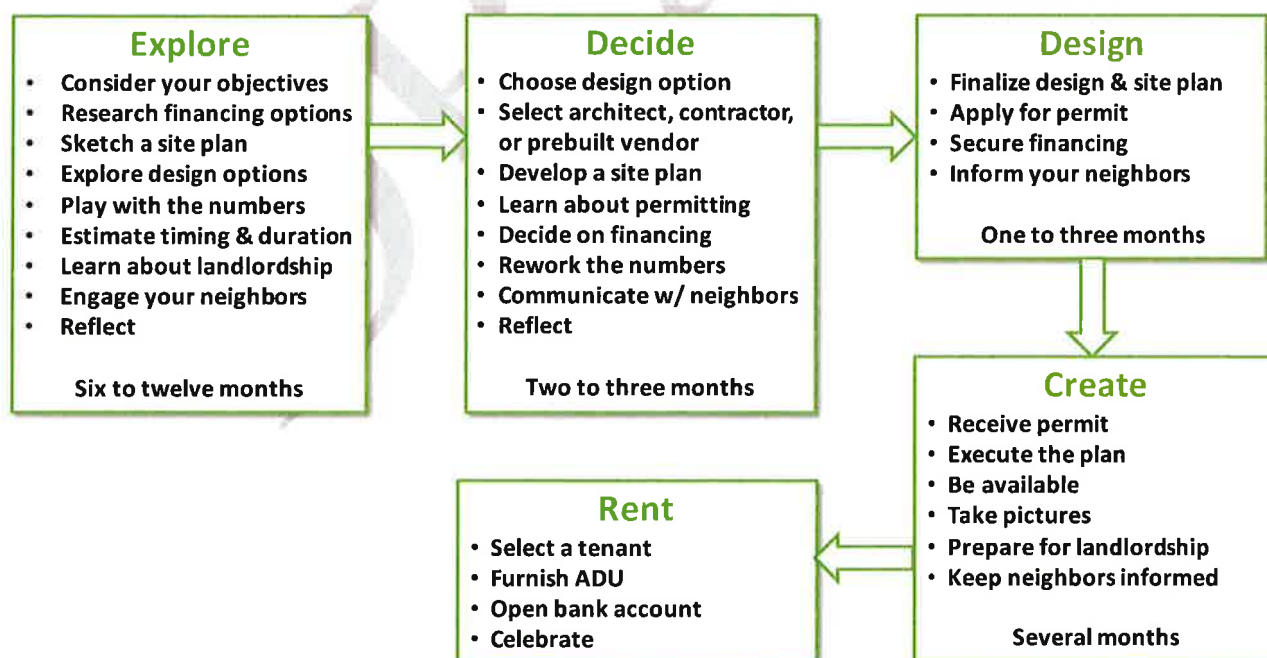
A photograph of a small, single-story house model with a dark roof and light-colored walls, sitting on a wooden surface. The house has a front porch with a railing and a small tree in front.

Part II – The 123s: Steps for creating an ADU for an affordable rental

Creating an ADU and bringing it to the rental market is a project. One characteristic of a project is that there is a start and finish, or a beginning and an end. Each reader may be at a different starting point, but the end point will be the same – renting the ADU. The objective of The 123s is to help make that project go smoothly by avoiding wasted resources, unanticipated delays, rework, and frustration. The reader can expect the project to take one to two years from start to finish. Rushing headlong is counter productive. Experience shows that time spent in the early stages of the project to consider options and careful weigh choices will end up saving time and money later on. Correcting for poor choices once construction starts is very costly, while living with a compromised design is extremely frustrating.

The below roadmap is intended to help guide the journey. As with any roadmap – think of your vacation trip plan – you may not spend the same amount of time as others at any stop. You will want to tailor the roadmap to your needs. Every project has some “long poles in the tent” – those aspects which seem particularly challenging. Different projects might have different long poles. Yours might be financing, while another person’s might be site constraints on their design, and another’s might be a neighbor who has difficulty accepting change. Most of the activities in the roadmap apply to both attached and detached ADUs. An exception might be that a site plan would not be needed for an AADU unless it is an addition to the residence. Consider the roadmap as a helpful checklist to plan your project journey. The rest of The 123s will walk through this process map block by block to elaborate on each activity.

Roadmap for Creating a Rental ADU



1. – Explore

This stage of the project should take the longest time – allow six months to a year. You will be exploring all the options and considerations surrounding creating an affordably rentable ADU. You will likely find yourself leaning in one direction (e.g. considering a pre-built unit), only to change to another direction when you learn new information (e.g. discovering a local builder who can create a less expensive unit that you like better). As you progress through the Explore phase, your thoughts should start to firm up.

A good starting point is to **consider your objectives** for creating an ADU. If you are aligned with the focus of this document, you will want to create an affordable rental unit for the local workforce. Revisit Section E of The ABCs to recall information on affordable rental rates. Beyond that, you may want to think of future uses of the ADU. For example, if you envision moving into the ADU someday – be it an AADU or DADU – and renting your primary residence, then you will want to make sure the ADU meets your needs as well as being a rental unit. Your objectives may evolve as you talk with friends or family members and gather information.

You will want to **research financing options** to see what is best for your situation. A good starting place is to review the options listed in Section D of The ABCs. You might explore some of the available loan products by contacting several local lenders. HSN maintains a list of local lenders and lending products on its website¹³.

You probably have in mind a location on your property or in your primary residence where you envision putting your ADU. Start **sketching a site plan**, taking into accounts required setbacks, total lot coverage, egress, parking, privacy, views, and other factors that will influence your ADU design. You might need to engage an architect or other professional. If you live within the City of Port Townsend, the information provided in Appendix II will be helpful. If you live in the county, look at the zoning requirements for your property, and investigate if your septic and water systems will be an issue. The HSN Permit Navigator webpage¹⁴ has several videos related to septic systems and stormwater basics.

Explore design options for your ADU. If you are remodeling an interior space, start playing with possible layouts to see if the floor plan will be feasible and if code requirements can be met. If you are adding a new detached structure, refer to Section C of The ABCs for pre-built or stick-built options. The list of pre-built products on the HSN website¹⁵ could be a helpful starting point. If you are considering a custom stick-built design, start thinking about desired size, floor plan, siting and other factors. Often it is helpful to look online or at the library for examples of already built structures. If you will be converting a garage or other existing structure, it would be good to talk with a builder to learn what this might entail.

¹³ URL

¹⁴ <https://housingsolutionsnetwork.org/permit-navigator/>

¹⁵ URL

In general, when designing for affordable construction, simpler designs are more budget-friendly. That does not mean that the ADU needs to be boring or not fit the architecture of your house or the character of the neighborhood. Complex roofs, angled walls, etc., generally add construction costs. Loft spaces can provide inexpensive extra square feet. And don't forget that outdoor spaces are often living areas in this part of the world. Using dimensions that are multiples of 4' and 8' match standard lengths or dimensions of lumber, plywood and the like. Putting plumbing fixtures (i.e. the kitchen and bath) in the same area within the unit also helps to control costs. More square footage does not always mean more functionality or attraction. Understand the energy efficiency of your ADU and what options you may have there as well.

Play with the numbers to grasp the operating finances of your ADU and learn about the constraints on making it pencil out. A helpful tool is the HSN ADU Calculator¹⁶ – a downloadable Excel spreadsheet. This calculator is ideal for doing “what if” explorations, like “what if I get a 5% loan for 20 years?” or “what if I charge \$1200/mo rent?”

Estimate the **project timing and duration**, and how it fits into your calendar and other commitments. Think about how much time you can devote to this project and whether that could be a barrier.

Learn about landlordship. Spend 75 minutes viewing the HSN How to Be a Good Landlord¹⁷ video to become familiar with landlord roles and responsibilities. This webpage also has links to a number of helpful documents.

Engage your neighbors to share your early thoughts about adding an ADU. Neighbors may have concerns about disruptions during construction or increased traffic or noise. Share with them that you are contributing to a community need for affordable housing. You might ask them how many of their restaurants or retail stores have difficulty hiring staff, or mention that the hospital and government bodies have difficulty hiring people as there is no housing available. You might want to cite some numbers from the introduction to this document. Perhaps they will become interested in considering an ADU addition.

Reflect on your objectives, financial needs, time commitment and other factors related to this project. If your feelings are positive, progress to the Decide phase. Otherwise, continue to Explore, or maybe put this aside for now.

2. – Decide

Feeling positive about adding an ADU, it is time to move into the decision phase which will result in a go or no-go commitment. Expect to spend two to three months in this phase.

¹⁶ URL

¹⁷ <https://housingsolutionsnetwork.org/how-to-be-a-good-landlord-an-introduction-to-residential-rentals/>

Choose a preferred **ADU design option**. If you will be remodeling an interior space or detached structure or if you will be going with a custom built detached ADU, **select an architect or a contractor** who does design-build work. Ask about their fees and availability. With them, develop conceptual designs. If you are opting for a pre-built unit, **select a preferred vendor** and model. Be sure to find out about their backlog and delivery schedule. If you are a Do-It-Yourself type, determine what part of the project you will take on. Whichever option you choose, get a ballpark cost estimate for your financial projections, and then add 10% for contingencies.

Work with your contractor or architect to **develop a site plan** which will meet code requirements and take into consideration you and your neighbor's expectations. If you live in the county, evaluate the suitability of your septic and water systems¹⁸.

Learn about permitting requirements and processes. The HSN Permit Navigator website (see above footnote) has videos that walk you through the ADU permitting process for both the city and county. Although you will not apply for a permit until the Design stage, go through a mock exercise to gather all the needed information and documents so that you fully understand what will be required. Also be sure you know the expected time it takes to receive a permit. Your contractor or builder can help with these matters.

Decide on how you will **finance** your project, and secure financing if you will need resources for the Design phase. If you will be applying for a loan, select a commercial lender and get the application process started. If you plan to seek financing from local investors, start the engagement process.

As your project costs come into focus, **rework the numbers** using the HSN ADU Calculator to make sure the ADU will pencil out. You are likely to go through this exercise many times as you make decisions on the ADU design, site plan and financing.

Continue to **communicate with neighbors**, sharing your plans and letting them know you are taking their concerns into consideration.

Reflect on your progress and envision the future. If you are feeling comfortable, make the decision to move to the Design phase. Otherwise, pause or end the project.

3. – Design

As you move to the design phase, expenditures will start to accrue as your plans take shape. Allow one to three months for this phase. Delays tend to accumulate, so be mindful to keep on top of things.

¹⁸ See the HSN Navigator Video website <https://housingsolutionsnetwork.org/permit-navigator/> for helpful videos.

It is now time to **finalize your design and site plan**. If you are working with an architect or builder, they will produce construction drawings¹⁹ corresponding to your conceptual design. These will be needed to apply for a building permit, ordering materials, and onsite construction. If you are going with a pre-built, it is time to make your final choice and select options or customization if appropriate. If you live in the county you need to finalize your water or septic system upgrades if needed.

Apply for a permit as soon as you have the needed information and documents. Be prepared to pay the permitting fees. Be sure to submit all the needed documentation to avoid delays. Ask the permitting department for an expected date for approval so you can plan ahead.

It is also time to **secure your financing** and to time it with your need for expenditures.

This is also a good time to **inform your neighbors** of likely construction dates. They may be concerned about noise or dust. Respond as best you can to their concerns, and keep them informed.

4. – Create

The **receipt of the permit** is the “go-ahead” trigger to start creating the ADU. Since expenditures will start accruing, you need to also have your financing secured. Be sure to have your contractor lined up. Plan on about three months for construction. If you have opted for a pre-built unit, the vendor’s lead time needs to be factored in, but the on-site construction will be much shorter.

It is now time for your contractor to **execute the design plan** for the site work and construction. Design changes during the Create phase inevitably make a project more expensive. This is where your homework in the early steps pays off. In this phase, you should be making choices more than changes. But if it becomes evident that a design feature will compromise the functionality of the ADU, consider correcting it.

Be available to make decisions or choices on all sorts of details related to the construction and outfitting of your ADU. Even the best designs won’t capture detailed features that need specification. You will likely meet with your contractor on a weekly or more frequent basis. If you are doing some of the work yourself, you need to have a clear understanding with your contractor when your work will start and need to be completed.

Take pictures as the work progresses to share with friends and eventually to make into a project book.

¹⁹ The HSN Permit Navigator website <https://housingsolutionsnetwork.org/permit-navigator/> has a video on how to read building plans.

As this phase progresses, you will need to **prepare for landlordship**. This is a good time to revisit the *How to Be a Good Landlord*²⁰ video and begin to prepare for seeking a tenant, and getting a draft lease together. You will need to decide whether to rent the ADU unfurnished or furnished. If the unit will be furnished, start looking for what will be needed. Either way, you will be buying appliances. You will also need to decide if pets will be allowed and other expectations you will have for your tenants. If you have any questions about fair housing act regulations, call the WA Human Rights Commission at (800) 233-3247. They are available to help landlords.

Keep your neighbors informed. If you have established good relations with them, they could be as excited as you to see the project come to fruition.

5. – Rent

As the completion date for the construction becomes set, it is time to seek your first tenants to occupy the ADU.

Advertise, interview, screen candidates and **select a tenant**. Timing for this might be a month before you expect to receive the Certificate of Occupancy. Prospective tenants may need a few weeks to get ready to move in, so don't wait until the last minute to start this process.

Furnish the ADU according to the plan you have developed.

You may want to **create a separate bank account** to deposit rent and pay for expenses. Security deposits shouldn't be co-mingled with personal accounts.

If your financing involved a bridge loan, you will need to secure your final financing and pay off the bridge loan lenders.

Celebrate! Hold an open house for your neighbors, people who have helped with your project and friends. Make a picture book of the project using one of the online vendors. Adding an ADU is an accomplishment in itself. Providing a solution for a person or family to the affordable workforce housing crisis is even better.

The ADU project is now complete, and it is time to transition to being a landlord! Thank you!

²⁰ <https://housingsolutionsnetwork.org/how-to-be-a-good-landlord-an-introduction-to-residential-rentals/>

Appendix 1 – Jefferson County Brochure #31 ADU – Accessory Dwelling Unit

Appendix 2 – City of Port Townsend Accessory Dwelling Unit General Information

DRAFT

The **ABCs** of **ADUs**

A guide to
Accessory Dwelling Units
and how they expand housing options
for people of all ages



BASEMENT ADU



DETACHED ADU



ATTACHED ADU



SECOND-STORY ADU



GARAGE-CONVERSION ADU

AARP
Real Possibilities



Websites: AARP.org and AARP.org/Livable
Email: Livable@AARP.org
Facebook: /AARPLivableCommunities
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Free Newsletter: AARP.org/Livable-Subscribe

AARP is the nation's largest nonprofit, nonpartisan organization dedicated to empowering people 50 or older to choose how they live as they age. With nearly 38 million members and offices in every state, the District of Columbia, Puerto Rico and the U.S. Virgin Islands, AARP strengthens communities and advocates for what matters most to families: health security, financial stability and personal fulfillment. The AARP Livable Communities initiative works nationwide to support the efforts by neighborhoods, towns, cities, counties, rural areas and entire states to be livable for people of all ages.



Orange Splot LLC

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Orange Splot LLC is a development, general contracting and consulting company with a mission to pioneer new models of community-oriented, affordable green housing developments. Orange Splot projects have been featured in the *New York Times*, *Sunset Magazine* and on NBC's *Today* show. (The detached ADUs on page 3 and the back cover are by Orange Splot.) Company founder Eli Spevak has managed the financing and construction of more than 250 units of affordable housing, was awarded a Loeb Fellowship by the Harvard University Graduate School of Design, cofounded the website AccessoryDwellings.org and serves as a vice chair of Portland, Oregon's Planning and Sustainability Commission.

The ABCs of ADUs

A guide to Accessory Dwelling Units and how they expand housing options for people of all ages

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A NOTE TO READERS: Many of the photographs and project examples in this publication are from Portland, Oregon, one of the first municipalities in the nation to encourage the creation of accessory dwelling units.

Visit AARP.org/ADU
to download
or order this free
guide and find
more resources
about accessory
dwelling units.

Welcome! Come On In

AARP surveys consistently show that the vast majority of people age 50 or over want to remain in their homes and communities as they age rather than relocate

We know from surveys by AARP and others that a majority of Americans prefer to live in walkable neighborhoods that offer a mix of housing and transportation options and are close to jobs, schools, shopping, entertainment and parks.

These preferences — coupled with the rapid aging of the United States' population overall and decrease in households with children — will continue to boost the demand for smaller homes in more compact neighborhoods.

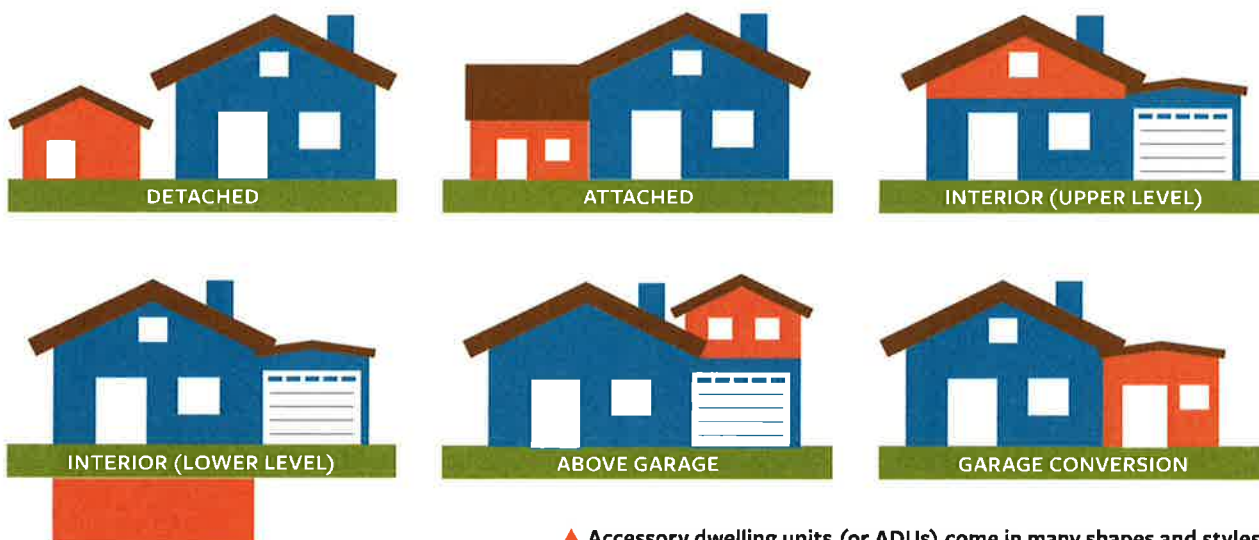
As small houses or apartments that exist on the same property lot as a single-family residence, accessory dwelling units — or ADUs — play a major role in serving a national housing need.

