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Anacortes Planning Commission
Municipal Building - Council Chambers
904 6th Street

June 11, 2025
6:00 PM

PRELIMINARY AGENDA
[Packet Materials](#) / [Watch Meeting](#)

1. **Roll Call**
2. **Pledge of Allegiance**
3. **Minutes**
 - a. Minutes of 01/22/2025 and 05/28/2025 were submitted for approval.
4. **Public Comment**
5. **Public Hearings**
6. **Other Business**
 - a. 2025 Comprehensive Plan & Development Regulations Update - Accessory Dwelling Units (ADU) draft code amendments
7. **Planning Department Update**
8. **Adjournment**

**Citizens wishing to comment on items not on the agenda may do so under Public Comment. Citizens wishing to comment during a public hearing may do so as those items are considered by the Planning Commission during the course of the meeting.*

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Anacortes Planning Commission Minutes - May 28, 2025

Roll Call

Chairperson Linda Martin called to order the Anacortes Planning Commission meeting of May 28, 2025 at 6:00 p.m. Commissioners Jim Stoneman, William McCombs, Frank Jeretzky, Paul Ryan, Luke Currier, and Mike Mills were present.

Pledge of Allegiance

Minutes

Minutes of 12/11/2024 were submitted for approval.

Jim Stoneman moved to approve the minutes for December 11, 2024 as submitted. Will McCombs seconded. All Ayes.

Linda Martin asked that the most recent meeting minutes to be completed first and then catch up on the prior minutes as staff can. Planning Commission agreed.

Public Comment

No public comment taken.

Public Hearings

Shoreline Substantial Development Permit Application: SDP-2025-0001 - Curtis Wharf Shore Power & Pump Out (Public Hearing & Recommendation)

Anna Dewey said she'll be presenting the Shoreline Substantial Development permit for Planning Commission recommendation tonight. The proposed development is part of Curtis wharf at the end of 2nd Street. The current use is a commercial marine pier for watercraft refueling, cruise stops, repairs, etc. There is also a seafood processing and cold food storage facility. This is in the MS zone and the use is allowed. The proposal is to install a shore power system and a commercial blackwater pump-out system. These are considered an accessory use to the wharf, which is a water-dependent industrial and port facility and is a permitted use in the urban maritime shoreline designation. The proposal shows that no alterations will be made to the shoreline; no increase in vessel usage; no change in the use of the wharf. This project will not impact the adjacent clean-up site at Quiet Cove. A SEPA DNS was issued stating that the scope of work will not have a probable significant adverse impact on the environment and will not result in a loss of ecological function. This is a type 4 review which is a City Council decision after Planning Commission recommendation. She reviewed the project history so far. Staff anticipates the closed record decision hearing on June 9th with City Council. There were no comments received from the public or outside agencies. Staff recommends approval with the conditions in the staff report.

Will McCombs commented that this proposal looks straightforward. The conditions are reasonable.

Kevin Anderson, Port of Anacortes, said this is an exciting project for the Port. Our mission is to provide infrastructure and facilities to help our maritime economy. Curtis wharf is really happening; it's a very active pier. He gave the history of Curtis wharf to its current state and use. The project is to provide shore power mounted on skids to meet the needs of local harbor craft and to provide commercial black water pump out directly to the sanitary sewer. This is needed because Puget Sound is a no-discharge zone. Shoreside pump-out facilities are few and far between and marine vacuum services are expensive. The shore power is less expensive than using diesel, increases maintenance intervals, there's less noise, and fewer emissions. He described the installation of both systems. For the pumpout, there will be a metering system so that the treatment plant knows the amount of discharge. There will also be a sample port that will be available to city staff. Best Management Practices (BMP's) will be posted on-site for users. The shore power will have 2 locations mounted on skids and utilize the existing transformer. The conduit will be routed along the bullrail

and under the pier. The Port is required to draft a policy requiring vessels staying beyond a certain duration to plug in if they are able.

Mike Mills commented that the pumpout aspect is starting from ground zero. He wondered if there is currently power that is being made available to users.

Kevin Anderson said there is some power there, but this will provide a more durable, mobile, and flexible solution. This will be a good amenity for Anacortes. Many maritime users want this.

Frank Jeretzky asked if the funds were already allocated from the state.

Mr. Anderson said they are.

Linda Martin congratulated the Port on getting all the behind the scenes work done to get this permit started. There was a lot of work done prior to getting to this point.

Public hearing opened.

No comments taken.

Public hearing closed.

Mike Mills asked how the fees for the pump out will be determined.

Libby Grage clarified that fees are identified in the AMC fee schedule. There will also be an agreement between the Port and City. That agreement is still being worked on.

Jim Stoneman pointed out this is a straightforward project and makes sense.

Mike Mills moved to adopt the findings of fact, conclusions of law, and the 13 conditions as presented in the staff report and recommend to City Council approval with the conditions of SDP-2025-0001. Will

McCombs seconded. All ayes.

2025 Comprehensive Plan Update - Proposed amendments to the goals and policies of the Economic Development and Parks, Recreation & Open Space elements (Public Hearing)

Libby Grage gave the background of the Economic Development and Parks, Recreation and Open Space elements. At the last meeting, the Commissioners provided comments and feedback which was integrated into the packet. There were a few written comments added after publication of the packet last week. The next step is to publish a complete draft updated Comprehensive Plan for additional public review and recommendation to City Council. She reviewed the proposed changes and updates to the economic development section.

The Commissioners did not have any questions or comments about that element.

Libby Grage moved on to the parks, recreation and open space element and reviewed the proposed changes and updates.

Linda Martin referenced PR6.6, regarding the recommendation to remove the impact fee payment. She feels like it should remain.

Ms. Grage said that it can.

Luke Currier supports that staying.

Libby Grage said she can make that update in the next draft.

Public hearing opened.

Marlene Finley, president Evergreen Islands a local non-profit that supports 3 policies. In ED4.7 they support adding language to work with Skagit County to anticipate future uses at March's Point refineries. Development there is shaped by the Comprehensive Plan and governed by the Anacortes Municipal Code, although Skagit County handles the permitting and environmental review. She expressed concern that development there can sometimes fall into a bureaucratic black hole. The goal is to decrease GHG emissions. They also support ED8.2, raising awareness of local business efforts to reduce greenhouse gas emissions and increase resilience. An example of that was the presentation earlier regarding Curtis wharf. Policy ED2.13 adds language to expand bicycle parking and electric vehicle charging infrastructure. Kathleen Lawrence Flannigan referenced the parks and recreation element, asking where we are in the process for an EIS for the Guemes Channel trail.

John Coleman pointed out that was removed from the 2025 budget.

Kathleen Flannigan moved on to PR4.3 regarding community engagement consisting of a subcommittee of interested community members. She asked if this subcommittee is in place and if the various groups are represented.

Libby Grage will discuss this with Jonn Lunsford and get the information to Mrs. Flannigan.

Public hearing closed.

Other Business

Planning Department Update

John Coleman said that at the June 11th Planning Commission meeting staff plans on talking about the remaining HAP items. The June 2nd City Council meeting has a presentation from Transpo on the transportation master plan, which runs in line with the transportation element of the Comprehensive Plan update. The master plan will help identify items for the 6-year Transportation Improvement Plan (TIP). Normally, it would come to Planning Commission first, but because of the necessity of the TIP process, it needed to be presented to City Council now. He pointed out that we received notice from Skagit Transit that they are doing a pilot bus service for Guemes Island once the ferry is up and running again.

Linda Martin asked if the transportation master plan is different from the Transportation element in the Comprehensive Plan.

John Coleman said it is not. The Planning Commission has already reviewed the goals and policies. It will be brought back to the Planning Commission with the revised draft Comprehensive Plan.

Linda Martin asked for an update on the Matrix review of staff procedures.

Mr. Coleman commented that it is still in process and on track.

Mike Mills asked if the City Council retreat has been scheduled.

John Coleman stated that it is scheduled for June 12th.

Adjournment

Chairperson Martin adjourned the meeting at 7:03p.m.

Anacortes Planning Commission Minutes - January 22, 2025

Roll Call

Chairperson Linda Martin called to order the Anacortes Planning Commission meeting of January 22, 2025 at 6:00 p.m. Commissioners Jim Stoneman, Frank Jeretzky, Paul Ryan, Luke Currier, and Mike Mills were present. Commissioner William McCombs was absent. Jim Stoneman moved to excuse Commissioner McCombs; Mike Mills seconded. All ayes.

Pledge of Allegiance

Minutes

Minutes of 10/09/2024

The minutes for October 9, 2024 were submitted for approval. Mike Mills moved to approve the minutes as submitted. Jim Stoneman seconded. All ayes.

Public Comment

No public comment taken.

Public Hearings

Other Business

Election of Officers

Linda Martin pointed out that there are 2 officers to elect tonight. Paul Ryan nominated Linda Martin for Chair; Luke Currier seconded. No other nominations for chair were received. All Ayes. Frank Jeretzky nominated Mike Mills for Vice-Chair; Paul Ryan seconded. No other nominations for vice-chair were received. All Ayes.