This traditional home type is reemerging as an affordable and flexible housing option that meets the needs of older adults and young families alike.

In fact, in the 2018 AARP Home and Community Preferences Survey, people age 50-plus who would consider creating an ADU said they'd do so in order to:

- provide a home for a loved one in need of care (84%)
- provide housing for relatives or friends (83%)
- feel safer by having someone living nearby (64%)
- have a space for guests (69%)
- increase the value of their home (67%)
- create a place for a caregiver to stay (60%)
- earn extra income from renting to a tenant (53%)

Since ADUs make use of the existing infrastructure and housing stock, they're also environmentally friendly and respectful of a neighborhood's pace and style. An increasing number of towns, cities, counties and even states have been adapting their zoning or housing laws to make it easier for homeowners to create ADUs.



▲ Accessory dwelling units (or ADUs) come in many shapes and styles.

The ABCs of ADUs is a primer for elected officials, policymakers, local leaders, homeowners, consumers and others to learn what accessory dwelling units are and how and why they are built. The guide also suggests best practices for how towns, cities, counties and states can include ADUs in their mix of housing options.

ADUs Come in Many Shapes and Styles

ADUs are a family-friendly, community-creating type of housing the nation needs more of

Although many people have never heard the term, accessory dwelling units have been around for centuries (see page 6) and are identified by many different names. To be clear about what's being discussed:

- An ADU is a small residence that shares a single-family lot with a larger, primary dwelling
- As an independent living space, an ADU is self-contained, with its own kitchen or kitchenette, bathroom and sleeping area
- An ADU can be located within, attached to or detached from the main residence
- An ADU can be converted from an existing structure (such as a garage) or built anew
- ADUs can be found in cities, in suburbs and in rural areas, yet are often invisible from view because they're positioned behind or are indistinct from the main house
- Because ADUs are built on single-family lots as a secondary dwelling, they typically cannot be partitioned off to be sold separately
- An ADU can provide rental income to homeowners and an affordable way for renters to live in single-family neighborhoods
- An ADU can enable family members to live on the same property while having their own living spaces — or provide housing for a hired caregiver
- Unlike tiny houses (see page 17), ADUs are compact but not teeny, so they're a more practical option for individuals, couples and families seeking small, affordable housing
- For homeowners looking to downsize, an ADU can be a more appealing option than moving into an apartment or, if older, an age-restricted community
- ADUs can help older residents remain in their community and “age in place”



CREATIVE COMMONS

▲ Accessory dwelling units show up in neighborhoods throughout the country — and even in pop culture. One example: In the sitcom *Happy Days*, Fonzie (right) rented an above-garage ADU from the Cunningham family in 1950s-era Milwaukee, Wisconsin.

ADUs are also known as ...

Although most local governments, zoning codes and planners in the United States use the term *accessory dwelling unit* or *ADU*, these small homes and apartments are known by dozens of other names. The different terms conjure up different images. (Who wouldn't rather live in a “carriage house” than in an accessory or “ancillary” unit?) Even if you've never heard of accessory dwelling units or ADUs, you have likely heard of — and perhaps know the locations of — some of the home types noted at right.



▲ Renting out this 350-square-foot garage-conversion ADU in Portland, Oregon, helps the property owner, who lives in the lot's primary residence, pay her home mortgage.

- accessory apartment
- alley flat
- back house
- backyard bungalow
- basement apartment
- carriage house
- coach house
- garage apartment
- granny flat
- guest house or cottage
- in-law suite
- laneway house
- mother-daughter house
- multigenerational house
- ohana unit
- secondary dwelling unit
- sidekick

PHOTO AND LIST FROM ACCESSORYDWELLINGS.ORG

Since ADUs can be created in many different shapes and styles, they're able to fit discreetly into all sorts of communities, including suburban subdivisions, row-house streets (either with or without back-alleys), walkable town or urban neighborhoods — and, of course, large lots and rural regions.



◀ A **DETACHED ADU** (aka DADU) is a stand-alone home on the same lot as a larger, primary dwelling. Examples include backyard bungalows and converted outbuildings.

Location: Portland, Oregon | Photo by David Todd



▶ An **ATTACHED ADU** connects to an existing house, typically through the construction of an addition along the home's side or rear. Such units can have a separate or shared entrance.

Location: Davidsonville, Maryland | Photo by Melissa Stanton, AARP



◀ A **GARAGE ADU** makes use of an attached or detached garage by converting the space into a residence. Other options involve adding a second-story ADU above a garage or building a new structure for both people and cars.

Location: Portland, Oregon | Photo by Radcliffe Dacanay

An **INTERNAL ADU** is created when a portion of an existing home — an entire floor, part of a floor, or an attic or basement — is partitioned off and renovated to become a separate residence.

▶ Access to an **UPPER-LEVEL ADU** can be provided through a stairway inside the main home or directly from an exterior staircase. This 500-square-foot ADU sits atop a 1,900-square-foot primary dwelling.

Location: Portland, Oregon | Photo by Eli Spevak, Orange Splot LLC



▲ A **LOWER-LEVEL ADU** is typically created through the conversion of a home's existing basement (provided that height and safety conditions can be met), during construction of the house, or (see page 7) as part of a foundation replacement and house lift.

Location: Portland, Oregon | Photo by Derin Williams

ADUs Are Good for People and Places

Communities that understand the benefits of ADUs allow homeowners to create them

ADUs are an affordable housing option

- ADUs can generate rental income to help homeowners cover mortgage payments or simply make ends meet. The income provided by an ADU tenant can be especially important for older people on fixed incomes.
- Since the land on which an ADU is built already belongs to the homeowner, the expense to build a secondary residence is for the new structure only. The lot is, in a sense, free.
- ADUs are typically owned and managed by homeowners who live on the premises. Such landlords are less likely to raise the rent once a valued tenant has moved in. Many ADUs are created for family members to reside in for free or at a discounted rate.
- Although market rate rents for ADUs tend to be slightly more than for similarly sized apartments, they often represent the *only* affordable rental choices in single-family neighborhoods, which typically contain no studio or one-bedroom housing options at all.
- Some municipalities are boosting ADUs as part of affordable housing and anti-displacement strategies. Santa Cruz, California (see opposite), is among the cities with programs to help lower-income households build ADUs or reside in them at reliably affordable rents.

ADUs are able to house people of all ages

- An individual's housing needs change over time, and an ADU's use can be adapted for different household types, income levels, employment situations and stages of life.
- ADUs offer young people entry-level housing choices.
- ADUs enable families to expand beyond their primary home.
- ADUs provide empty nesters and others with the option of moving into a smaller space while renting out their larger house or letting an adult child and his or her family reside in it.

ADUs are just the right size

- Generally measuring between 600 and 1,000 square feet, ADUs work well for the one- and two-bedroom homes needed by today's smaller, childless households, which now account for nearly two-thirds of all households in the United States.

ADUs are good for the environment

- ADUs require fewer resources to build and maintain than full-sized homes.
- ADUs use significantly less energy for heating and cooling. (Of all the ADU types, internal ones tend to have the lowest building and operating costs.)

ADUs are community-compatible

- ADUs offer a way to include smaller, relatively affordable homes in established neighborhoods with minimal visual impact and without adding to an area's sprawl.
- ADUs provide a more dispersed and incremental way of adding homes to a neighborhood than other options, such as multistory apartment buildings. As a result, it's often easier to get community support for ADUs than for other housing types.

Big houses are being built, small houses are needed

Do we really need more than three times as much living space per person as we did in 1950? Can we afford to buy or rent, heat, cool and care for such large homes?

YEAR	1950	2017
Average square footage of new single-family homes	983	2,571
Number of people per household	3.8	2.5
Square feet of living space per person	292	1,012

Fact: ADUs house more people per square foot of living area than single-family homes do.

SOURCE: NATIONAL ASSOCIATION OF HOME BUILDERS (AVERAGE HOME SIZES), U.S. CENSUS BUREAU (AVERAGE HOUSEHOLD SIZES)

HOME VISIT #1

Attached ADU Addition

Santa Cruz, California

Size: 500 square feet



▲ The area with the darker roof shingles is the ADU that was added onto the home of Carrie and Sterling Whitley.

◀ ▶ The Whitleys' ADU (that's Carrie showing off the front yard's new paths and plantings) has its own entrance on the side of the home and is being rented to the couple's daughter so she can help her elderly parents when needed.

When Carrie and Sterling Whitley bought their house in 1971, they paid less than \$15,000. Nearly 50 years later, similar homes on their street have sold for more than \$1 million.

THE PROBLEM: The Whitleys, who are in their 80s, own the house outright and don't want to move. But the financial and physical demands involved in maintaining the house are a challenge.

A SOLUTION: To help low-income homeowners age 62 or older live independently and keep their homes, the Monterey Bay affiliate of Habitat for Humanity and the City of Santa Cruz launched My House My Home: A Partnership for Aging-in-Place. The pilot program builds accessory dwelling units so older homeowners can downsize into a new, aging-friendlier home and earn rental income from their original house. Or such homeowners can remain in their house and rent out the new, smaller residence. Participating homeowners are required to charge an affordable rental rate.

REALITY CHECK: When the Whitleys' project broke ground in April 2017, they were the first homeowners to receive an ADU through the program, which worked with them to design the ADU as an addition to their existing home. Since the dwelling was built with accessibility features, Carrie and Sterling know they can downsize into it if they ever need to. Until then, their daughter, Brenda, resides in the addition.

REAL LIFE: "I'm right next door to my parents in case they need me or need any help," Brenda says.

Design: Historic Sheds | Builder: Historic Sheds | Cost to build: \$158,000 in 2017 (not including volunteer labor) | Photos by Michael Daniel | Article adapted from Where We Live: Communities for All Ages (AARP 2018)



ADU ADVICE: With an attached ADU, privacy between the two residences can be achieved by locating the ADU bedroom(s) and bathroom(s) as far as possible from the main house. Providing the ADU with its own yard or outdoor space is helpful too.

ADUs Are an American Tradition

While today's interest in ADUs may be new, the housing type is centuries old

Early settlers often built a small home to live in while constructing their larger, primary house nearby.

When farming was a source of survival for most of the nation's households, families routinely constructed additional homes on their land when needed.

People with wealth and acreage regularly populated their lands with secondary mansions and ancillary buildings independent of the main estate house.

In fact, until the 20th century, people with land built as many homes as they wished. There were few or no zoning rules, municipal services or infrastructure (utilities, roads, schools, trash collection, first-responders) to consider.

A historic precedent for the modern day accessory dwelling unit is the “carriage house,” or “coach house.” Originally built for horse-drawn carriages, the structures associated with grander homes were frequently large enough to double as living quarters for workers and stable hands.

Decades later, in response to housing shortages and economic needs, many surviving carriage houses were

converted into rental homes. By becoming landlords, the owners gained income from their otherwise unused outbuildings.

Automobile garages have a similar history. Some were originally built with a housing unit upstairs. Over time, many garages were converted (often illegally or under zoning codes no longer applicable today) into small homes when the spaces became more valuable for housing people than vehicles.

With the rise of suburban single-family home developments following World War II, ADUs practically ceased to be built legally in the United States. Then as now, residential zoning codes typically allowed only one home per lot, regardless of the acreage and with no exceptions. Attached and detached garages occupied yard space that might otherwise have been available for ADUs.

Some cities, including Chicago, grandfathered in pre-existing ADUs — but only if the residences remained consistently occupied. In Houston's historic and trendy Heights neighborhood, old and new garage apartments are common and desired.

But elsewhere, even in rural areas with ample land, property owners are often prohibited from creating secondary dwellings. Many communities today don't allow new ADUs, even if they did in the past — and even if ADUs currently exist there. (Countless units in single-family homes or yards are technically illegal or are allowed simply because they were created when such residences had been legal.)

ADUs began making a comeback in the 1980s as cities explored ways to support smaller and more affordable housing options within single-dwelling neighborhoods. In 2000, in response to a growing demand for ADU-supportive guidelines, AARP and the American Planning Association partnered to release an influential model state act and local code for ADUs.

More recently, there's been renewed interest at the state and local levels (see page 8) in legalizing and encouraging the creation of ADUs, driven by the increasingly high cost of housing and, in some places, the belief that homeowners with suitable space shouldn't be so restricted in the use of their property.

▼ **This carriage house containing a one-bedroom, one-bath ADU above a two-car garage sits behind a six-level, Gilded Age, Hoboken, New Jersey, townhome that was built in 1883. The dual residence property was on the market in 2018 for \$5 million.**



HOME VISIT #2

Garage Apartment ADU

Denver, Colorado

Size: 360 square feet



▲ The apartment above the garage can be reached from inside the garage or from an exterior side entrance accessed from the yard it shares with the primary residence.

“I see our ADU as something very similar to a student loan,” says Mara Owen. “It’s something you invest in the future with. It was cheaper than buying a house for Mom, and it lets her have independence. It’s great knowing we can check in on her whenever.”

AH-HA MOMENT: Owen, her partner, Andrew, and their three dogs were sharing a one-bedroom, one-bath house with her mother, Diane. When Owen learned that ADUs were allowed in the city, she decided the best way to get more space for her small home’s many residents would be to remove their “leaky and defunct” garage and build a new two-car garage with an apartment above it.

WISE ADVICE: “Get a really great builder and architect,” says Owen. “Interviewing architects was similar to a first date. It’s not just who you feel connected with. That’s important, but get to the values. It’s a niche market, so see if you can find someone who has built ADUs before, because ADUs are a little different.”

FUTURE PLANS: The stairs to Diane’s apartment are wide enough for a stair lift, if it’s ever needed. The roof was built at the correct slope for the eventual installation of solar panels.

Design: Hive Architecture | Builder: Hive Architecture | Cost to build: \$167,000 in 2016 | Photo by Mara Owen | Article adapted from “ADU Case Studies” by Lina Menard on AccessoryDwellings.org. Visit the website to read about and see photographs of more ADU projects.

HOME VISIT #3

Basement ADU

Portland, Oregon

Size: 796 square feet

The transformation of this colorful Victorian was both a preservation and expansion project.

TEACHING MOMENT: “Here’s a very welcome breath of fresh air, especially in the face of so much gentrification that is going on in Portland!” declared Mark Lakeman, principal of Communitecture, an architectural, planning and design firm, about the pictured remodel. Writing on his company’s website, he says the project provides a lesson in how to “adapt and reuse our precious historic houses so they can accommodate more people while also providing more income to support the existing home.”

HOW’D THEY DO IT? To add a basement rental unit, engineers lifted the house. The resulting ADU is roughly four feet underground and four feet above.



▲ By lifting the house and digging beneath it, designers, engineers and builders turned a two-story, single-family home into a three-story, multifamily residence.

THE ACHIEVEMENT: Adds Lakeman: “Unlike the seemingly pervasive method of simply tearing down existing buildings so that new, giant ones can be built, this approach achieves upgrades in energy efficient living places and adds density while retaining the continuity of our beloved historical urban environment.”

Design: Communitecture | Home Lift: Emmert International | Builder: Tom Champion | Cost to build: \$125,000 in 2015 | Photos by Communitecture (before) and Chris Nascimento (after)

The Time Is Now

Rules for ADUs continue to evolve and frequently differ from one town to the next

Some communities allow almost any home to be set up with an ADU — so long as size limits, property line setbacks and placement caveats in relation to the primary dwelling are met.

Other communities start with those basic standards and then layer on extra requirements (see page 14) that can make it challenging to create an ADU.

Municipalities nationwide have been relaxing their restrictions against ADUs, and some states have been encouraging their creation by requiring communities to allow them.

- In 2017, California required all of its cities and counties to allow ADUs so long as the property owner secured a building permit. In Los Angeles, Mayor Eric Garcetti has said ADUs could provide the city with a needed 10,000 housing units. He's touted ADUs as a "way for homeowners to play a big part in expanding our city's housing stock and make some extra money while they're at it."
- That same year, a New Hampshire law established that local zoning codes had to allow ADUs nearly everywhere single-family housing was permitted. The change stemmed in large part from the frustration of builders who couldn't construct the type of amenities, such as backyard cottages and garage apartments, that their clients desired.
- Oregon requires cities and counties of certain sizes within urban growth boundaries to allow ADUs in all single-family neighborhoods.
- As of 2019, major cities that allow ADUs include Anchorage, Alaska; Atlanta, Georgia; Austin, Texas; Denver, Colorado; Honolulu, Hawaii; Houston, Texas; Philadelphia, Pennsylvania; Phoenix, Arizona; Seattle, Washington; and Washington, D.C. Communities in Massachusetts, Kentucky, Illinois, Indiana and Oregon have sought advice from AARP and Orange Sploot about revising their zoning codes to allow ADUs.

► The unique floor plan of this single-family Maryland farmhouse allows for a first floor residence (accessed through the door on the right) and an upper-level ADU that can be reached through the entrance at left.