2025 Comprehensive Plan Update - Proposed amendments to the goals and policies in the Capital Facilities & Utilities elements

Libby Grage said the Capital Facilities and Utilities element of the Comprehensive Plan update will be discussed tonight. She reviewed the schedule and upcoming meetings. She reviewed the elements of phase 1 of the update to the Comprehensive Plan. All the public comments, staff reports and commissioner comments will be compiled and released for public review prior to starting phase 2.

Andy Rheume reminded everyone that Public Works is basically all the utilities, facilities and fleet for the city. Included in tonight's review is the Capital Facilities and the Utilities elements of the Comprehensive Plan. Anacortes capital facilities and services include: water, sewer, stormwater, transportation, parks, fire & EMS, and police. He reviewed the capital facilities plan from RCW 36.70A.070(3). There are 4 plans that are in process: water system plan, general sewer plan, stormwater master plan and transportation master plan. The details and implementation plan will be in these updates. The general themes tonight are minor updates to language for clarity, specificity and readability; policies that are suggested to be relocated or removed; addition of new policies and revisions to existing policies. He gave examples of language updates. Some of these are financially constrained, but we are keeping the goals in the Comprehensive Plan so that they can be addressed in the future. He moved on to the levels of service standards and gave examples of proposed updates. He reviewed the utilities updated goals and policies. He pointed out that the Climate Change element has impacted these goals for our community. There will be a public hearing scheduled for February 26th.

Mike Mills asked why the 6-year timeframe was being changed in CF1.2.

Andy Rheume clarified that it's common to plan further than that because the Comprehensive Plan goes until 2045. We want to plan as far out as we can.

Linda Martin suggested adding "system plans" to the glossary.

Mike Mills commented that on page 3 and elsewhere, this refers to facilities or assets owned by the city. He asked if there were leased assets that should be referenced.

Mr. Rheume said he don't think there are any that are leased, but will verify.

Linda Martin referenced CF1.10 which says to conduct vulnerability assessments and prepare disaster preparedness plan. She wonders if this could be moved to CF3 which discusses deficiencies. Then on page 5, in the stormwater goal, the last sentence states "strive to achieve a future condition". This is an aspirational goal. She feels we are striving for all of them. She suggested rewording or removing.

Jim Stoneman pointed out that all of these have the "strive to achieve". He suggested they all be rewritten.

Andy Rheume clarified that it's normal to have aspirational language in the Comprehensive Plan. He gave the example of the Stormwater Master Plan update "aspiring to have healthy streams", but that sometimes takes longer than anticipated.

Frank Jeretzky stated that the new fire policy cuts the time down from 7 minutes, but eliminates the times for everything but structure fires. He wondered if there are time constraints for other types of fires; such as vessels, vegetation, etc.

John Coleman said the Fire Department wanted to improve their response times and have their focus on SFR's.

Commissioner Martin said she spoke with a family member that is a fire fighter. He was impressed with how this was written. He clarified that the second alarm to structure fires is for commercial buildings.

Frank Jeretzky expressed concern about putting time constraints on some of these.

Mr. Coleman pointed out that Chief Harris can address this if you'd like.

Linda Martin wondered why the Police department removed the time elements from their section.

Andy Rheume said he will have Chief Floyd address that too.

Mr. Mills stated he liked the addition of implementing a funding prioritization process on page 7.

Linda Martin referenced CF4.5. This sounds good in theory, but may make building less affordable, which is not what we want. She moved on to the new language on page 9 asking why adjacent is included.

Andy Rheume clarified this is usually regarding the adjacent ROW. We normally require them to do sidewalks, curb & gutter and half the street and the pipes in ground.

Mike Mills suggested adding "ROW" to clarify.

Paul Ryan suggested adding "inside, adjacent, or in the ROW of the project".

Mr. Rheume suggested "adjacent to the project in the ROW". We want to clarify this is not the adjacent private property.

Linda Martin referenced CF7.8 & CF7.9 stating these may need to be amended or moved to the new climate subheading. She recommends keeping them here for now, and readdressing them after the climate element is brought forward. She moved on to the utilities and pointed out that there may be a few of these, U6.2, U6.3, and U6.4, that may be moved to the "new climate element subheading" at the end of each section.

John Coleman clarified that when we bring the climate element to the Planning Commission, we plan on addressing climate throughout the Comprehensive Plan.

Linda Martin thanked Andy for putting together the master plans for these utilities. As a citizen, it's nice to hear that this is being planned.

Libby Grage said staff will make clarifications and updates to these goals & policies and bring them back to you at the next meeting, February 26th. We will also get clarification from the Fire and Police Chiefs.