To Encourage ADUs

LOCAL OFFICIALS can ...

- allow all ADU types (detached, attached, interior)
- simplify the building permit process for ADUs
- waive or reduce permit and impact fees
- let garages be converted into ADUs without requiring replacement off-street parking
- allow a second ADU if one of the homes on the property meets accessibility standards

COMMUNITY PLANNERS can ...

- adopt simple, flexible but nondiscretionary ADU rules about setbacks, square footage and design compatibility with the primary dwelling

LENDERS can ...

- work with homeowners to finance the construction of ADUs by using renovation loans

ADVOCATES can ...

- organize tours of completed ADUs in order to inform and inspire the community
- educate homeowners, real estate agents, architects and builders about local zoning regulations and the permit process

REAL ESTATE AGENTS can ...

- educate themselves and their clients about rules for the construction of ADUs

LOCAL MEDIA can ...

- report on how and why homeowners build ADUs



PHOTO BY MELISSA STANTON, AARP

HOME VISIT #4

Internal ADU (Main Level)

Portland, Oregon

Size: 220 square feet

Even small homes can have enough space for an ADU. An underused main floor bedroom in this 1.5-story, 1,500-square-foot bungalow was transformed into a studio apartment.

AH-HA MOMENT: According to Joan Grimm, who owns the home with Rita Haberman: “What we were looking for in terms of a community and aging in place was right under our noses. Remove a fence and create a shared open space. Build a wall and create a second dwelling unit. It doesn’t have to be complicated.”

REAL LIFE: “Creatively carving out an ADU from the main floor of our house saved on design and construction costs,” Grimm adds. “It provides an opportunity for rental income, with no significant compromise to the livability of our home.”

*Design: Rita Haberman | Builder: RS Wallace Construction | Cost to build: \$55,000 in 2015 (with some work done by the homeowners)
Photos courtesy Billy Ulmer | Article adapted from “ADU Case Studies” by Lina Menard on AccessoryDwellings.org*



▲ The steps and side entrance (top) lead to the studio apartment ADU, which was crafted out of an existing space. The covered porch to the right leads to the primary residence. The ADU contains a kitchen, small dining and living area, sleeping area, bathroom and laundry area.

HOME VISIT #5

Internal ADU (Lower Level)

Portland, Oregon

Size: 795 square feet

“We were looking for a way to live in our house for the rest of our lives and to generate at least some income in the process,” Robert Mercer and Jim Heuer wrote for the program guide of the annual Portland ADU Tour when their home was part of the lineup. “An ADU offers the possibility of caregiver lodging in the future or even a place for us to live while we rent out the main house if we get to the point where we can’t handle the stairs any longer.”

THE SOUND OF SILENCE: Internal ADUs often require that soundproofing insulation be installed between the primary dwelling and the accessory unit that’s below, above or beside it. In Portland, the building code for duplex residences requires a sound insulation rating of at least STCC45. To property owners thinking about a similar ADU setup, the duo advise: “Think about how you live in your home and

▼ The door to the right of the garage leads to a ground-floor ADU with windows along the back and side walls. The upper-level windows seen below are part of the main residence.



how having downstairs neighbors will change what you can and can’t do with your space and what investment you are prepared to make in sound insulation.”

AN ADDED BONUS: “We are pleased that we have been able to provide more housing density on our property and still be in keeping with the historic character of our home.”

Design: DMS Architects | Builder: Weitzer Company | Cost to build: \$261,000 in 2016 | Photo by Melissa Stanton, AARP | Article adapted from the 2017 ADU Tour project profiles on AccessoryDwellings.org

Bringing Back ADUs

The reasons for creating or living in an ADU are as varied as the potential uses

ADUs are flexible. Over time, a single ADU might be used in many ways as an owner's needs and life circumstances change. Following are just a few reasons why ADUs are created and by whom:

EMPTY NESTERS can build an ADU and move into it, then rent out the main house for supplemental income or make it available to their adult children.

FAMILIES WITH YOUNG CHILDREN can use an ADU as housing for a nanny or au pair or even a grandparent or two, who can then help raise their grandkids and be assisted themselves as they age.

INDIVIDUALS IN NEED OF CARE can reside in an ADU to be near family members, or they can use the ADU to house a live-in aide. (In fact, ADUs can be an affordable and more comforting alternative to an assisted-living facility or nursing home.)

HOME BUYERS can look forward to the rental income from an ADU to help pay their mortgage or finance home improvements, especially in expensive housing markets.

HOME-BASED WORKERS can use an ADU as their office or workshop.

HOMEOWNERS can use an ADU for guests or as housing for friends or loved ones who:

- aren't yet financially independent, such as new high school or college graduates
- need temporary housing due to an emergency or while renovating their own home
- have disabilities but can live independently if family reside nearby



▲ The zoning code in Evanston, Illinois, permits accessory dwelling units, creating an opportunity for the owners of this 1911 home with an outbuilding in the backyard.

Planning and Paying for ADUs

Most new homes are built by developers, entire subdivisions at a time. Apartments are also built by pros.

But ADUs are different.

Although ADUs are occasionally designed into new residential developments, the vast majority are created by individual homeowners after they move in. In other words, ADUs are usually created by enthusiastic and motivated *amateurs*.

An ADU may present the ultimate chance for a do-it-yourselfer to build his or her small dream home. More often, homeowners bring in a combination of architects, designers and construction contractors to do the work, much as they would for a home addition or major kitchen remodeling. The local municipality's planning department can provide guidance on the rules for ADUs and information about what permits, utility connections and fees are involved.

ADUs aren't cheap, and they are often the most significant home improvement project a homeowner will undertake.

Although internal ADUs can sometimes be built for about \$50,000, new detached ADUs often exceed \$150,000. Most ADUs are financed through some combination of savings, second mortgages, home equity lines of credit and/or funds from family members (sometimes a relative who ends up living in it).

In some areas, the cost of building an ADU can be recouped after a few years of renting it. If that's the plan, it's worth estimating the expenses versus the potential income before undertaking an ADU project.

A few cities, nonprofits and start-ups are experimenting with creative financing options that could put ADUs within reach for more homeowners and their families, as well as prospective renters.



HOME VISIT #6

Detached ADU (One-Story)

Decatur, Georgia

Size: 800 square feet

When Walt Drake decided to downsize, his son Scott purchased his dad's house for himself and his family and built a detached ADU (or DADU) for Walt.

"From not finding what we wanted for Dad, we decided to create it," says Scott. "Neighborhoods built in the 1920s have carriage houses. Building an ADU was a modern day version of something people have been doing on their property in this area for a hundred years."

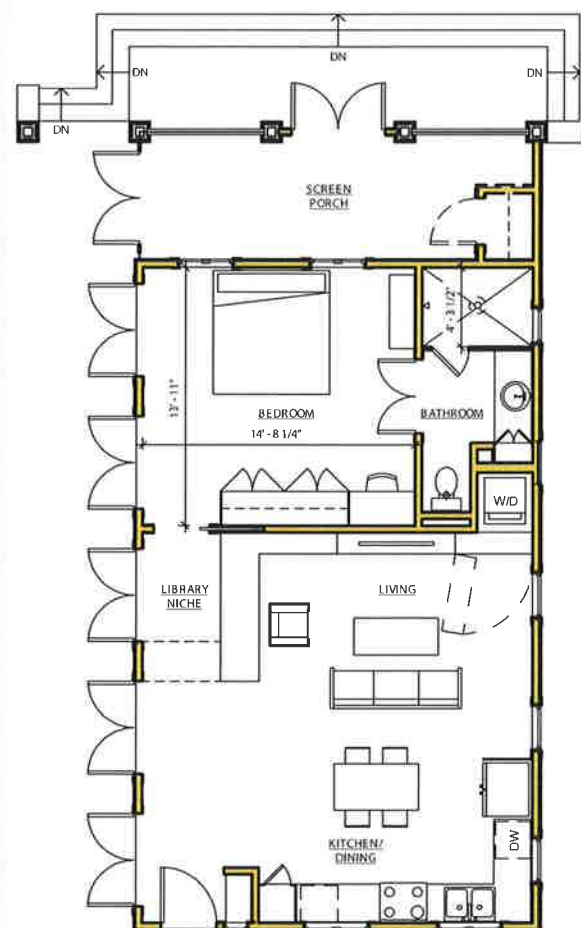
NEAR AND FAR: "We wanted the houses to be separate and to feel like we're each on our own property, but we're there for each other," says Scott.

AGING-FRIENDLY: Building the ADU meant Walt didn't have to sell his home and leave his neighborhood. "He was able to keep his own stuff and turn over what he didn't need to us," says Scott. "It kept my dad in place, which I think was important."

FUTURE PLANS: Scott says the ADU is "serving its intended purpose" but that someday down the road it could be used as a long- or short-term rental. "The ADU could turn into lots of different things over the course of its lifetime."

Design: Adam Wall, Kronberg Wall | Builder: Rob Morrell | Cost to build: \$350,000 in 2014 | Photo by Fredrik Brauer | Floor plan by Kronberg Wall Architects | Article adapted from "ADU Case Studies" by Lina Menard on AccessoryDwellings.org

▲ Walt Drake's Southern-style, one-bedroom ADU has an outdoor, wraparound porch that can be accessed without using steps. The design is in keeping with other buildings in the neighborhood.



ADUs Are Age-Friendly Housing

New-construction ADUs can be created with “universal design” features

An “age-friendly” home has a zero-step entrance and includes doorways, hallways and bathrooms that are accessible for people with mobility differences. Garage conversions (such as the one pictured on page 2) are among the easiest and least expensive ADU solutions for aging in place since they’re preexisting structures and generally have no-step entries. To learn more about making a home aging-friendly, download or order the AARP HomeFit Guide at AARP.org/HomeFit.

HOME VISIT #7

Detached ADU (Two-Story)

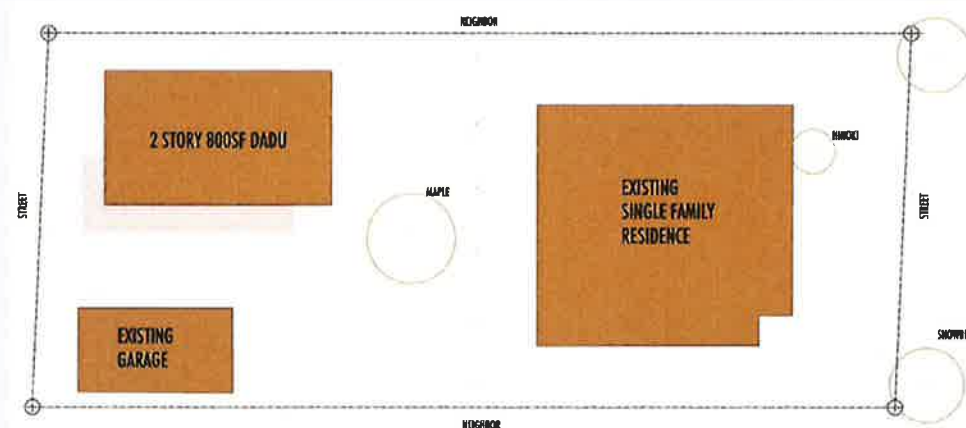
Seattle, Washington

Size: 800 square feet

Evelyn Brom’s plan was to build a backyard cottage and rent it out. She would keep living in her two-bedroom home.

AH-HA MOMENT: As the design developed, Brom realized that *she* wanted to live in the stunning wood-and-glass ADU. It was a good decision. A week before moving in, Brom was laid off from her job.

REAL LIFE: The \$3,000 a month Brom receives in rent for the main house (which is occupied by a three-generation family) provides a needed income. “Being laid off has made this arrangement a lifesaver,” Brom says. If the stairs in the cottage ever become too hard to navigate, she can move back into her original one-story house and rent out the cottage instead. “Now I have options,” she says.



▲ There’s a powder room, open kitchen and living room on the first floor, with a bedroom and bathroom upstairs.

◀ Although Brom’s property is only 0.13 acres, it’s large enough to accommodate two homes, a patio, a lawn and a garage. A slatted wood fence with a gate divides the space between the two houses and provides privacy.

Design: Chrystine Kim, NEST Architecture & Design | Builder: Ian Jones, Treebird Construction | Photo by Alex Hayden | Cost to build: \$250,000 in 2014
Article adapted from Where We Live: Communities for All Ages (AARP 2018)

HOME VISIT #8

Detached Bedroom

St. Petersburg, Florida

Size: 240 square feet

Bertha and her son John talked about someday buying a house with a mother-in-law suite. “Then one day someone came along and wanted my house, so I up and sold it,” she explains. “But that left me homeless. I asked John if I could build a small house in his backyard and he agreed.”

CREATIVE THINKING: A detached bedroom is a permanent, accessory structure that, unlike ADUs, lacks a kitchen. But that’s what makes these cabin-like homes more affordable to build than many ADUs and even tiny houses.

WHAT’S INSIDE: Bertha’s home contains a sleeping and living area and a full bathroom. “I paid for the little house and it’s on my son’s property. So I figured, if I’m cooking I can do it at my son’s house,” she says. (Her laundry is also done at his house.)



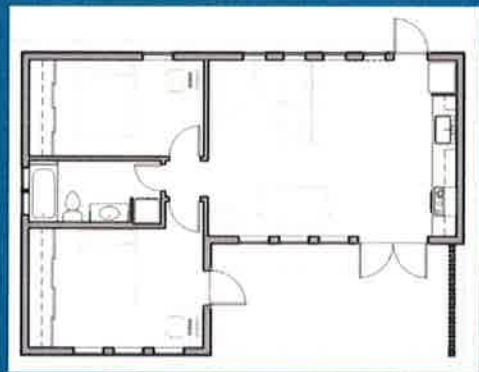
▲ A detached bedroom, which contains a bathroom but no kitchen, can provide housing for a loved one or serve as a home office or guest cottage.

REAL LIFE: “Having access to my son’s house makes it livable. Otherwise, I personally would not be happy. It’s very comforting to know that John is close by. Hopefully this will be my home forever.”

Design: Historic Sheds | Builder: Historic Sheds | Cost to Build: \$50,000 in 2017 | Photo by Historic Sheds | Article adapted from “ADU Case Studies” by Lina Menard on AccessoryDwellings.org

A Sustainable and Sunny ADU

Tired of living in a house with so many walled off and dark spaces that the sun couldn’t shine in, the home’s owners built and moved into the bright, airy, modern and very accessible ADU they created in their yard. (The original, larger home has become a rental.) The ADU is located within a conservation district and was constructed using sustainable materials and environmentally friendly techniques. One such feature is the deck trellis, which allows light in while diffusing the heat of the afternoon sun.



▲ Although this ADU has only 721 square feet of living space, there is room enough for two bedrooms.

Design: Propel Studio | Builder: JLTB Construction | Photo by Josh Partee | Cost to build: \$185,000 in 2017 | Article adapted from “ADU Case Studies” by Lina Menard on AccessoryDwellings.org

Practical Solutions for ADUs

Local laws can both allow and appropriately control the creation of accessory dwellings

There are more than 19,000 cities, 16,000 towns and 3,000 counties in the United States. Regulations about ADUs are typically written or adopted at the local government level.

Where it's legal to build ADUs, homeowners still need to follow rules about where it can be done, how tall they can be, how many square feet they can contain, what they can look like and how they can be used. These rules can be found in the local zoning code.

Over the past few decades it has become clear that there's a balance to strike between the strictness of ADU regulations and how often ADUs get built.

For instance, after Portland, Oregon, relaxed its ADU rules in 2010 and waived impact fees (a savings of up to \$12,000), the number of ADUs built there increased from about 30 per year between 2000 and 2009 to practically one ADU a day in 2015.

Changes in California's ADU laws allowed Los Angeles to achieve an even more dramatic increase, going from 80 permit applications in 2016 to nearly 2,000 in 2017. Allowing both an ADU and a "Junior ADU," or JADU — an interior ADU of 500 square feet or fewer — on properties in Sonoma County were among the urgent

policies adopted in the wake of Northern California's many devastating fires.

Meanwhile, in many jurisdictions, well-intentioned but burdensome rules can stymie the creation of ADUs. ADU-related zoning codes should be restrictive enough to prevent undesirable development but flexible enough that they actually get built.

When a community is worried about a potentially undesirable outcome, it can — and many do — craft regulations to prevent particular building types, locations or uses. A city concerned about the environmental impact of new structures might prohibit placing detached ADUs in precarious locations, such as on steeply sloping lots. Communities wary of ADUs becoming, for instance, off-campus student housing could establish occupancy rules.

Every community has its own priorities and concerns, and there's a wide enough range of regulatory controls that communities can write appropriate ADU rules.

This inherent flexibility in the form and function of ADUs allows them to pass political muster and get adopted in a wide range of places. (See page 16 for more about uses and rules.)

Rules that discourage ADUs

- ADU-specific regulations that don't also apply to primary dwellings (e.g., owner-occupancy requirements)
- complex design compatibility criteria and approval steps
- off-street parking requirements beyond those required for the primary dwelling
- restrictions that limit ADUs to certain geographic areas, particular zoning categories or to large lots
- caps on square footage relative to the primary house that make it easy to add an ADU to a large home but hard or impossible to add one to a small home

TRADING SPACES: An ADU is always the smaller of two dwellings on a property, but it's possible for an existing home to become the ADU when a larger house is built and becomes the primary dwelling.

Are ADUs allowed in your community?

Find out by calling the office in charge of land use and permits or stopping by in person. You can also search for and read the zoning code through the local government's website.

- If ADUs are allowed, ask what conditions, permit needs and impact fees apply.
- If ADUs are not allowed in your community and you want them to be, ask an elected official or the local department of zoning and planning for information about how the codes can be updated. Then get organized and start advocating!

Creating (or Understanding) an ADU Zoning Code

The ADU section of a community's zoning code needn't be overly complicated. It just needs to establish clear, objective and fair rules for the following:

1. A Definition: A good zoning code clearly defines its terminology. Here, for example, is a useful outline for what, in the real world, is a very fluid term: "An ADU is a smaller, secondary home on the same lot as a primary dwelling. ADUs are independently habitable and provide the basic requirements of shelter, heat, cooking and sanitation."

2. The Purpose: This is where the code describes key reasons a community allows ADUs. They should:

- increase the number of housing units while respecting the style and scale of single-dwelling development
- bolster the efficient use of existing housing stock and infrastructure
- provide housing that's affordable and respond to the needs of smaller, changing households
- serve as accessible housing for older adults and people with disabilities

3. Eligibility: Who can build an ADU and on what type of property? A statement in this part of the code clarifies that an ADU can be placed only on a "residentially zoned, single-family lot." (Some communities provide lot size standards, but many don't.)

4. Creation: This is where the code sets out how an ADU can be built. For instance: "An ADU may be created through new construction, the conversion of an existing structure, as an addition to an existing structure or as a conversion of a qualifying existing house during the construction of a new primary dwelling on the site."

5. Quantity: Most municipalities that permit ADUs allow one per lot. Vancouver, British Columbia; Sonoma County, California; and Tigard, Oregon, are among the few that allow two per lot (typically one internal and one external). Some communities also allow duplexes or townhomes to have ADUs, either in the backyard or on the ground floor.

6. Occupancy and Use: A code should state that the use-and-safety standards for ADUs match those that apply to the primary dwelling on the same property. (See page 17 for more about ADU uses.)

7. Design Standards:

- **Size and height:** A zoning code might specify exactly how large and tall an ADU is allowed to be. For instance, "an ADU may not exceed 1,000 square feet

or the size of the primary dwelling, whichever is smaller." Codes often limit detached ADUs to 1.5 or 2 stories in height. (An example of that language: "The maximum height allowed for a detached ADU is the lesser of 25 feet at the peak of the roof or the height of the primary dwelling.")

- **Parking:** Most zoning codes address the amount and placement of parking. Some don't require additional parking for ADUs, some do, and others find a middle ground — e.g., allowing tandem parking in the driveway and/or on-street parking. (See page 16 for more about parking.)
- **Appearance:** Standards can specify how an ADU's roof shape, siding type and other features need to match the primary dwelling or neighborhood norms. Some codes exempt one-story and internal ADUs from such requirements. (See page 16 for more about making sure that ADUs fit into existing neighborhoods.)
- **Entrances and stairs:** Communities that want ADUs to blend into the background often require that an ADU's entrance not face the street or appear on the same facade as the entrance to the primary dwelling (unless the home already had additional entrances before the ADU was created).

8. Additional Design Standards for Detached ADUs:

- **Building setbacks:** Many communities require detached ADUs to either be located behind the primary dwelling or far enough from the street to be discreet. (A code might exempt preexisting detached structures that don't meet that standard.) Although this sort of rule can work well for neighborhoods of large properties with large rear yards, communities with smaller lot sizes may need to employ a more flexible setback-and-placement standard.
- **Building coverage:** A code will likely state that the building coverage of a detached ADU may not be larger than a certain percentage of the lot that is covered by the primary dwelling.
- **Yard setbacks:** Most communities have rules about minimum distances to property lines and between buildings on the same lot. ADUs are typically required to follow the same rules.

Visit AARP.org/ADU to see examples of ADU zoning codes from selected cities.

ADU “Hot Topics”

As communities allow ADUs or update existing zoning codes and rules to be more ADU-friendly, they inevitably wrestle with some or all of the following issues:

Adding ADUs to neighborhoods

Recognizing that ADUs may represent a new housing type for existing neighborhoods, communities often write special rules to ensure they'll fit in well. These guidelines typically address visual compatibility with the primary dwelling, appearance from the street (if the ADU can be seen) and privacy for neighbors. Rules that help achieve these goals include:

- height and size caps mandating that ADUs be shorter and smaller than the primary dwelling
- requirements that detached ADUs be behind the main house or a minimum distance from the street
- mandates that the design and location of detached ADUs be managed the same way as other detached structures (e.g., garages) on the lot
- design standards for larger or two-story ADUs so they architecturally match the primary dwelling or reflect and complement neighborhood aesthetics
- encouragement for the creation of internal ADUs, which are often unnoticed when looking at the house

Each community can strike its own unique balance between strict rules to ensure that ADUs have a minimal impact on neighborhoods and more flexible rules that make them easier to build.

▼ A top floor ADU can be a suitable rental for a student or someone who travels a lot for work. ADU expert Kol Peterson grew up in a home with an attic ADU that was usually rented to law school students. “They had to walk up the primary house’s interior stairs in order to access the affordable attic unit,” he writes in *Backdoor Revolution: The Definitive Guide to ADU Development*. “Over the years that each of them lived there, the tenants became parts of our family.”



Providing places to park

ADU regulations often include off-street-parking minimums on top of what's already required for the primary dwelling. Such rules can prevent homeowners from building ADUs if there's insufficient physical space to accommodate the parking. However, additional parking often isn't needed.

Data from Portland, Oregon, shows that there are an average of 0.93 cars for each ADU, and that about half of all such cars are parked on the street. With fewer than 2 percent of Portland homes having ADUs (the highest percentage in the country), there is about one extra car parked on the street every six city blocks. This suggests that any impacts on street parking from ADUs are likely to be quite small and dispersed, even in booming ADU cities.

More-realistic parking rules might:

- require the creation of new parking only if the ADU displaces the primary dwelling's existing parking
- waive off-street-parking requirements at locations within walking distance of transit
- allow parking requirements for the house and ADU to be met by using some combination of off-street parking, curb parking, and tandem (one car in front of the other) parking in a driveway

Dealing with unpermitted ADUs

It's not uncommon for homeowners to convert a portion of their residence into an ADU in violation (knowingly or not) of zoning laws or without permits.

Such illegal ADUs are common in cities with tight housing markets and a history of ADU bans. One example is New York City, which gained 114,000 apartments between 1990 and 2000 that aren't reflected in certificates of occupancy or by safety inspections.

Some cities have found that legalizing ADUs, simplifying ADU regulations and/or waiving fees can be effective at getting the owners of illegal ADUs to “go legit” — and address safety problems in the process.

Allowing and Restricting Uses

Communities get to decide whether to let ADUs be used just like any other housing type or to create special rules for them. Some municipalities take a simple approach, regulating ADUs just as they do other homes. So if a home-based childcare service is allowed to operate in the primary dwelling, it is also allowed in an ADU. Conversely, communities sometimes adopt ADU-specific regulations in order to avoid undesirable impacts on neighbors. Examples include:

Limiting short-term rentals

ADUs tend to work well as short-term rentals. They're small and the owner usually lives on-site, making it convenient to serve as host. However, if ADUs primarily serve as short-term rentals, such as for Airbnb and similar services, it undermines the objective of adding small homes to the local housing supply and creating housing that's affordable.

In popular markets, short-term rentals can be more profitable than long-term ones, allowing homeowners to recoup their ADU expenses more quickly. In addition, short-term rentals can provide owners with enough income that they can afford to occasionally use the ADU for friends and family.

A survey of ADU owners in three Pacific Northwest cities with mature ADU and short-term rental markets found that 60 percent of ADUs are used for long-term housing as compared with 12 percent for short-term rentals.

Respondents shared that they "greatly value the ability to use an

ADU flexibly." For instance, an ADU can be rented nightly to tourists, then someday rented to a long-term tenant, then used to house an aging parent. ADUs intended primarily for visiting family are sometimes used as short-term rentals between visits.

Cities concerned about short-term rentals often regulate them across all housing types. If there are already rules like this, special ones might not be needed for ADUs. An approach employed in Portland, Oregon, is to treat ADUs the same except that any financial incentives (such as fee waivers) to create them are available only if the property owner agrees not to use the ADU as a short-term rental for at least 10 years.

Requiring owner-occupancy

Some jurisdictions require the property owner to live on-site, either in the primary house or its ADU. This is a common way of addressing concerns that absentee landlords and their tenants will allow homes and ADUs to fall into disrepair and negatively impact the neighborhood.

Owner-occupancy rules are usually implemented through a deed restriction and/or by filing an annual statement confirming residency. Some cities go further, saying ADUs can be occupied only by family members, child- or adult-care providers, or other employees in service of the family.

Owner-occupancy requirements make the financing of ADUs more difficult, just as they would if applied to single-family homes. But as ADUs have become more common, owner-occupancy restrictions have become less so, which is good. Such requirements limit the appraised value of properties with ADUs and reduce options for lenders should they need to foreclose.

Enforcing owner-occupancy laws can be tricky, and the rules have been challenged in courts, sometimes successfully. However, according to a study by the Oregon Department of Environmental Quality, more than two-thirds of properties with ADUs are owner-occupied even without an owner-occupancy mandate.

While not technically ADUs, tiny houses can serve a similar purpose

► Because tiny houses — such as the 100-square-foot “Lucky Penny,” pictured — are built on a trailer with wheels rather than on a fixed foundation, they are typically classified as recreational vehicles (RVs) rather than permanent residences. Although tiny homes are usually smaller than 400 square feet, many of them do contain a kitchen and bathroom.



Design and Builder: Lina Menard, Niche Consulting | Photos by Guillaume Ditielh, PhotoXplorer



ABOVE-GARAGE ADU



DETACHED-BEDROOM ADU



DETACHED ADU

- An accessory dwelling unit is a small residence that shares a single-family lot with a larger primary dwelling.
- As an independent living space, an ADU is self-contained, with its own kitchen or kitchenette, bathroom and living/sleeping area. (Garage apartments and backyard cottages are each a type of ADU.)
- ADUs can enable homeowners to provide needed housing for their parents, adult children, grandchildren or other loved ones.
- An ADU can provide older adults a way to downsize on their own property while a tenant or family member resides in the larger house.
- Since homeowners can legally rent out an ADU house or apartment, ADUs are an often-essential income source.
- ADUs help to improve housing affordability and diversify a community's housing stock without changing the physical character of a neighborhood.
- ADUs are a beneficial — and needed — housing option for people of all ages.

Learn more about ADUs and
order or download

The ABCs of ADUs

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Real Possibilities

QUICKNOTES

Accessory Dwelling Units

Accessory dwelling units (ADUs) are small, self-contained living units that typically have their own kitchen, bedroom(s), and bathroom space. Often called granny flats, elder cottage housing opportunities (ECHO), mother-daughter residences, or secondary dwelling units, ADUs are apartments that can be located within the walls of an existing or newly constructed single-family home or can be an addition to an existing home. They can also be freestanding cottages on the same lot as the principal dwelling unit or a conversion of a garage or barn.

The benefits to the home owner and the ADU occupant are many. For the home owner, ADUs provide the opportunity to offer an affordable and independent housing option to the owner's grown son or daughter just starting out or to an elderly parent or two who might need a helping hand nearby. The unit could also be leased to unrelated individuals or newly established families, which would provide the dual benefit of providing affordable housing to the ADU occupant and supplemental rental income to the owner. Supplemental income could offset the high cost of a home mortgage, utilities, and real estate taxes. Finally, leasing an ADU to a young person or family can provide an elderly home owner with a sense of security and an opportunity to exchange needed work around the house and yard for a discount on rent.

Despite the benefits, some communities resist allowing ADUs, or allow them only after time-consuming and costly review procedures and requirements. Public resistance to ADUs usually takes the form of a perceived concern that they might transform the character of the neighborhood, increase density, add to traffic, make parking on the street more difficult, increase school enrollment, and put additional pressure on fire and police service, parks, or water and wastewater. However, communities that have allowed ADUs find that these perceived fears are mostly unfounded or overstated when ADUs are actually built.

ADUs are a particularly desirable option for many communities today considering the current economic climate, changes in household size, increasing numbers of aging baby boomers, and the shortage of affordable housing choices. They provide a low-impact way for a community to expand its range of housing choices.

LOCALITIES AND STATES GET INTO THE ACT

Towns, cities, and counties across the country have done the right thing by proactively amending local zoning ordinances to allow ADUs. This is typically done either as a matter of right or as a special or conditional use. In either case, reasonable conditions may be imposed. Some states, including California, have enacted legislation that limits the ability of localities to zone out ADUs.

In 2001 AARP retained APA's Research Department to write a guidance report for citizens interested in convincing local and state officials of the benefits of allowing ADUs and showing them how to do it. *Entitled Accessory Dwelling Units: Model State Act and Model Local Ordinance*, the monograph provides alternative statute and ordinance language useful to implementing all forms of ADUs.

The Model Local Ordinance suggests recommendations for communities. Additionally, the intent of the ordinance describes the permitting process for eligibility and approval, and further outlines standards for ADU approval pertaining to lot size, occupancy, building standards, parking and traffic, public health, and how to deal with nonconforming ADUs. *The Model State Act* provides findings and policies encouraging the approval of ADUs and names local governments as the entities entitled to authorize

"Towns, cities, and
counties across the
country have done
the right thing by
proactively
amending local
zoning ordinances
to allow ADUs."



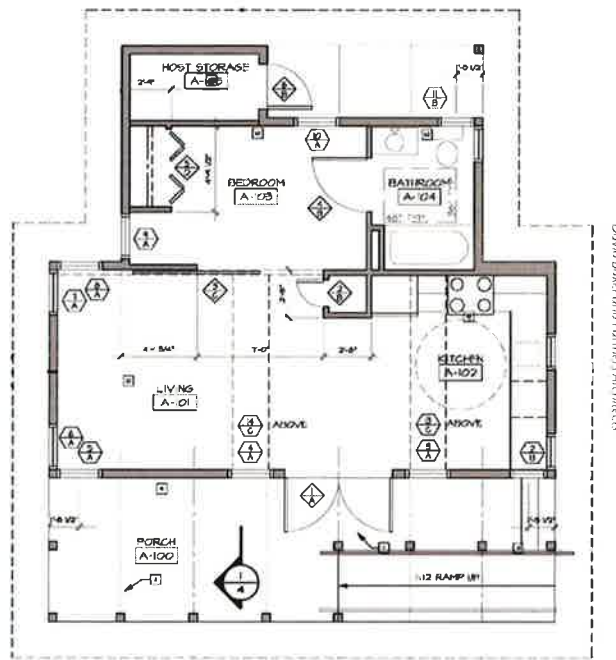
American Planning Association

Making Great Communities Happen

adoption of an ADU statute. It specifies the limits to which local governments may prohibit ADUs and outlines default permitting provisions if a locality does not adopt an ADU ordinance. It details optional approaches for adopting ADU ordinances, gathering data on ADU efforts, preparing reports and recommendations, and forming a statewide board overseeing ADUs.

WHAT ISSUES ARISE WHEN A PROPOSED ADU ORDINANCE IS CONSIDERED?

ADU ordinances offer a variety of benefits to local communities but the road to implementation may not be an easy process. While ADUs are more widely accepted now than in years past, skeptics still remain and some still oppose ADU zoning. The following describes some issues or decision points that communities must address in order to successfully navigate the perilous waters of public acceptance. The approach that is right for your city or town will be unique, based on local physical, political, social, and economic conditions.



Single story ADU floor plan.

For a complete list of references visit <http://www.planning.org/pas/quicknotes/>

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For more information on this topic visit www.planning.org.

By-right Permitting. Should permits for ADUs be issued as a matter of right (with clear standards built into the ordinance) or should they be allowed by discretion as a special or conditional use after a public hearing?

Occupancy. Should ordinance language allow an ADU only on the condition that the owner of the property lives in one of the units?

Form of Ownership. Should the ordinance prohibit converting the ADU unit into a condominium?

Preexisting, nonconforming ADUs. How should the ordinance treat grandfathered ADUs? How do you treat illegal apartments that want to apply for an ADU permit?

Unit Size: Should the ordinance limit the square footage of the ADU to assure that the unit is truly accessory to the principal dwelling on the property?

Adequacy of Water and Sewer Services. How do you guarantee there is enough capacity in sewer lines, pumping stations, and treatment facilities to accommodate ADUs?

These are not easy issues. However, communities would do well to seriously consider adopting an approach that: allows ADUs by right with clear written conditions; does not require owner occupancy; prohibits condominium ownership on the basis that a condo could not be considered accessory; provides a simple procedure for legalizing preexisting or formerly illegal apartments provided the unit is inspected; provides a generous size standard; and provides a water and sewer adequacy standard. □

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American Planning Association

Making Great Communities Happen

3. Case Law

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AGENDA ITEM SUMMARY

(Must be submitted NLT 3PM Wednesday for next week agenda)

4
2/7/22

Department: BOCC

WORK SESSION ☒ Meeting Date: 2-7-22

REGULAR AGENDA ☐ Meeting Date:

Required originals approved and attached? ☐
Will be provided on:

Item summary:

- | | | |
|---|--|--|
| ☐ Call for Hearing | ☐ Contract/Agreement/MOU - Contract # | |
| ☐ Resolution | ☐ Proclamation | ☐ Budget Item |
| ☐ Draft Ordinance | ☐ Final Ordinance | ☒ Other - Discussion |

Documents exempt from public disclosure attached: ☐

Executive summary:

Discussion with Washington State Department of Transportation – Steve Roark regarding Highway 101 roundabout project.

Budgetary impact: (Is there a monetary impact? If so, are funds for this already allocated or is a budget change necessary? If this is a contract and a budget change is necessary, the budget change form must be submitted with the item at work session and for the regular agenda) **If a budget action is required, has it been submitted and a copy attached?** ☐
None.

Recommended action: (Does the Board need to act? If so, what is the department's recommendation?)
Discussion.