2025 Comprehensive Plan Update - Housing Action Plan (HAP) strategies discussion, continued

Linda Martin reminded the Commissioners that the HAP is a menu of sorts. The planning committee of City Council asked the Planning Commission to narrow the HAP down more. She wants the Commissioners to ask themselves: (1) will the change that is being proposed increase affordable housing; (2) will the change increase the types of available housing; and (3) will the change be accepted by the community. The goal is to find the items that achieve these 3 goals.

Libby Grage clarified that the document has been updated to include the commissioners for each section review and to include their suggestions.

Linda Martin asks what "move forward with PCED recommendation" mean.

Ms. Grage explained that staff is looking for the Planning Commission to provide direction to staff to develop language for the development regulations. That will allow the Commissioners and the public to see the recommendations.

Commissioner Martin started at HAP 2.1.9.

Jim Stoneman recommended complying with the Department of Commerce.

Libby Grage clarified that the new law for co-living housing may supersede this. Staff needs more time to review this and then it will be brought back to the Commission.

Paul Ryan wondered if HAP 2.1.9 includes rooming houses.

Ms. Grage said there is some guidance on that. Co-living facilities have to be allowed where at least 6 multi-family units would be allowed, but if we have similar regulations for rooming houses, we can keep the separate term for the residential zones.

Jim Stoneman stated that HAP 2.1.10 looks like it's to comply with state law. He doesn't think there were concerns, but can review it again.

Linda Martin pointed out that HAP 2.3 was not assigned to a Commissioner for review.

Mr. Ryan said maintenance property code covers most of this for ADU sizes. He recommends a rental registration program for ADU's and rental properties.

Mike Mills said he could not find his file with the notes regarding his section.

Commissioner Martin understood. She asked if the HAP has new suggested changes in it.

Libby Grage disagreed, stating that when the HAP was put together, they stated what the changes were on most of the items,

Linda Martin said there's a section in the HAP showing how and where they suggest reducing lot sizes per zone. She wonders if this will provide more affordable housing. In her opinion, it could because it's a smaller lot. She's not sure if it will accomplish a variety of housing types or be accepted by the community. Therefore, we may be able to cross this off.

Mike Mills expressed his overall observations in the HAP regarding changing minimum lot sizes in residential areas. We need to clarify if R1 and OT are being excluded or included. He wonders why HAP 2.4.2 relates only to R4 and R4A. Lastly, he wonders how HAP 2.4.4, the idea of applying this only to new lots, can be implemented.

Linda Martin asked why R1 was not included in HAP 2.4.1.

Mr. Mills pointed out that there's other language in the HAP regarding adjusting minimum lot sizes in all residential zones, but that doesn't coincide with this section. He would like the language to be consistent.

John Coleman asked if Mr. Mills wants to add OT to HAP 2.4.1. He clarified that R1 is not included as it doesn't allow for MF.

Linda Martin suggested they bring back 2.4.1. She moved on to HAP 2.4.2, which recommends going from 50% maximum lot coverage to 60% in R4 and R4A zones. She recommends making the changes as per the HAP recommendation. She moved on to 2.4.4.

Mike Mills said he struggled with determining if this applies to new lots or is there language about grandfathering. He wondered if this would incentivize redevelopment if it applied to existing lots.

Linda Martin suggested bringing this back too. She moved on to HAP 2.4.5 regarding setbacks.

Libby Grage said this recommendation regarding the upper story step back on structures, reduces the likelihood of building additional units. This is for the R3, R3A, R4 and R4A zones. These areas have smaller lots in higher density zones. The intent is to provide more flexibility in building design to promote development.

John Coleman clarified that garages would still have a 20-foot setback, but the rest of the house could be forward.

Commissioner Martin referenced HAP 2.4.6, the height bonus program.

Mike Mills pointed out that the thought process had to do with providing storage. He wondered if this is conditioned or unconditioned space.

Linda Martin said the Commissioners determined that we could say no to this one.

John Coleman stated that a developer requested this increase to 650 to have additional space inside the unit

for storage, so between that comment and the HAP recommendation, staff included it.

Mr. Mills said he's more amenable if this is referencing conditioned, interior space.

John Coleman commented that the intent is more storage space inside the unit.

Linda Martin expressed concern that this might cost more instead of encouraging more affordable units. She asked if this provides a different type of affordable housing or if it would be accepted by the community.

Frank Jeretzky stated that if this is being used to get the bonus height, then it would not be accepted by the community.

Linda Martin crossed this off the list. She moved on to HAP 2.4.7 asking if this gets to affordability.