County Official signature & print name: Loni Gores Loni Gores, Clerk

Name of Employee/Stakeholder attending meeting: Board of Commissioners and Department of Transportation

Relevant Departments: Board of Commissioners

Date submitted: January 21, 2022

* Work Session Meeting - Submit 1 single sided/not stapled copy
** Regular Meeting – Submit 1 single sided/not stapled copy and originals (1 or 3 copies)



AGENDA ITEM SUMMARY

(Must be submitted NLT 3PM Wednesday for next week agenda)

5
2/7/22

Department: BOCC

WORK SESSION ☒ Meeting Date: 2-7-22

REGULAR AGENDA ☐ Meeting Date:

Item summary:

- | | | |
|---|--|---|
| ☐ Call for Hearing | ☐ Contract/Agreement/MOU - Contract # | |
| ☐ Resolution | ☐ Proclamation | ☐ Budget Item |
| ☐ Draft Ordinance | ☐ Final Ordinance | ☒ Other - Discussion and next steps |

Executive summary:

Olympic Peninsula Resource Advisory Committee:

The Olympic National Forest is seeking volunteers to serve on the Olympic Peninsula Resource Advisory Committee (RAC). Committee members review and recommend projects that benefit Olympic National Forest resources through Title II funding of the Secure Rural Schools Community and Self Determination Act. The Olympic Peninsula RAC has a proven track record of improving collaborative relationships that work across a wide variety of interests. They have successfully proposed projects and associated funding for improvements that benefit the residents of the Olympic Peninsula, as well as those who come to visit the Olympic National Forest. Past projects have included noxious weed control, deferred road maintenance, trail improvements, and watershed restoration.

RAC members represent a wide range of interests. The committee has 15 members, and each is assigned to one of three categories:

- Category A - represents organized labor, developed outdoor recreation, off-highway vehicle use, commercial recreation activities, energy development interests, the commercial timber industry, and Federal grazing or other land use permits.
- Category B - represents nationally recognized environmental organizations, regionally or locally recognized environmental organizations, dispersed recreational activities, archaeological and historical interests.
- Category C - represents state, county, or local elected offices, American Indian tribes, school officials or teachers, and the affected public-at-large.

The purpose of today's discussion will be to determine whether one of the Commissioners wishes to become a member of this Advisory Committee.

Budgetary impact: (Is there a monetary impact? If so, are funds for this already allocated or is a budget change necessary? If this is a contract and a budget change is necessary, the budget change form must be submitted with the item at work session and for the regular agenda) **If a budget action is required, has it been submitted and a copy attached?** ☐

Recommended action: (Does the Board need to act? If so, what is the department's recommendation?)
Discussion and next steps.

County Official signature & print name: Loni Gores Loni Gores, Clerk

Name of Employee/Stakeholder attending meeting: Board of Commissioners

Relevant Departments: Board of Commissioners

Date submitted: 2-2-22

* Work Session Meeting - Submit 1 single sided/not stapled copy

Olympic Peninsula Resource Advisory Committee 2-2-22

** Regular Meeting - Submit 1 single sided/not stapled copy and originals (1 or 3 copies)

Revised: 3-04-2019



Forest Service
U.S. DEPARTMENT OF AGRICULTURE

To: Elected Officials
From: Kelly Lawrence, Forest Supervisor
Date: February 1, 2022

The Olympic National Forest is seeking volunteers to serve on the Olympic Peninsula Resource Advisory Committee (RAC). Committee members review and recommend projects that benefit Olympic National Forest resources through Title II funding of the Secure Rural Schools Community and Self Determination Act. The Olympic Peninsula RAC has a proven track record of improving collaborative relationships that work across a wide variety of interests. They have successfully proposed projects and associated funding for improvements that benefit the residents of the Olympic Peninsula, as well as those who come to visit the Olympic National Forest. Past projects have included noxious weed control, deferred road maintenance, trail improvements, and watershed restoration.

RAC members represent a wide range of interests. The committee has 15 members, and each is assigned to one of three categories:

- Category A - represents organized labor, developed outdoor recreation, off-highway vehicle use, commercial recreation activities, energy development interests, the commercial timber industry, and Federal grazing or other land use permits.
- Category B - represents nationally recognized environmental organizations, regionally or locally recognized environmental organizations, dispersed recreational activities, archaeological and historical interests.
- Category C - represents state, county, or local elected offices, American Indian tribes, school officials or teachers, and the affected public-at-large.

As an elected leader, the Olympic National Forest would like to solicit your interest in serving on the Olympic Peninsula RAC under Category C - representing state, county, or local elected offices. RAC membership would begin upon appointment by the Secretary of Agriculture. Members are not paid, but they may be reimbursed for travel expenses. Members must be Washington residents, preferably living in one of the Olympic Peninsula counties. Meetings are held one to four times each year, virtually or in-person. In-person meetings will be held within Thurston, Mason, Jefferson, Clallam, or Grays Harbor Counties.

If you are interested in serving on the Olympic Peninsula RAC please fill out the attached AD-755 and mail it to the Olympic National Forest by **February 28, 2022**, at:

Olympic National Forest
Attn: Amber Brazil
295142 HWY 101 South
Quilcene, WA 98376

Please share this call for volunteers with any of your constituents that represent an interest group above and may be interested in serving as a RAC member. For additional information, please contact Amber Brazil at 360-765-2255.

Thank you for your support,

Kelly Lawrence

KELLY LAWRENCE
Forest Supervisor

United States Department of Agriculture
ADVISORY COMMITTEE OR RESEARCH AND PROMOTION
BACKGROUND INFORMATION
Olympic Peninsula Resource Advisory Committee

Privacy Act Notice

Public Laws 95-113 and 93-579 permit collection of the data requested on this form. The information is used to determine qualifications, suitability and availability for service on advisory committees or research and promotion boards/councils. The information will be used to conduct background clearances and/or for annual reports on advisory committees or research and promotion boards/councils. Failure to submit this information may result in non-selection of a prospective advisory committee member, board/council member or termination of the committee or board/council.

PLEASE PRINT CLEARLY OR TYPE

1. Name (Last, First, Middle) – Mr., Mrs., Miss., Ms., Dr.	2. Social Security Number: Are you a U.S. Citizen? (Mark yes or no) ____ (yes) ____ (no) If no, please provide passport number and issuing country: (foreign citizens only)
3. Residential Address (include ZIP code):	4. Business No. Home No: Cell or Mobile: Fax: E-mail Address:
5. Place of Birth (City and State, Country):	6. Date of Birth:

7. *This information is voluntary, and data will not be used to grant preferential treatment.* (See last page for definition of categories.)

What is your Gender?	Ethnicity:	What is your Race? <i>Mark one or more</i>
☐ Male	☐ Hispanic or Latino	☐ American Indian or Alaska Native
☐ Female	☐ Not Hispanic or Latino	☐ Asian
		☐ Black or African American
		☐ Native Hawaiian or Other Pacific Islander
		☐ White

8. Company/Business Name:	8a. Are you a federally registered lobbyist?
9. Company/Business Address (include Zip Code):	9a. Occupation/Title:

10. [Insert appropriate commodity question(s) from supplemental list.] *(To be completed by R&P Board Members Only)*

10a. If applicable, how long have you been engaged in farming or production, and what is the size of your farming operation. (i.e. List acreage and pounds produced by kind of crop, as well as, kinds and numbers of livestock?)

11. List your business experience. *(Use the Continuation Sheet for additional space to answer.)*

12. List education and any specialized experience. *(Use the Continuation Sheet for additional space to answer.)*

13. List applicable farm/handler/producer/importer or co-op member industry organizations (indicate whether a member or officer and how long affiliated).

14. List other affiliations and/or service as a community leader that would benefit you in your role as a member of the advisory committee or research and promotion board/council.

15. List any Federal advisory committee or board on which you are currently a member and the number of years you have served on that committee or board. *(To be completed by current Advisory Committee Members Only)*

16. List sources of income in excess of \$10,000 for the past calendar year from other than your primary employment. List only sources; do not show amounts of income from each source. *(To be completed by Advisory Committee Nominees Only)*

17. Have you ever been convicted of a felony? (A felony is defined as any violation of law punishable by imprisonment of longer than one year). () Yes () No. If yes, please explain on the attached continuation sheet.

18. As a result of your participation in Federal programs, have any judgments been rendered against you? As a result of participation in any governmental programs relative to the purposes of the advisory committee or research and promotion board/council for which you are a nominee, have any civil or criminal actions been initiated against you? () Yes () No. If yes, please explain on the attached continuation sheet.

19. Name as you would prefer it to appear on official correspondence.

Signature

Date

Continuation Sheet for Form AD-755

If you need more space for an answer, use this sheet. Please number each answer to correspond to the number on Form AD-755. When you have completed your answer(s), attach to Form AD-755.

[INSERT COMMODITY BOARD, COUNCIL, OR DELEGATE NAME]

Name (Last, First, Middle): _____

Last 4 digits of Social Security or Passport Number: _____

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0505-0001. The time required to complete this information collection is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET center at (202) 720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.

Definition of Ethnicity and Race Categories

Ethnicity:

Hispanic or Latino. A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.

Race:

American Indian or Alaska Native – A person having origins in any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation or community attachment.

Asian – A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.

Black or African American – A person having origins in any of the black racial groups of Africa.

Native Hawaiian or Other Pacific Islander – A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

White – A person having origins in any of the original peoples of Europe, the Middle East or North Africa.

Two or more – A person having two or more origins in any race.



AGENDA ITEM SUMMARY

(Must be submitted NLT 3PM Wednesday for next week agenda)

6
2/7/22

Department: BOCC

WORK SESSION ☒ **Meeting Date:** 2/07/2022

REGULAR AGENDA ☐ **Meeting Date:**

Required originals approved and attached? ☒
Will be provided on:

Item summary:

- | | |
|---|--|
| ☐ Call for Hearing | ☒ Contract/Agreement/MOU - Contract # 291.22.002 |
| ☐ Resolution | ☐ Proclamation ☐ Budget Item |
| ☐ Draft Ordinance | ☐ Final Ordinance ☐ Other |

Documents exempt from public disclosure attached: ☐

Executive summary:

Discussion regarding updates to the language in our 2022 Memorandum of Agreement between Clallam County and the Clallam Conservation District. This contract provides for renewable resource conservation planning and implementation in the amount of \$125,000.

Budgetary impact: (Is there a monetary impact? If so, are funds for this already allocated or is a budget change necessary? If this is a contract and a budget change is necessary, the budget change form must be submitted with the item at work session and for the regular agenda) **If a budget action is required, has it been submitted and a copy attached?** ☐

Funding for this contract is included in the 2022 Budget.

Recommended action: (Does the Board need to act? If so, what is the department's recommendation?)

Discussion regarding updates to the language in the contract.

County Official signature & print name: Debi Cook

A green ink signature of Debi Cook.

Name of Employee/Stakeholder attending meeting: Mark Ozias

Relevant Departments: BOCC

Date submitted: 2/02/2022

* Work Session Meeting - Submit 1 single sided/not stapled copy
** Regular Meeting - Submit 1 single sided/not stapled copy and originals (1 or 3 copies)

MEMORANDUM OF AGREEMENT
Between
CLALLAM COUNTY
and
CLALLAM CONSERVATION DISTRICT

This Memorandum of Agreement is between Clallam County (herein referred to as "the County"), and the Clallam Conservation District (herein referred to as "District"), for the purpose of providing operational funds to the District to implement ongoing renewable resource conservation activities in Clallam County in order to support and enhance the environmental and economic sustainability of the county and its citizens. It is mutually agreed that:

The County's Responsibilities:

The County shall provide to the District \$125,000 for the calendar year 2022. This funding is for the purpose of implementing the District's program for renewable resource conservation as outlined in the Clallam Conservation District's 2022 plan and budget. It is contemplated that an equal amount of funding will be provided yearly for the years 2023 through 2024 providing the Conservation District's next five year plan meets similar goals and objectives.

The District's Responsibilities:

The District shall use the County funds to supplement grant funding in order to implement its renewable resource conservation programs, including:

- Preparing, assisting with, and supporting grant proposals and outreach efforts for priority projects including, but not limited to:
 1. The Dungeness Off-Channel Reservoir.
 2. Aquafer recharge.
 3. Conservation of farmland through easements, purchase of development rights and other alternative means.
 4. Provide financial assistance to home owners with failing septic systems.
 5. Maintain successful programs such as sustainable landscaping, native plant sales and irrigation efficiency grants.
- District administrative functions and expenses, including basic overhead expenses, such as office rent, utilities, insurance, audits, and state association dues.
- Board member and staff training and participation in state and regional conservation district programs.
- Preparing grant proposals, and when necessary, contributing required matching funds.

The District shall submit an annual progress report and give an annual presentation to the Board of Commissioners in June of each year. The report and presentation shall provide an accounting of the use of County funds and accomplishments during the previous year.

This agreement will cover the period from January 1, 2022 through December 31, 2022.

AGREED this _____ day of February 2022

CLALLAM CONSERVATION DISTRICT

CLALLAM COUNTY BOARD OF COMMISSIONERS

Christy Cox, Chair

Mark Ozias, Chair

ATTEST:

Approved as to form:

Loni Gores
Clerk of the Board

Mark Nichols
Prosecuting Attorney



AGENDA ITEM SUMMARY

(Must be submitted NLT 3PM Wednesday for next week agenda)

7
2/7/22

Department: BOCC

WORK SESSION ☒ Meeting Date: 2/7/22

REGULAR AGENDA ☒ Meeting Date: 2/15/22

Item summary:

- | | |
|--|--|
| ☐ Call for Hearing | ☐ Contract/Agreement/MOU - Contract # |
| ☒ Resolution | ☐ Proclamation ☐ Budget Item |
| ☐ Draft Ordinance | ☐ Final Ordinance ☐ Other |

Documents exempt from public disclosure attached: ☐

Executive summary:

Vacancies exist on the Homelessness Task Force for the City of Forks and City of Port Angeles.

City of Forks and City of Port Angeles made their recommendation for appointments.

Jenny Oppelt – Health and Human Services Deputy Director recommends the appointment of Tim Fletcher and Navarra Carr to the Homelessness Task Force.

Budgetary impact: (Is there a monetary impact? If so, are funds for this already allocated or is a budget change necessary? If this is a contract and a budget change is necessary, the budget change form must be submitted with the item at work session and for the regular agenda) **If a budget action is required, has it been submitted and a copy attached?** ☐

None

Recommended action: (Does the Board need to act? If so, what is the department's recommendation?)
Approve and sign a resolution to appoint.

County Official signature & print name: Loni Gores Loni Gores, Clerk

Name of Employee/Stakeholder attending meeting: Board of Commissioners, Health and Human Resources Department

Relevant Departments: Board of Commissioners, Health and Human Services Department

Date submitted: 2-2-22

* Work Session Meeting - Submit 1 single sided/not stapled copy

** Regular Meeting – Submit 1 single sided/not stapled copy and originals (1 or 3 copies)

Homelessness Task Force 2-15-22 Fletcher & Carr

Revised: 3-04-2019



RESOLUTION _____, 2022

APPOINTING A MEMBER TO THE HOMELESSNESS TASK FORCE

THE BOARD OF CLALLAM COUNTY COMMISSIONERS finds as follows:

1. Vacancies exist on the Homelessness Task Force for the City of Forks and City of Port Angeles representative positions.
2. The City of Forks recommends the appointment of Tim Fletcher and the City of Port Angeles recommends the appointment of Navarra Carr.
3. The Health and Human Services Department Deputy Director endorses the appointments of Tim Fletcher and Navarra Carr to the Homelessness Task Force.

NOW, THEREFORE, BE IT RESOLVED by the Board of Clallam County Commissioners, in consideration of the above findings of fact:

1. **Tim Fletcher** is appointed as the City Government - Forks representative for a term expiring December 31, 2024.
2. **Navarra Carr** is appointed as the City Government - Port Angeles representative for a term expiring December 31, 2021.

PASSED AND ADOPTED this 15th day of February, 2022

BOARD OF CLALLAM COUNTY COMMISSIONERS

Mark Ozias, Chair

Randy Johnson

Bill Peach

ATTEST:

Loni Gores, CMC, Clerk of the Board

c: A22.50
Appointee(s)
HHS



AGENDA ITEM SUMMARY

(Must be submitted NLT 3PM Wednesday for next week agenda)

8
2/7/22

Department: BOCC

WORK SESSION ☒ Meeting Date: 2/7/22

REGULAR AGENDA ☒ Meeting Date: 2/15/22

Item summary:

- | | |
|--|--|
| ☐ Call for Hearing | ☐ Contract/Agreement/MOU - Contract # |
| ☒ Resolution | ☐ Proclamation ☐ Budget Item |
| ☐ Draft Ordinance | ☐ Final Ordinance ☐ Other |

Documents exempt from public disclosure attached: ☐

Executive summary:

A vacancy exists on the Solid Waste Advisory Committee for the Business Community representative position.

A call for applications was issued in October 2021. One application was received.

Public Works recommends the appointment of Steven W. Johnson to the Solid Waste Advisory Committee.

Budgetary impact: (Is there a monetary impact? If so, are funds for this already allocated or is a budget change necessary? If this is a contract and a budget change is necessary, the budget change form must be submitted with the item at work session and for the regular agenda) **If a budget action is required, has it been submitted and a copy attached?** ☐

None

Recommended action: (Does the Board need to act? If so, what is the department's recommendation?)
Approve and sign a resolution to appoint.

County Official signature & print name: Loni Gores Loni Gores, Clerk

Name of Employee/Stakeholder attending meeting: Board of Commissioners, Public Works

Relevant Departments: Board of Commissioners, Public Works

Date submitted: 2-2-22

* Work Session Meeting - Submit 1 single sided/not stapled copy
** Regular Meeting - Submit 1 single sided/not stapled copy and originals (1 or 3 copies)



RESOLUTION _____, 2022

APPOINTING A MEMBER TO THE SOLID WASTE ADVISORY COMMITTEE

THE BOARD OF CLALLAM COUNTY COMMISSIONERS finds as follows:

1. A vacancy exists on the Solid Waste Advisory Committee for the Business Community representative.
2. A press release was issued during the month of October 2021 soliciting applications from interested citizens. One application was received.
3. Public Works approves of the appointment of Steven W. Johnson as the Business Community representative.

NOW, THEREFORE, BE IT RESOLVED by the Clallam County Board of Commissioners, in consideration of the above findings of fact:

1. **Steven W. Johnson** is appointed to serve as the Business Community representative for a term ending December 31, 2022.

PASSED AND ADOPTED this 15th day of February 2022

BOARD OF CLALLAM COUNTY COMMISSIONERS

Mark Ozias, Chair

Randy Johnson

ATTEST:

Loni Gores, CMC, Clerk of the Board

Bill Peach

A22.177
Appointee
Public Works



AGENDA ITEM SUMMARY

(Must be submitted NLT 3PM Wednesday for next week agenda)

9
2/1/22

Department: BOCC/Finance

WORK SESSION ☒ Meeting Date: 2/07/2022

REGULAR AGENDA ☒ Meeting Date: 2/15/2022

Required originals approved and attached? ☐
Will be provided on:

Item Summary:*

- | | | |
|---|--|--------------------------------------|
| ☐ Call for Hearing | ☒ Contract/Agreement/MOU** | Contract # 19925.22.008 |
| ☐ Resolution | ☐ Proclamation | ☐ Budget Item |
| ☐ Draft Ordinance | ☐ Final Ordinance | ☐ Other |
- Documents exempt from public disclosure attached: ☐

Executive summary:

Personal Services Agreement with the Public Works in the amount of \$250,000 for Olympic Discovery Trail improvement projects.

Budgetary impact: (Is there a monetary impact? If so, are funds for this already allocated or is a budget change necessary? If this is a contract and a budget change is necessary, the budget change form must be submitted with the item at work session and for the regular agenda) **If a budget action is required, has it been submitted and a copy attached?** ☒

These funds are already allocated in the Hotel/Motel Tax Fund 2022 Budget. A budget revision will be processed in February to move the funds from Unanticipated Projects to the Public Works BARS line.

Recommended action: (Does the Board need to act? If so, what is the department's recommendation?)

Please review and sign.

County Official signature & print name: Debi Cook

Name of Employee/Stakeholder attending meeting: Debi Cook, Steve Gray

Relevant Departments: BOCC, Public Works

Date submitted: 1/27/2022

* Work Session Meeting - Submit 1 single sided/not stapled copy
** Regular Meeting - Submit 1 single sided/not stapled copy and originals (1 or 3 copies)

2022 contract amendment Agenda Item Summary 1-24-2022
Revised: 3-04-2019



PERSONAL SERVICES AGREEMENT

THIS AGREEMENT is entered into between CLALLAM COUNTY, a political subdivision of the State of Washington, (hereinafter called "County" or "Clallam County") and

Name: Public Works
Address: 223 E 4th St., Suite 6
Port Angeles, WA 98362
Phone N^o: 360-417-2290

(hereinafter called "Contractor").

This Agreement is comprised of:

- ☒ Attachment A - Scope of Work
- ☒ Attachment B – Compensation
- ☐ Attachment C - General Conditions
- ☒ Attachment D - Special Terms and Conditions
- ☐ Attachment E (specify) –

copies of which are attached hereto and incorporated herein by this reference as if fully set forth.

The term of this Agreement shall commence on the 1st day of January 2022 and shall, unless terminated as provided elsewhere in the Agreement, terminate on the 31st day of December 2022.

IN WITNESS WHEREOF, the parties have executed this Agreement on this day of 2022.

CONTRACTOR

A handwritten signature in black ink, appearing to read "R. Sill", written over a horizontal line.

Rich Sill

BOARD OF CLALLAM COUNTY COMMISSIONERS

Mark Ozias, Chair

Title: Clallam County Administrator

Date: 1-27th, 2022

ATTEST:

Loni Gores, Clerk of the Board

THIS CONTRACT HAS BEEN APPROVED AS TO
FORM BY THE CLALLAM COUNTY PROSECUTING
ATTORNEY

Originals: BOCC
Vendor
Initiating Department
Copies: 5

SCOPE OF WORK

The lodging tax grant will be used to assist with the funding of the following 2022 Olympic Discovery Trail (ODT) Improvement Projects:

- 1. *ODT-Forks to La Push Trail Corridor Acquisition.*** The lodging tax grant will be used to assist with trail corridor acquisition efforts between US 101 and the Olympic National Park boundary in the vicinity of SR 110 needed to support future development of the approximately 13-mile planned western terminus of the ODT between the communities of Forks and La Push.
- 2. *Other ODT-Trail Corridor Acquisition.*** The lodging tax grant may be used to fund trail corridor acquisition in other ODT gaps if opportunities present and 2022 grant monies remain available after prioritizing Task 1 efforts above.
- 3. *ODT-Repair and Maintenance Work.*** The lodging tax grant may be used to provide funding support of ODT trail maintenance and repair projects if 2022 grant monies remain available after prioritizing Task 1 efforts above.
- 4. *Meet with the Lodging Tax Advisory Committee on a yearly basis to:***
 - Review goals and objectives for tourism enhancement.
 - Review expenditure of funds.
 - Review achievements of the past year.
 - Discuss the proposed work plan for the coming year.
 - Additional review may be required by the Commissioners upon reasonable notice.

COMPENSATION

1. ☒ **a. FIXED FEE FOR SERVICE:** For services rendered, the County shall pay to the Contractor a fixed fee of TWO HUNDRED, FIFTY THOUSAND DOLLARS (\$250,000) for the completed work set forth in Attachment A. Payments for completed tasks shall be made no more frequently than ☒ monthly; ☐ quarterly; ☐ semi-annually; ☐ annually; ☐ at completion of project; ☐ other (specify) _____.

Each request for payment shall be supported by an invoice specifying the tasks completed up to the request for payment and the payment amount requested. In no event shall payment be sought in an amount which represents a percentage of the fee greater than the percentage of completed tasks.

OR

☐ **b. HOURLY RATES:** For services rendered, the County shall compensate the Contractor at the following hourly rates:

Name/Position

Hourly Rate

Payments for completed tasks shall be made no more frequently than ☐ monthly; ☐ quarterly; ☐ semi-annually; ☐ annually; ☐ at completion of project; ☐ other (specify) _____.

Each request for payment shall be supported by an invoice specifying: the name/position of the Contractor's employee if two or more are identified above; number of hours worked; completed tasks for which compensation is sought; estimated percentage of task completion; payment amount requested; other (specify) _____.

In no event shall Contractor be compensated in excess of _____ DOLLARS (\$) for the completed work set forth in Attachment "A."

2. AND

☒ **a.** The compensation set forth herein includes, without limitation: labor, materials, equipment, travel, telephone, computer, copiers, and the like.

OR

☐ **b.** The County shall reimburse the Contractor for actual expenses incurred for travel, telephone, copiers, and computer. Reimbursement for airfare, mileage, meals and/or accommodations shall be at the same rate as that applicable to county employees traveling on county business.

OR

☐ **c.** Other (specify): _____

SPECIAL TERMS AND CONDITIONS

1. Reporting. The Contractor shall submit written progress reports to the County Project Manager as set forth below:

- ☐ With each request for payment.
- ☐ Monthly.
- ☐ Quarterly.
- ☐ Semi-annually.
- ☒ Annually.
- ☐ Project completion.
- ☐ Other (specify):

Progress reports shall include, at a minimum, the following:

Reports shall include any problems, delays or adverse conditions which will materially affect the Contractor's ability to meet project objectives or time schedules together with a statement of action taken or proposed to resolve the situation. Reports shall also include recommendations for changes to the Scope of Work, if any. Payments may be withheld if reports are not submitted.



2. Insurance. The Contractor shall maintain in full force and effect during the term of this Agreement, and until final acceptance of the work, public liability and property damage insurance with companies or through sources approved by the state insurance commissioner pursuant to RCW Title 48, as now or hereafter amended. The County, its appointed and elected officials, agents and employees, shall be specifically named as additional insureds in a policy with the same company which insures the Contractor or by endorsement to an existing policy or with a separate carrier approved pursuant to RCW Title 48, as now or hereafter amended, and the following coverages shall be provided:

- ☐ **COMMERCIAL GENERAL LIABILITY:**

Bodily injury, including death	\$	per occurrence
	\$	aggregate
Property damage	\$	per occurrence
	\$	aggregate
- ☐ **ERRORS AND OMISSIONS or PROFESSIONAL LIABILITY with an Extended Reporting Period Endorsement (two year tail)**

	\$	per occurrence
--	----	----------------
- ☐ **WORKERS COMPENSATION:**

	Statutory amount
--	------------------

- ☐ AUTOMOBILE: coverage on owned, non-owned, rented and hired vehicles
- | | | |
|---|----|----------------|
| Bodily injury, liability, including death | \$ | per occurrence |
| | \$ | aggregate |
| Property damage liability | \$ | per occurrence |
| | \$ | aggregate |
- ☐ BUSINESS AUTOMOBILE LIABILITY: \$ per occurrence

If the Errors and Omissions or Professional Liability insurance obtained is an occurrence policy as opposed to a claims-made policy, the Extended Reporting Period Endorsement is not required.

Any such policy of insurance the Contractor is required to obtain and maintain pursuant to this Agreement shall be primary over any third party liability coverage provided to Clallam County by and through its membership in the Washington Counties Risk Pool or WCRP. The third party liability coverage provided by the WCRP to Clallam County shall be non-contributory with respect to any policy of insurance the Contractor is required to obtain and maintain pursuant to this Agreement. The County shall have no obligation to report occurrences unless a claim or lawsuit is filed with it and the County has no obligation to pay any insurance premiums.

Evidence of primary insurance coverage shall be submitted to the County Project Manager within 20 days of the execution of the Agreement. The Agreement shall be void ab initio if the proof of coverage is not timely supplied.

If the proof of insurance or certificate of coverage indicating the County is an "additional insured" to a policy obtained by the Consultant in order to comply with this agreement refers to an endorsement (by number, abbreviation or name) but does not provide the full text of that endorsement, then it shall be the obligation of the Consultant to obtain the full text of that endorsement and forward that full text to the County within 30 days of the execution of this Agreement.

The coverage limits identified herein shall not limit the potential liability of the Contractor and the Contractor's duty to defend, indemnify, and hold harmless shall apply to any liability beyond the scope of insurance coverage.

- ☐ 3. Liquidated Damages. For delays in timely completion of the work to be done or missed milestones of the work in progress, the Contractor shall be assessed _____ Dollars (\$) per day as liquidated damages and not as a penalty because the County finds it impractical to calculate the actual cost of delays. Liquidated damages will not be assessed for any days for which an extension of time has been granted. No deduction or payment of liquidated damages will, in any degree, release the Contractor from further obligations and liabilities to complete the entire project.
- ☐ 4. Other (specify):.



AGENDA ITEM SUMMARY

(Must be submitted NLT 3PM Wednesday for next week agenda)

10
2/1/22

Department: BOCC/Finance

WORK SESSION ☒ Meeting Date: 2/07/2022

REGULAR AGENDA ☒ Meeting Date: 2/15/2022

Required originals approved and attached? ☐
Will be provided on:

Item Summary:*

- | | | |
|---|--|--------------------------------------|
| ☐ Call for Hearing | ☒ Contract/Agreement/MOU** | Contract # 19925.2.006 |
| ☐ Resolution | ☐ Proclamation | ☐ Budget Item |
| ☐ Draft Ordinance | ☐ Final Ordinance | ☐ Other |
- Documents exempt from public disclosure attached: ☐

Executive summary:

Personal Services Agreement with Parks, Fair & Facilities in the amount of \$60,000 for marketing and promotional efforts, as well as, site improvements and staff support.

Budgetary impact: (Is there a monetary impact? If so, are funds for this already allocated or is a budget change necessary? If this is a contract and a budget change is necessary, the budget change form must be submitted with the item at work session and for the regular agenda) **If a budget action is required, has it been submitted and a copy attached?** ☒

These funds will be allocated in the Hotel/Motel Tax Fund, a debatable emergence has been processed and will be approved February 22, 2022.

Recommended action: (Does the Board need to act? If so, what is the department's recommendation?)

Please review and sign.

County Official signature & print name: Debi Cook 

Name of Employee/Stakeholder attending meeting: Debi Cook, Joel Winborn

Relevant Departments: BOCC, Parks, Fair & Facilities

Date submitted: 1/27/2022

* Work Session Meeting - Submit 1 single sided/not stapled copy

** Regular Meeting - Submit 1 single sided/not stapled copy and originals (1 or 3 copies)



PERSONAL SERVICES AGREEMENT

THIS AGREEMENT is entered into between CLALLAM COUNTY, a political subdivision of the State of Washington, (hereinafter called "County" or "Clallam County") and

Name: Parks, Fair and Facilities
Address: 223 E 4th St., Suite 7
Port Angeles, WA 98362
Phone N°: 360-417-2429

(hereinafter called "Contractor").

This Agreement is comprised of:

- ☒ Attachment A - Scope of Work
- ☒ Attachment B - Compensation
- ☐ Attachment C - General Conditions
- ☒ Attachment D - Special Terms and Conditions
- ☐ Attachment E (specify) -

copies of which are attached hereto and incorporated herein by this reference as if fully set forth.

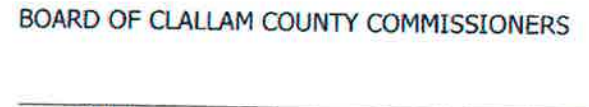
The term of this Agreement shall commence on the 1st day of January 2022 and shall, unless terminated as provided elsewhere in the Agreement, terminate on the 31st day of December 2022.

IN WITNESS WHEREOF, the parties have executed this Agreement on this day of 2022.

CONTRACTOR

BOARD OF CLALLAM COUNTY COMMISSIONERS


Joel G. Winborn


Mark Ozias, Chair

Title: Parks, Fair and Facilities Director

Date: January 26, 2022

ATTEST:

THIS CONTRACT HAS BEEN APPROVED AS TO
FORM BY THE CLALLAM COUNTY PROSECUTING
ATTORNEY


Loni Gores, Clerk of the Board

Originals: BOCC
Vendor
Initiating Department
Copies: 5

SCOPE OF WORK

The Clallam County Parks, Fair & Facilities Department manages 22 parks that are tourist attractions, providing opportunities for outdoor activities and access to salt and freshwater beaches & boat launches to visitors from around the world. Additionally, we produce the annual Clallam County Fair which is a premier attraction providing an agriculturally based rural fair with something for everyone. Visiting tourists and participants to the Parks and Fair increases County Lodging Tax and benefits other merchants and small business owners in our County through publications, advertising, supply purchases, kayak rentals, and a host of other locally based goods and services.

Clallam County Parks and Fair marketing and promotional efforts include:

Advertise with publications such as:

- Outdoors NW magazine
- Olympic Peninsula Visitor Bureau mail inserts
- Coho Magazine
- Spring/Summer Visitor Guide – Sound Publishing
- One Tank of Gas tab – Everett Herald
- Visitor Guide – Kitsap Weekly
- Outdoors NW magazine
- Lavender Festival – Sound Publishing
- Scenic WA magazine
- General Park brochures
- Salt Creek, Dungeness, and Camp David Jr brochures
- Fall/Winter Visitor Guide – Sound Publishing
- Outdoors NW magazine
- Spring/Summer Visitor Guide – Sound Publishing
- Lavender Festival – Sound Publishing

Updates:

- Brochures (update; design; print; distribute)
- Website
- Social Media
- Maps

Establish:

- Clallam County Parks & Fair YouTube Channels dedicated to Clallam County Parks & Fair promotional parks videos, fair footage, and live webcasts.

Site Improvements:

- Day-Use Park Restroom Improvements
- Improve and Repair Boat Launches
- Clallam Bay Park Maintenance and Operations

Support Staff:

- Day Use Parks Summer Seasonal Staff

Meet with the Lodging Tax Advisory Committee on a yearly basis to:

- Review goals and objectives for tourism enhancement.
- Review expenditure of funds.
- Review achievements of the past year.
- Discuss the proposed work plan for the coming year.
- Additional review may be required by the Commissioners upon reasonable notice.

COMPENSATION

1. ☒ **a. FIXED FEE FOR SERVICE:** For services rendered, the County shall pay to the Contractor a fixed fee of SIXTY THOUSAND DOLLARS (\$60,000) for the completed work set forth in Attachment A. Payments for completed tasks shall be made no more frequently than ☒ monthly; ☐ quarterly; ☐ semi-annually; ☐ annually; ☐ at completion of project; ☐ other (specify) _____.

Each request for payment shall be supported by an invoice specifying the tasks completed up to the request for payment and the payment amount requested. In no event shall payment be sought in an amount which represents a percentage of the fee greater than the percentage of completed tasks.

OR

☐ **b. HOURLY RATES:** For services rendered, the County shall compensate the Contractor at the following hourly rates:

Name/Position

Hourly Rate

Payments for completed tasks shall be made no more frequently than ☐ monthly; ☐ quarterly; ☐ semi-annually; ☐ annually; ☐ at completion of project; ☐ other (specify) _____.

Each request for payment shall be supported by an invoice specifying: the name/position of the Contractor's employee if two or more are identified above; number of hours worked; completed tasks for which compensation is sought; estimated percentage of task completion; payment amount requested; other (specify) _____.

In no event shall Contractor be compensated in excess of _____ DOLLARS (\$) for the completed work set forth in Attachment "A."

2. AND

☒ **a.** The compensation set forth herein includes, without limitation: labor, materials, equipment, travel, telephone, computer, copiers, and the like.

OR

☐ **b.** The County shall reimburse the Contractor for actual expenses incurred for travel, telephone, copiers, and computer. Reimbursement for airfare, mileage, meals and/or accommodations shall be at the same rate as that applicable to county employees traveling on county business.