Mr. Jaretzky pointed out that development will tell you if this works. Since we only have one of these, that's our answer.

Mike Mills pointed out that the height requirement for elevators may go down as technology improves and these are reduced in size.

Commissioner Martin said the Commissioners are recommending no on HAP 2.4.7.

Frank Jeretzky wondered if there's been any thought to change the language to a "max of 650". Then the developer can determine if this pencils out.

Libby Grage stated that to obtain the bonus height, a certain percentage of the units in the building have to be 600 sq ft or less. Theoretically, smaller units cost less.

Linda Martin pointed out that with our aging population, there may be many senior citizens that are living in larger homes that may be willing to move to smaller units.

Frank Jeretzky said the building would need to have an elevator if seniors are living there.

Mike Mills agreed that as we age, we like to downsize. He understands that stairs can be an issue for an older population. He agrees that the market can determine what is built. He pointed out that the work the Planning Commission and City Council do determines what does not get built.

Luke Currier wondered if new options can be presented. He understands that City Council wants the HAP list shrunken down, but he would like new ideas brought forward if they accomplish the goals.

Linda Martin agreed. The Planning Commission will pause here because the next section was handled by the Commissioner that is absent tonight. We will bring it back at the next meeting.

Mike Mills asked if staff will be bringing the proposed changes to language at the next meeting.

Staff agreed.

Planning Commission Rules of Procedure discussion

Linda Martin said she asked for this to be added to the agenda. At a prior meeting, an audience member brought up the concern that RCW 35A was not included in our rules of procedure. When the Mayor gave the State of the City address he referenced RCW 35A. She provided copies of the table of contents and definitions from that section. She checked with John and Legal to see if this should be added to our document. She asked the Commissioners if they would like discuss this or table for another meeting.

Jim Stoneman asked if RCW 35A supersedes the rules of procedure.

Linda Martin clarified that the Planning Commission is covered by RCW 35, but RCW 35A covers other items that are within our purview.

Mike Mills wondered if the intent would be to add RCW 35A in addition to RCW 35.

Commissioner Martin stated it would be in addition to RCW 35.

Jim Stoneman commented that if our document works, he's not sure we need to address this.

Luke Currier asked if this would be a positive addition and why.

Linda Martin expressed her opinion that it would be a positive addition and would not hurt to add it.

The Commissioners decided to discuss this at another meeting.

Linda Martin asked Commissioner Mills to give a quick report about the climate committee.

Mike Mills stated that they had 2 meetings since the last update. At last weeks meeting we tweaked the guiding principals to prioritize items to achieve the most benefit for the costs. We reviewed measures for climate vulnerability and resiliency. This process illuminated how it's difficult to only focus on one section as these items permeate across many sections. He explained that on the City's website for the

Comprehensive Plan there are presentations for the climate committee, so he recommends Commissioners review those. At the next climate committee meeting on February 27th they will be reviewing the goals and policies. They hope to bring this to the Planning Commission in March or April. He reminded the Commissioners that there are great classes available on seniorcollege.org.

Planning Department Update

John Coleman reminded commissioners that the Planacortes webpage is continually updated with new information. The climate explorer tool is there too. The Planning Commission made a recommendation on HB5290, but there has been an appeal of the SEPA determination. This will go before the Hearings Examiner before it can be taken to City Council.

Adjournment

Linda Martin adjourned the meeting at 7:47 p.m.



Planning Commission Agenda Bill

Meeting Date: June 11, 2025

Agenda Item: 6.a.

Subject: 2025 Comprehensive Plan & Development Regulations Update - Accessory Dwelling Units (ADU) draft code amendments

Staff Contact: John Coleman, Libby Grage

Approved for Submittal to Commission by

Libby Grage
John Coleman

Action Type

Discussion

Summary Statement: The City of Anacortes must revise its regulations for accessory dwelling units (ADUs) to comply with new Washington state law. [House Bill 1337](#), passed in 2023, and codified in [RCW 36.70A.680](#), [681](#) and [696](#), requires jurisdictions to allow 2 ADUs per lot within urban growth areas. Per [SSB 5558](#) (passed in 2025), necessary code changes must take effect by the deadline for adoption of the 2025 Comp Plan periodic update (December 31, 2025).

The Anacortes Municipal Code currently regulates ADUs under [AMC 19.47.030](#). Planning Department staff prepared a discussion draft of potential code amendments intended to address the new state requirements.

Background:

Previous Action:

Competing Viewpoints Considered: The Planning Department will publish a notice of availability of the draft development regulation amendments, including a written comment period and public hearing, later this summer.

Recommended Motion: No recommended motion. Discussion only.