OR

☐ **c.** Other (specify): _____

SPECIAL TERMS AND CONDITIONS

1. **Reporting.** The Contractor shall submit written progress reports to the County Project Manager as set forth below:

- ☐ With each request for payment.
- ☐ Monthly.
- ☐ Quarterly.
- ☐ Semi-annually.
- ☒ Annually.
- ☐ Project completion.
- ☐ Other (specify):

Progress reports shall include, at a minimum, the following:

Reports shall include any problems, delays or adverse conditions which will materially affect the Contractor's ability to meet project objectives or time schedules together with a statement of action taken or proposed to resolve the situation. Reports shall also include recommendations for changes to the Scope of Work, if any. Payments may be withheld if reports are not submitted.



2. **Insurance.** The Contractor shall maintain in full force and effect during the term of this Agreement, and until final acceptance of the work, public liability and property damage insurance with companies or through sources approved by the state insurance commissioner pursuant to RCW Title 48, as now or hereafter amended. The County, its appointed and elected officials, agents and employees, shall be specifically named as additional insureds in a policy with the same company which insures the Contractor or by endorsement to an existing policy or with a separate carrier approved pursuant to RCW Title 48, as now or hereafter amended, and the following coverages shall be provided:

☐ **COMMERCIAL GENERAL LIABILITY:**

Bodily injury, including death	\$	per occurrence
	\$	aggregate
Property damage	\$	per occurrence
	\$	aggregate

☐ **ERRORS AND OMISSIONS or PROFESSIONAL LIABILITY** with an Extended Reporting Period Endorsement (two year tail) \$ per occurrence

☐ **WORKERS COMPENSATION:** Statutory amount

- ☐ AUTOMOBILE: coverage on owned, non-owned, rented and hired vehicles
- | | | |
|---|----|----------------|
| Bodily injury, liability, including death | \$ | per occurrence |
| | \$ | aggregate |
| Property damage liability | \$ | per occurrence |
| | \$ | aggregate |
- ☐ BUSINESS AUTOMOBILE LIABILITY: \$ per occurrence

If the Errors and Omissions or Professional Liability insurance obtained is an occurrence policy as opposed to a claims-made policy, the Extended Reporting Period Endorsement is not required.

Any such policy of insurance the Contractor is required to obtain and maintain pursuant to this Agreement shall be primary over any third party liability coverage provided to Clallam County by and through its membership in the Washington Counties Risk Pool or WCRP. The third party liability coverage provided by the WCRP to Clallam County shall be non-contributory with respect to any policy of insurance the Contractor is required to obtain and maintain pursuant to this Agreement. The County shall have no obligation to report occurrences unless a claim or lawsuit is filed with it and the County has no obligation to pay any insurance premiums.

Evidence of primary insurance coverage shall be submitted to the County Project Manager within 20 days of the execution of the Agreement. The Agreement shall be void ab initio if the proof of coverage is not timely supplied.

If the proof of insurance or certificate of coverage indicating the County is an "additional insured" to a policy obtained by the Consultant in order to comply with this agreement refers to an endorsement (by number, abbreviation or name) but does not provide the full text of that endorsement, then it shall be the obligation of the Consultant to obtain the full text of that endorsement and forward that full text to the County within 30 days of the execution of this Agreement.

The coverage limits identified herein shall not limit the potential liability of the Contractor and the Contractor's duty to defend, indemnify, and hold harmless shall apply to any liability beyond the scope of insurance coverage.

- ☐ 3. Liquidated Damages. For delays in timely completion of the work to be done or missed milestones of the work in progress, the Contractor shall be assessed _____ Dollars (\$) per day as liquidated damages and not as a penalty because the County finds it impractical to calculate the actual cost of delays. Liquidated damages will not be assessed for any days for which an extension of time has been granted. No deduction or payment of liquidated damages will, in any degree, release the Contractor from further obligations and liabilities to complete the entire project.

- ☐ 4. Other (specify):.



AGENDA ITEM SUMMARY

(Must be submitted NLT 3PM Wednesday for next week agenda)

11
2/7/22
3a

Department: BOCC

WORK SESSION ☒ Meeting Date: 02/07/22

REGULAR AGENDA ☒ Meeting Date: 02/08/22

Required originals approved and attached? ☐
Will be provided on:

Item summary:

- | | |
|---|---|
| ☐ Call for Hearing | ☐ Contract/Agreement/MOU - Contract # |
| ☐ Resolution | ☐ Proclamation ☐ Budget Item |
| ☐ Draft Ordinance | ☐ Final Ordinance ☒ Other - Notice |

Executive summary:

Board of Clallam County Commissioner will consider adopting by Resolution the attached budget revisions on February 22, 2022.

Budget revisions – Transfer or reallocations between departments within the same fund, or anytime a reallocation within the same budget would authorize a new permanent position or a new capital purchase.

Budgetary impact: (Is there a monetary impact? If so, are funds for this already allocated or is a budget change necessary? If this is a contract and a budget change is necessary, the budget change form must be submitted with the item at work session and for the regular agenda) **If a budget action is required, has it been submitted and a copy attached?** ☐

NonDepartmental – Hotel/Motel Tax – Reallocation of funds for approved Hotel/Motel Tax Fund applications/\$1,000,000

NonDepartmental – American Rescue Plan Act ARPA

- Reallocation of ARPA funding for IT software and equipment to be used by the new Deputy Prosecuting Attorney and assistant/\$7,500
- Reallocation of ARPA funding for the BOCC Board Room technology upgrade project/\$134,300

Recommended action: (Does the Board need to act? If so, what is the department's recommendation?)
Approve the attached notice – Budget revisions.

County Official signature & print name: Loni Gores Loni Gores, Clerk

Name of Employee/Stakeholder attending meeting: Board of Commissioners

Relevant Departments: All Departments

Date submitted: February 2, 2022

* Work Session Meeting - Submit 1 single sided/not stapled copy
** Regular Meeting – Submit 1 single sided/not stapled copy and originals (1 or 3 copies)



NOTICE OF BUDGET REVISION MEETING

Notice is hereby given Clallam County will adopt by Resolution of the Board the budget revision shown below on February 22, 2022 at 10 a.m. in the Commissioners' Meeting Room (160), Clallam County Courthouse.

NonDepartmental – Hotel/Motel Tax – Reallocation of funds for approved Hotel/Motel Tax Fund applications/\$1,000,000

NonDepartmental – American Rescue Plan Act ARPA

- Reallocation of ARPA funding for IT software and equipment to be used by the new Deputy Prosecuting Attorney and assistant/\$7,500
- Reallocation of ARPA funding for the BOCC Board Room technology upgrade project/\$134,300

A copy of the budget change forms may be reviewed at the office of the Board of County Commissioners from 8 a.m. to 4:30 p.m., Monday through Friday.

BOARD OF CLALLAM COUNTY COMMISSIONERS

Date: February 8, 2022

Mark Ozias, Chair

Publish: February 13 and 20
Bill: Commissioners' Office

c: Budget Director
Department(s)
Treasurer

CLALLAM COUNTY BUDGET CHANGE FORM



Date Submitted: 1/04/2022 ✓

Budget Hearing/Meeting Date: 2/22/2022 ✓

- **Supplemental Appropriation** – increased expenditures due to unanticipated federal, state, or local funds
- **Debatable Emergency** – public emergency other than a non-debatable emergency which could not reasonably have been foreseen at the time of making the budget, requiring the expenditure of money not provided for in the budget.
- **Non-debatable Emergency** – for the relief of a stricken community requiring immediate address; to meet mandatory expenditures required by law
- X✓ **Budget Revision** – transfers or reallocations between departments within the same fund, or anytime a reallocation within the same budget would authorize a new permanent position or a new capital purchase
- **Budget Reduction** – a reduction in revenues and/or expenditures

Budget Number xxxxx.xxx.	19925.291 ✓	Budget Name	NonDept – Hotel/Motel Tax
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REVENUE/SOURCE

BUDGET NUMBER xxxxx.xxx.	DEPT NAME	BARS NUMBER xxxxx.xx.xxxx	ACCOUNT DESCRIPTION	AMOUNT
19925.291 ✓	NonDept – Hotel/Motel Tax ✓	55730.49.0230 ✓	Unanticipated Projects	1,000,000 ✓
Total				1,000,000 ✓

EXPENDITURES

BUDGET NUMBER xxxxx.xxx.	DEPT NAME	BARS NUMBER xxxxx.xx.xxxx	ACCOUNT DESCRIPTION	AMOUNT
19925.291 ✓	NonDept – Hotel/Motel Tax ✓	55730.41.0121 ✓	Olympic Peninsula Visitor Bureau	650,000
19925.291 ✓	NonDept – Hotel/Motel Tax ✓	55730.41.5120 ✓	Public Works	250,000
19925.291 ✓	NonDept – Hotel/Motel Tax ✓	55730.49.0175 ✓	Lincoln Park BMX Association	100,000
Total				1,000,000 ✓

Revenue/Source and Expenditure totals must agree.

REASON FOR BUDGET ACTION:

Reallocation of funds for approved Hotel/Motel Tax Fund applications.

County Official Approval:
(Obtain Budget Office Approval Prior to Submission to Clerk of the Board)

CLALLAM COUNTY BUDGET CHANGE FORM



Date Submitted: 1/04/2022 ✓

Budget Hearing/Meeting Date: 2/22/2022 ✓

- ___ **Supplemental Appropriation** – increased expenditures due to unanticipated federal, state, or local funds
- ___ **Debatable Emergency** – public emergency other than a non-debatable emergency which could not reasonably have been foreseen at the time of making the budget, requiring the expenditure of money not provided for in the budget.
- ___ **Non-debatable Emergency** – for the relief of a stricken community requiring immediate address; to meet mandatory expenditures required by law
- X✓ **Budget Revision** – transfers or reallocations between departments within the same fund, or anytime a reallocation within the same budget would authorize a new permanent position or a new capital purchase
- ___ **Budget Reduction** – a reduction in revenues and/or expenditures

Budget Number xxxxx.xxx.	19961.291 ✓	Budget Name	NonDept – American Rescue Plan Act
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REVENUE/SOURCE

BUDGET NUMBER xxxxx.xxx.	DEPT NAME	BARS NUMBER xxxxx.xx.xxxx	ACCOUNT DESCRIPTION	AMOUNT
19961.291 ✓	NonDept – American Rescue Plan Act ✓	51420.49.0225 ✓	Unanticipated Services	7,500 ✓
Total				7,500 ✓

EXPENDITURES

BUDGET NUMBER xxxxx.xxx.	DEPT NAME	BARS NUMBER xxxxx.xx.xxxx	ACCOUNT DESCRIPTION	AMOUNT
19961.291 ✓	NonDept – American Rescue Plan Act ✓	51535.31.5500 ✓	Information Technology Software	3,000
19961.291 ✓	NonDept – American Rescue Plan Act ✓	51535.35.5500 ✓	Information Technology Equipment	4,500
Total				7,500 ✓

Revenue/Source and Expenditure totals must agree.

REASON FOR BUDGET ACTION:

Reallocation of ARPA funding for IT software and equipment to be used by the new Deputy Prosecuting Attorney and assistant.

County Official Approval:
(Obtain Budget Office Approval Prior to Submission to Clerk of the Board)

CLALLAM COUNTY BUDGET CHANGE FORM



Date Submitted: 1/19/2022 ✓

Budget Hearing/Meeting Date: 2/22/2022 ✓

- **Supplemental Appropriation** – increased expenditures due to unanticipated federal, state, or local funds
- **Debatable Emergency** – public emergency other than a non-debatable emergency which could not reasonably have been foreseen at the time of making the budget, requiring the expenditure of money not provided for in the budget.
- **Non-debatable Emergency** – for the relief of a stricken community requiring immediate address; to meet mandatory expenditures required by law
- X ✓ **Budget Revision** – transfers or reallocations between departments within the same fund, or anytime a reallocation within the same budget would authorize a new permanent position or a new capital purchase
- **Budget Reduction** – a reduction in revenues and/or expenditures

Budget Number xxxxx.xxx.	19961.291 ✓	Budget Name	NonDept – American Rescue Plan Act ✓
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REVENUE/SOURCE

BUDGET NUMBER xxxxx.xxx.	DEPT NAME	BARS NUMBER xxxxx.xx.xxxx	ACCOUNT DESCRIPTION	AMOUNT
19961.291 ✓	NonDept – ✓ American Rescue Plan Act	51420.49.0225 ✓	Unanticipated Services	134,300 ✓
Total				134,300 ✓

EXPENDITURES

BUDGET NUMBER xxxxx.xxx.	DEPT NAME	BARS NUMBER xxxxx.xx.xxxx	ACCOUNT DESCRIPTION	AMOUNT
19961.291	NonDept – ✓ American Rescue Plan Act	59411.64.5500 ✓	Information Technology Capital	134,300
Total				134,300 ✓

Revenue/Source and Expenditure totals must agree.

REASON FOR BUDGET ACTION:

Reallocation of ARPA funding for the BOCC Board Room technology upgrade to improve the audio, video and videoconferencing quality.

County Official Approval: _____

(Obtain Budget Office Approval Prior to Submission to Clerk of the Board)

[Handwritten signature]



AGENDA ITEM SUMMARY

(Must be submitted NLT 3PM Wednesday for next week agenda)

12
2/7/22
36

Department: BOCC

WORK SESSION ☒ Meeting Date: 2/7/22

REGULAR AGENDA ☒ Meeting Date: 2/8/22

Required originals approved and attached? ☐
Will be provided on:

Item summary:

- | | | |
|---|--|--|
| ☐ Call for Hearing | ☐ Contract/Agreement/MOU - Contract # | |
| ☐ Resolution | ☐ Proclamation | ☐ Budget Item |
| ☐ Draft Ordinance | ☐ Final Ordinance | ☒ Other - Notice |

Documents exempt from public disclosure attached: ☐

Executive summary:

Board of Clallam County Commissioner will consider adopting by Resolution the attached supplemental appropriations on February 22, 2022

Supplemental appropriations – increased expenditures due to unanticipated federal, state, and local funds.

Budgetary impact: (Is there a monetary impact? If so, are funds for this already allocated or is a budget change necessary? If this is a contract and a budget change is necessary, the budget change form must be submitted with the item at work session and for the regular agenda) **If a budget action is required, has it been submitted and a copy attached?** ☐

Department of Community Development – Long Range Planning – Restructuring to administer the Shoreline Master Plan SMP/\$85,000

Juvenile Services – Community Prevention Wellness Initiative grant funds/\$109,033

Sheriff – Operations – Receipt of funding from the Department of Justice Less than Letha Equipment Grant/\$21,418

Sheriff – Emergency Services – Receipt and expenditure of Washington State Military grant/\$14,255

Recommended action: (Does the Board need to act? If so, what is the department's recommendation?)
Approve the attached notice of supplemental appropriations.

County Official signature & print name: Loni Gores Loni Gores, Clerk

Name of Employee/Stakeholder attending meeting: Board of Commissioners

Relevant Departments: All Departments

- * Work Session Meeting - Submit 1 single sided/not stapled copy
** Regular Meeting – Submit 1 single sided/not stapled copy and originals (1 or 3 copies)

Budget Supplementals 2-8-22
Revised: 3-04-2019

Questions? Call Loni Gores, Clerk of the Board, ext 2256



NOTICE OF SUPPLEMENTAL APPROPRIATIONS BUDGET MEETING

Notice is hereby given Clallam County will adopt by Resolution of the Board, the supplemental budget appropriations in the following funds pursuant to RCW 36.40.100, at 10 a.m. on February 22, 2022 in the Commissioners' Meeting Room (160) of the Clallam County Courthouse.

Department of Community Development – Long Range Planning – Restructuring to administer the Shoreline Master Plan SMP/\$85,000

Juvenile Services – Community Prevention Wellness Initiative grant funds/\$109,033

Sheriff – Operations – Receipt of funding from the Department of Justice Less than Letha Equipment Grant/\$21,418

Sheriff – Emergency Services – Receipt and expenditure of Washington State Military grant/\$14,255

Copies of the budget change forms may be viewed at the office of the Board of Clallam County Commissioners from 8 a.m. to 4:30 p.m., Monday through Friday.

BOARD OF CLALLAM COUNTY COMMISSIONERS

Date: February 8, 2022

Mark Ozias, Chair

Publish: February 13 and 20
Bill: Commissioners

c: Budget Director
Treasurer
Department(s)

CLALLAM COUNTY BUDGET CHANGE FORM

RECEIVED
CLALLAM CO. FINANCE

JAN 10 2022



Date Submitted: 1/10/2022

Budget Hearing/Meeting Date: 2-22-22

☒ **Supplemental Appropriation** – increased expenditures due to unanticipated federal, state, or local funds

☐ **Debatable Emergency** – public emergency other than a non-debatable emergency which could not reasonably have been foreseen at the time of making the budget, requiring the expenditure of money not provided for in the budget.

☐ **Non-debatable Emergency** – for the relief of a stricken community requiring immediate address; to meet mandatory expenditures required by law

☐ **Budget Revision** – transfers or reallocations between departments within the same fund, or anytime a reallocation within the same budget would authorize a new permanent position or a new capital purchase

☐ **Budget Reduction** – a reduction in revenues and/or expenditures

Budget Number xxxxx.xxx.	00100.334	Budget Name	DCD – Long Range Planning
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REVENUE/SOURCE

BUDGET NUMBER xxxxx.xxx.	DEPT NAME	BARS NUMBER xxxxx.xx.xxxx	ACCOUNT DESCRIPTION	AMOUNT
00100.334	DCD – Long Range Planning	36991.00.0060	PSP Agreement (SMP Effectiveness Study)	85,000
Total				85,000

EXPENDITURES

BUDGET NUMBER xxxxx.xxx.	DEPT NAME	BARS NUMBER xxxxx.xx.xxxx	ACCOUNT DESCRIPTION	AMOUNT
00100.334	DCD – Long Range Planning	55311.41.0020	Professional Services	85,000
Total				85,000

Revenue/Source and Expenditure totals must agree.