Alternative Actions: N/A

Attachments (listed in order presented):

1. AMC 19.47.030 Accessory Dwelling Units - Draft Amendments (changes tracked)
2. AMC 19.47.030 Accessory Dwelling Units - Current Code
3. RCW 36.70A.080, 081, 696
4. EHB 1337 (2023)

2025 Anacortes Comprehensive Plan and Development Regulations Periodic Update

Accessory Dwelling Unit code amendments - AMC Title 19, Unified Development Code

Discussion Draft - June 5, 2025

About this document

- This document provides possible amendments to AMC Title 19 to comply with the requirements of HB 1337, passed in 2023 (RCW 36.70A.680, .61, and .696).
- This draft is being used for initial review and discussion purposes.
- Explanations for potential changes are displayed in-line throughout the document using the blue box and symbol, as shown below:

 Explanation of change

Key to Draft Changes

Black text = Existing code text [no changes proposed]

Green underlined text = Add text

~~Red strike-through text~~ = Delete text

19.47.030 Accessory Dwelling Units



HB 1337 (2023) requires updates to the City's accessory dwelling unit regulations consistent with state law. SSB 558 (2025) requires the changes to be adopted by December 31, 2025.

A. Definitions.



These definitions below are taken verbatim from RCW 36.70A.636 (except the second sentence in #2).

1. "Accessory dwelling unit" (ADU) means a ~~A second~~ dwelling unit located on the same lot as a single-family housing unit, duplex, triplex, townhome, or other housing unit. ~~attached or detached from the primary residential unit on a lot.~~
2. "Attached accessory dwelling unit" means an accessory dwelling unit located within or attached to a single-family housing unit, duplex, triplex, townhome, or other housing unit. ADUs that are attached by a breezeway or open air covered area are not considered attached for the purposes of this section.
3. "Detached accessory dwelling unit" means an accessory dwelling unit that consists partly or entirely of a building that is separate and detached from a single-family housing unit, duplex, triplex, townhome, or other housing unit and is on the same property.



Revise the "dwelling unit" definition in the general definitions (AMC 19.12.020.D) to match this one from RCW 36.70A.636(1).

4. "Dwelling unit" means a residential living unit that provides complete independent living facilities for one or more persons and that includes permanent provisions for living, sleeping, eating, cooking and sanitation.
5. "Gross floor area" means the interior habitable area of a dwelling unit including basements and attics but not including a garage or accessory structure.
6. "Principal unit" means the single-family housing unit, duplex, triplex, townhome, or other housing unit located on the same lot as an accessory dwelling unit.

B. Purpose. The purpose of an accessory dwelling unit is to:

1. ~~Add affordable units to existing housing and make housing units available to moderate-income people who might otherwise have difficulty finding homes within the city.~~
2. ~~Promote the development of additional housing options in residential neighborhoods that are appropriate for people at a variety of stages of their lives.~~
3. ~~Provide homeowners with a means of obtaining, through tenants in either the accessory dwelling unit or the principal residence, rental income, companionship, or security.~~
4. ~~Protect neighborhood stability, property values, and the character of the neighborhood.~~

C. Standards and Criteria.

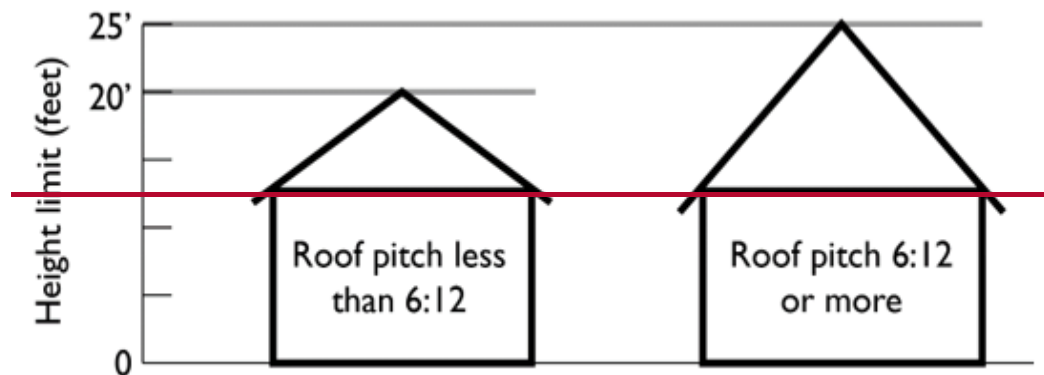
1. ~~When and Where Permitted: An~~ Up to two ADUs may be established are allowed on all lots that are located in all any zones that allow on a lot with a for single-family homes residence An ADU may be created by any one or combination of the following methods: in the following configurations:
 - a. One attached ADU and one detached ADU;
 - b. Two attached ADUs; or
 - c. Two detached ADUs, which may be comprised of either one or two detached structures.

- d. ~~Alteration of interior space of an existing residence.~~
- e. ~~Conversion of an attic, basement, attached or detached garage, or other portion of a residence.~~
- f. ~~Addition of a living area enclosed within the principal building.~~
- g. ~~Construction of a detached living area.~~
- h. ~~Associated with the construction of a new single-family dwelling (where permitted).~~
- 2. ~~Number.~~ Each single-family residential unit may have only one ADU.
- 3. ~~Subdivision.~~ ADUs must not be subdivided or otherwise segregated in ownership from the principal dwelling unit.
- 4. Maximum ADU Size. ~~The An~~ ADU may not exceed ~~900~~ 1,000 square feet gross floor area.
- 5. Form and Intensity Standards. ADUs are subject to the following form and intensity standards:
 - a. Minimum lot size. A lot with an ADU must meet the minimum lot size for the principal unit.
 - b. Maximum Height. The maximum building height for a detached ADU is 25-feet. Attached ADUs are part of the principal unit; the maximum building height restrictions for the principal unit apply for attached ADUs.
 - c. ~~ADUs enclosed within the principal building are subject to the height limits for the applicable zone in Tables 19.42.020 and 19.42.030.~~
 - d. ~~Height limits for detached ADUs are:~~
 - (i) ~~Twenty feet where the roof pitch is less than 6:12.~~
 - (ii) ~~Twenty-five feet where the roof pitch is 6:12 or greater.~~

Exception: ADU height and roof pitch adjustments may be needed for structures to comply with the 45-degree height/setback plane provisions in subsection (C)(6)(a) of this section.

Figure 19.47.030(C)(5)

Height limits for detached ADUs.



- e. Minimum Setbacks ~~and Siting Requirements.~~ ADUs must comply with minimum setbacks for the principal unit, except that: ~~enclosed within the principal building are subject to the setback requirements for the applicable zone. Standards for detached ADUs (whether or not they are attached to a garage) are subject to the following setback requirements:~~

f.—Minimum interior side setback: five feet, except that from a height of 15 feet at the five-foot minimum interior side setback, buildings must step back at a 45-degree angle away from the interior side or rear property line as shown in Figure 19.47.030(C)(6) below:

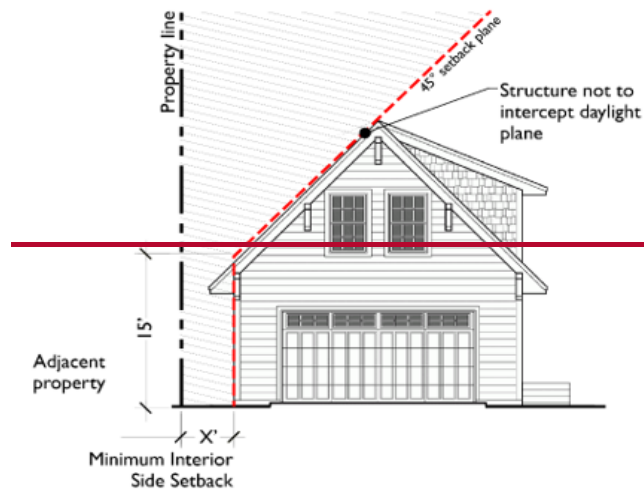
(A) Detached accessory dwelling units may be sited at a lot line if the lot line abuts a public alley, unless the city routinely plows snow on the public alley. If the ADU contains a garage or carport, the garage door side or vehicle entry to the carport must be on the side of the building that is perpendicular to the alley, or said entries must be setback 10 feet from the alley property line. Adequate vehicular access must be provided to entries that are perpendicular to the alley.

(B) Minimum rear setback (to alley property line): zero feet, except where garage doors or a carport faces the alley, the structure must be set back a minimum of 10 feet from the alley property line to allow adequate turning distance for vehicles:

g.—Detached ADUs must be located consistent with the minimum usable open space standards of AMC 19.43.030, regardless of lot size:

Figure 19.47.030(C)(6)

Height/setback plane for detached accessory dwelling units along interior side setbacks:



h. Maximum lot coverage. A lot with an ADU must comply with maximum lot coverage requirements for the zone.

i. Minimum landscaped area. A lot with an ADU must comply with the minimum landscaped area for the principal unit.