REASON FOR BUDGET ACTION:

After re-evaluation and re-structuring, DCD will be able to administer the SMP Shoreline Effectiveness Study grant now and in the future.

County Official Approval: _____
(Obtain Budget Office Approval Prior to Submission to Clerk of the Board)

JAN 31 2022



CLALLAM COUNTY BUDGET CHANGE FORM

1/31/2022 ✓

2/22/2022 ✓

Date Submitted: 02/22/2022 Budget Hearing/Meeting Date: 01/31/2022

- ☒ **Supplemental Appropriation** – increased expenditures due to unanticipated federal, state, or local funds
- ☐ **Debatable Emergency** – public emergency other than a non-debatable emergency which could not reasonably have been foreseen at the time of making the budget, requiring the expenditure of money not provided for in the budget.
- ☐ **Non-debatable Emergency** – for the relief of a stricken community requiring immediate address; to meet mandatory expenditures required by law
- ☐ **Budget Revision** – transfers or reallocations between departments within the same fund, or anytime a reallocation within the same budget would authorize a new permanent position or a new capital purchase
- ☐ **Budget Reduction** – a reduction in revenues and/or expenditures

Budget Number xxxxx.xxx.	00100.851 ✓	Budget Name	Juvenile Services
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REVENUE/SOURCE

BUDGET NUMBER xxxxx.xxx.	DEPT NAME	BARS NUMBER xxxxx.xx.xxxx	ACCOUNT DESCRIPTION	AMOUNT
00100.851 ✓	Juvenile Services ✓	34630.00.0055 ✓	HCA CPWI	109,033
Total				109,033 ✓

EXPENDITURES

BUDGET NUMBER xxxxx.xxx.	DEPT NAME	BARS NUMBER xxxxx.xx.xxxx	ACCOUNT DESCRIPTION	AMOUNT
00100.293 ✓	General Fund Reserves ✓	50800.00.0000 ✓	Ending Fund Balance	6,933
00100.851 ✓	Juvenile Services ✓	52760.10.0010 ✓	Regular Time	61,937
00100.851 ✓	Juvenile Services ✓	52760.20.0020 ✓	Benefits	27,250
00100.851 ✓	Juvenile Services ✓	52760.41.4410 ✓	Advertising	4,013
00100.851 ✓	Juvenile Services ✓	52760.43.0020 ✓	Training - Travel - Training	1,500
00100.851 ✓	Juvenile Services ✓	52760.41.0020 ✓	Professional Services	2,400
00100.851 ✓	Juvenile Services ✓	52760.31.0065 ✓	Food	1,000
00100.851 ✓	Juvenile Services ✓	52760.31.0020 ✓	Operating Supplies	4,000
Total				109,033 ✓

Revenue/Source and Expenditure totals must agree.

REASON FOR BUDGET ACTION:

Community Prevention Wellness Initiative(CPWI) grant funds will be used to increase the capacity to implement direct and environmental substance use disorder prevention services based on youth substance use in the community to prevent and reduce abuse of alcohol, tobacco, marijuana, opioids, and other drugs.

County Official Approval: *John Jacobson*
(Obtain Budget Office Approval Prior to Submission to Clerk of the Board)

[Signature]
10

JAN 24 2022



CLALLAM COUNTY BUDGET CHANGE FORM

Date Submitted: 01/20/22

Budget Hearing/Meeting Date: 02/22/22 ✓

- ☒ **Supplemental Appropriation** – increased expenditures due to unanticipated federal, state, or local funds
- ☐ **Debatable Emergency** – public emergency other than a non-debatable emergency which could not reasonably have been foreseen at the time of making the budget, requiring the expenditure of money not provided for in the budget.
- ☐ **Non-debatable Emergency** – for the relief of a stricken community requiring immediate address; to meet mandatory expenditures required by law
- ☐ **Budget Revision** – transfers or reallocations between departments within the same fund, or anytime a reallocation within the same budget would authorize a new permanent position or a new capital purchase
- ☐ **Budget Reduction** – a reduction in revenues and/or expenditures

Budget Number xxxxx.xxx.	00100.811 ✓	Budget Name	Sheriff - Operations ✓
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REVENUE/SOURCE

BUDGET NUMBER xxxxx.xxx.	DEPT NAME	BARS NUMBER xxxxx.xx.xxxx	ACCOUNT DESCRIPTION	AMOUNT
00100.811 ✓	Sheriff – Operations ✓	33316.73.8020 ✓	DOJ Less Than Lethal Equipment Grant	21,418
Total				21,418 ✓

EXPENDITURES

BUDGET NUMBER xxxxx.xxx.	DEPT NAME	BARS NUMBER xxxxx.xx.xxxx	ACCOUNT DESCRIPTION	AMOUNT
00100.811 ✓	Sheriff - Operations ✓	59421.64.0010 ✓	Machinery & Equipment	21,418
Total				21,418 ✓

Revenue/Source and Expenditure totals must agree.

REASON FOR BUDGET ACTION:

To receipt revenue and expend funding from a Department of Justice Less Than Lethal Equipment Program Grant to purchase tasers and accessories.

County Official Approval:

(Obtain Budget Office Approval Prior to Submission to Clerk of the Board)

CLALLAM COUNTY BUDGET CHANGE FORM

1/31/2022

RECEIVED
CLALLAM CO. FINANCE

JAN 31 2022



Date Submitted: 01/19/2022

Budget Hearing/Meeting Date: 02/22/22 ✓

- ☒ **Supplemental Appropriation** – increased expenditures due to unanticipated federal, state, or local funds
- ☐ **Debatable Emergency** – public emergency other than a non-debatable emergency which could not reasonably have been foreseen at the time of making the budget, requiring the expenditure of money not provided for in the budget.
- ☐ **Non-debatable Emergency** – for the relief of a stricken community requiring immediate address; to meet mandatory expenditures required by law
- ☐ **Budget Revision** – transfers or revisions within departments
- ☐ **Budget Reduction** – a reduction in revenues and/or expenditures

Budget Number xxxxx.xxx.	00100.817 ✓	Budget Name	Sheriff – Emergency Services ✓
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REVENUE/SOURCE

BUDGET NUMBER	DEPT NAME	BARS NUMBER	ACCOUNT DESCRIPTION	AMOUNT
00100.817 ✓	Sheriff – Emergency Services ✓	33397.04.2050 ✓	Homeland Security ARPA Emergency Mgmt	14,255
				14,255

EXPENDITURES

BUDGET NUMBER	DEPT NAME	BARS NUMBER	ACCOUNT DESCRIPTION	AMOUNT
00100.817 ✓	Sheriff –Emergency Services ✓	52510.31.0020 ✓	Operating Supplies	13,560
00100.817 ✓	Sheriff –Emergency Services ✓	52510.41.5130	Sheriff	522
00100.293 ✓	General Fund Reserves/ ~~Indirects~~	50800.00.0000	Ending Fund Balance	173
				14,255

Revenue/Source and Expenditure totals must agree.

REASON FOR BUDGET ACTION:

Receipt and expenditure of Washington State Military Department FY2021 EMPG-ARPA grant #E22-227.

County Official Approval: _____

(Obtain Budget Office Approval Prior to Submission to Clerk of the Board)



AGENDA ITEM SUMMARY

(Must be submitted NLT 3PM Wednesday for next week agenda)

13
2/7/22
3C

Department: BOCC

WORK SESSION ☒ Meeting Date: 2/7/22

REGULAR AGENDA ☒ Meeting Date: 2/8/22

Required originals approved and attached? ☐
Will be provided on:

Item summary:

- | | | |
|---|--|--|
| ☐ Call for Hearing | ☐ Contract/Agreement/MOU - Contract # | |
| ☐ Resolution | ☐ Proclamation | ☐ Budget Item |
| ☐ Draft Ordinance | ☐ Final Ordinance | ☒ Other - Notice |

Documents exempt from public disclosure attached: ☐

Executive summary:

Board of Clallam County Commissioner will consider adopting by Resolution the attached debatable emergencies on February 22, 2022

Debatable emergency – Public emergency other than a non-debatable emergency which could not reasonably have been foreseen at the time of making the budget, requiring the expenditure of money not provided for in the budget.

Budgetary impact: (Is there a monetary impact? If so, are funds for this already allocated or is a budget change necessary? If this is a contract and a budget change is necessary, the budget change form must be submitted with the item at work session and for the regular agenda) **If a budget action is required, has it been submitted and a copy attached?** ☐

NonDept – Hotel/Motel Tax – Additional funds for approved Hotel/Motel Tax Fund applications/\$300,150

NonDept – Opportunity Fund – additional funding for Opportunity Fund grant to the City of Forks for their waste water treatment facility/\$2,375,610

BOCC Operations – Funding for additional hours for part time to full time for BOCC Analysis position American Rescue Plan Act/\$46,505

Recommended action: (Does the Board need to act? If so, what is the department's recommendation?)
Approve the attached notice of debatable emergencies.

County Official signature & print name: Loni Gores Loni Gores

Name of Employee/Stakeholder attending meeting: Board of Commissioners

Relevant Departments: All Departments

* Work Session Meeting - Submit 1 single sided/not stapled copy
** Regular Meeting – Submit 1 single sided/not stapled copy and originals (1 or 3 copies)



BUDGET RESOLUTION _____, 2022

CALL FOR HEARING FOR DEBATABLE EMERGENCIES IN THE FUNDS LISTED BELOW

THE BOARD OF CLALLAM COUNTY COMMISSIONERS finds as follows:

1. Pursuant to RCW 36.40.140, the following facts constitute a public emergency that could not reasonably have been foreseen at the time of making the budget:

NonDept – Hotel/Motel Tax – Additional funds for approved Hotel/Motel Tax Fund applications/\$300,150

NonDept – Opportunity Fund – additional funding for Opportunity Fund grant to the City of Forks for their waste water treatment facility/\$2,375,610

BOCC Operations – Funding for additional hours for part time to full time for BOCC Analysis position American Rescue Plan Act/\$46,505

NOW, THEREFORE, BE IT RESOLVED by the Board of Clallam County Commissioners, in consideration of the above findings of fact:

1. A public hearing on the debatable emergencies listed above will be held February 22, 2022 at 10:30 a.m. in Room 160 of the Clallam County Courthouse.
2. A copy of the budget change forms may be viewed at the office of the Board of Clallam County Commissioners from 8 a.m. to 4:30 p.m., Monday through Friday.

PASSED AND ADOPTED this 8th day of February 2022

BOARD OF CLALLAM COUNTY COMMISSIONERS

Mark Ozias, Chair

Randy Johnson

Bill Peach

ATTEST:

Loni Gores, CMC, Clerk of the Board

Publish: February 13, 2022

Bill: Commissioners

c: Budget Director
Treasurer
Department(s)

CLALLAM COUNTY BUDGET CHANGE FORM



Date Submitted: 1/18/2022 ✓

Budget Hearing/Meeting Date: 2/22/2022 ✓

- **Supplemental Appropriation** – increased expenditures due to unanticipated federal, state, or local funds
- X ✓ **Debatable Emergency** – public emergency other than a non-debatable emergency which could not reasonably have been foreseen at the time of making the budget, requiring the expenditure of money not provided for in the budget.
- **Non-debatable Emergency** – for the relief of a stricken community requiring immediate address; to meet mandatory expenditures required by law
- **Budget Revision** – transfers or reallocations between departments within the same fund, or anytime a reallocation within the same budget would authorize a new permanent position or a new capital purchase
- **Budget Reduction** – a reduction in revenues and/or expenditures

Budget Number xxxxx.xxx.	19925.291 ✓	Budget Name	NonDept – Hotel/Motel Tax ✓
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REVENUE/SOURCE

BUDGET NUMBER xxxxx.xxx.	DEPT NAME	BARS NUMBER xxxxx.xx.xxxx	ACCOUNT DESCRIPTION	AMOUNT
19925.291 ✓	NonDept – Hotel/Motel Tax ✓	50800.00.0000 ✓	Ending Fund Balance	300,150
Total				300,150 ✓

EXPENDITURES

BUDGET NUMBER xxxxx.xxx.	DEPT NAME	BARS NUMBER xxxxx.xx.xxxx	ACCOUNT DESCRIPTION	AMOUNT
19925.291 ✓	NonDept – Hotel/Motel Tax ✓	55730.41.0116 ✓	Clallam Bay-Seki Chamber of Commerce	12,000
19925.291 ✓	NonDept – Hotel/Motel Tax ✓	55730.41.0117 ✓	Chambers of Commerce	1,600
19925.291 ✓	NonDept – Hotel/Motel Tax ✓	55730.41.5110 ✓	Parks/Fair/Facilities	60,000
19925.291 ✓	NonDept – Hotel/Motel Tax ✓	55730.49.0160 ✓	PA Chamber of Commerce	85,000
19925.291 ✓	NonDept – Hotel/Motel Tax ✓	55730.49.0171 ✓	Port Angeles Baseball	60,000
19925.291 ✓	NonDept – Hotel/Motel Tax ✓	55730.49.0172 ✓	Peninsula Adventure Sports	9,000
19925.291 ✓	NonDept – Hotel/Motel Tax ✓	55730.49.0173 ✓	Dungeness Crab & Seafood Festival	15,550
19925.291 ✓	NonDept – Hotel/Motel Tax ✓	55730.49.0180 ✓	Juan de Fuca Festival	7,000
19925.291 ✓	NonDept – Hotel/Motel Tax ✓	55760.49.0230 ✓	Unanticipated Projects	50,000
Total				300,150 ✓

Revenue/Source and Expenditure totals must agree.

REASON FOR BUDGET ACTION:

Additional funds for approved Hotel/Motel Tax Fund applications, as well as, Chambers of Commerce dues and additional unanticipated projects.

County Official Approval: [Signature]
(Obtain Budget Office Approval Prior to Submission to Clerk of the Board)

[Signature]
5

CLALLAM COUNTY BUDGET CHANGE FORM



Date Submitted: 1/26/2022 ✓

Budget Hearing/Meeting Date: 2/22/2022 ✓

- **Supplemental Appropriation** – increased expenditures due to unanticipated federal, state, or local funds
- X ✓ **Debatable Emergency** – public emergency other than a non-debatable emergency which could not reasonably have been foreseen at the time of making the budget, requiring the expenditure of money not provided for in the budget.
- **Non-debatable Emergency** – for the relief of a stricken community requiring immediate address; to meet mandatory expenditures required by law
- **Budget Revision** – transfers or reallocations between departments within the same fund, or anytime a reallocation within the same budget would authorize a new permanent position or a new capital purchase
- **Budget Reduction** – a reduction in revenues and/or expenditures

Budget Number xxxxx.xxx.	19941.291 ✓	Budget Name	NonDept – Opportunity Fund ✓
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REVENUE/SOURCE

BUDGET NUMBER xxxxx.xxx.	DEPT NAME	BARS NUMBER xxxxx.xx.xxxx	ACCOUNT DESCRIPTION	AMOUNT
19941.291 ✓	NonDept – Opportunity Fund ✓	50800.00.0000 ✓	Ending Fund Balance	2,375,610
Total				2,375,610 ✓

EXPENDITURES

BUDGET NUMBER xxxxx.xxx.	DEPT NAME	BARS NUMBER xxxxx.xx.xxxx	ACCOUNT DESCRIPTION	AMOUNT
19941.291 ✓	NonDept – Opportunity Fund ✓	55210.49.0163 ✓	City of Forks	2,375,610
Total				2,375,610 ✓

Revenue/Source and Expenditure totals must agree.

REASON FOR BUDGET ACTION:

Additional funding for the Opportunity Fund grant to the City of Forks for their waste water treatment facility.

County Official Approval: _____

(Obtain Budget Office Approval Prior to Submission to Clerk of the Board)

CLALLAM COUNTY BUDGET CHANGE FORM



Date Submitted: 1/31/2022 ✓

Budget Hearing/Meeting Date: 2/22/2022 ✓

- **Supplemental Appropriation** – increased expenditures due to unanticipated federal, state, or local funds
- X ✓ **Debatable Emergency** – public emergency other than a non-debatable emergency which could not reasonably have been foreseen at the time of making the budget, requiring the expenditure of money not provided for in the budget.
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- **Budget Reduction** – a reduction in revenues and/or expenditures

Budget Number xxxxx.xxx.	00100.241 ✓	Budget Name	BOCC Operations ✓
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REVENUE/SOURCE

BUDGET NUMBER xxxxx.xxx.	DEPT NAME	BARS NUMBER xxxxx.xx.xxxx	ACCOUNT DESCRIPTION	AMOUNT
00100.293 ✓	General Fund Reserves ✓	50800.00.0000 ✓	Ending Fund Balance	46,505
Total				46,505 ✓

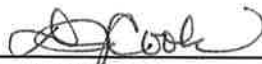
EXPENDITURES

BUDGET NUMBER xxxxx.xxx.	DEPT NAME	BARS NUMBER xxxxx.xx.xxxx	ACCOUNT DESCRIPTION	AMOUNT
00100.241 ✓	BOCC Operations ✓	51160.10.0010 ✓	Regular Time	38,604
00100.241 ✓	BOCC Operations ✓	51160.20.0020 ✓	Benefits	7,901
Total				46,505 ✓

Revenue/Source and Expenditure totals must agree.

REASON FOR BUDGET ACTION:

Funding for additional hours from Part Time to Full Time, for BOCC Analysis position to provide analysis and grant functions originating from the BOCC. These additional hours will be reimbursed by the American Rescue Plan Act.

County Official Approval: 
(Obtain Budget Office Approval Prior to Submission to Clerk of the Board)