6. ~~Living Facilities.~~ At a minimum, an accessory dwelling unit includes a bathroom, kitchen, and separate exterior access. ADUs may be converted from existing structures, including but not limited to detached garages, even if they violate current code requirements for setbacks or lot coverage.

7. ~~Parking.~~ A minimum of three parking spaces must be provided for the principal and accessory dwelling units. One off-street parking space per ADU is required. Where paved on-street parking meeting city standards is available abutting the lot, it may satisfy applicable ADU parking requirements. ~~only two off-street spaces must be provided for the principal and accessory dwelling units.~~

8. ADUs are prohibited on properties not served by sewer.

9. ADUs are subject to the public health, safety, building code, and environmental permitting requirements that are applicable to the principal unit unless specifically stated otherwise in this section.
10. ~~Entrance. The entrance to the ADU must not be on the same side of the structure as the entrance to the principal residence, except when such entrance is not visible from the street as determined by the Director.~~

~~Exception: If an ADU is created within an existing residence which already has more than one existing exterior door on the same side, an existing door may be utilized for the ADU.~~

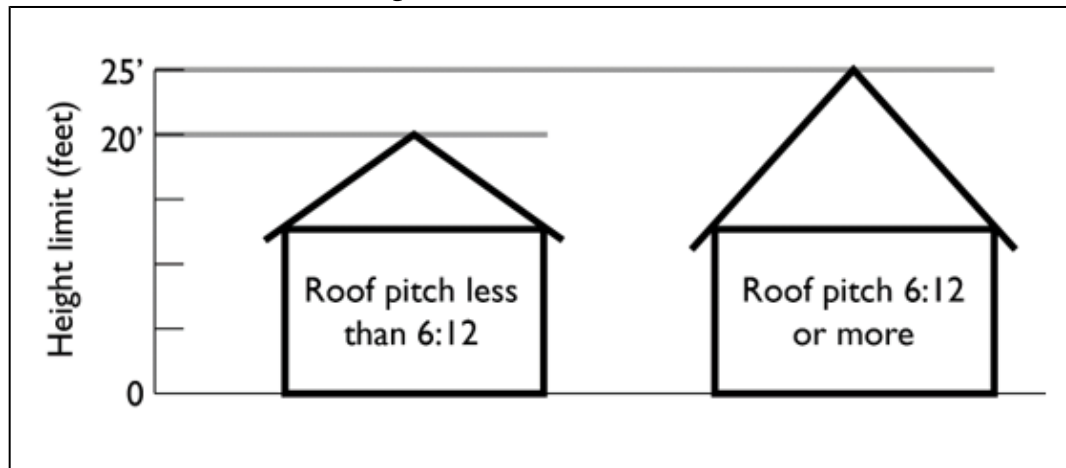
19.47.030 Accessory dwelling unit (ADU).

- A. *Definition.* A second dwelling unit attached or detached from the primary residential unit on a lot.
- B. *Purpose.* The purpose of an accessory dwelling unit is to:
1. Add affordable units to existing housing and make housing units available to moderate-income people who might otherwise have difficulty finding homes within the city.
 2. Promote the development of additional housing options in residential neighborhoods that are appropriate for people at a variety of stages of their lives.
 3. Provide homeowners with a means of obtaining, through tenants in either the accessory dwelling unit or the principal residence, rental income, companionship, or security.
 4. Protect neighborhood stability, property values, and the character of the neighborhood.
- C. *Standards and Criteria.*
1. *When and Where Permitted.* An ADU may be established in any zone on a lot with a single-family residence. An ADU may be created by any one or combination of the following methods:
 - a. Alteration of interior space of an existing residence.
 - b. Conversion of an attic, basement, attached or detached garage, or other portion of a residence.
 - c. Addition of a living area enclosed within the principal building.
 - d. Construction of a detached living area.
 - e. Associated with the construction of a new single-family dwelling (where permitted).
 2. *Number.* Each single-family residential unit may have only one ADU.
 3. *Subdivision.* ADUs must not be subdivided or otherwise segregated in ownership from the principal dwelling unit.
 4. *Maximum Size.* The ADU may not exceed 900 square feet gross floor area.
 5. *Maximum Height.*
 - a. ADUs enclosed within the principal building are subject to the height limits for the applicable zone in Tables 19.42.020 and 19.42.030.
 - b. Height limits for detached ADUs are:
 - i. Twenty feet where the roof pitch is less than 6:12.

- ii. Twenty-five feet where the roof pitch is 6:12 or greater.

Exception: ADU height and roof pitch adjustments may be needed for structures to comply with the 45-degree height/setback plane provisions in subsection [\(C\)\(6\)\(a\)](#) of this section.

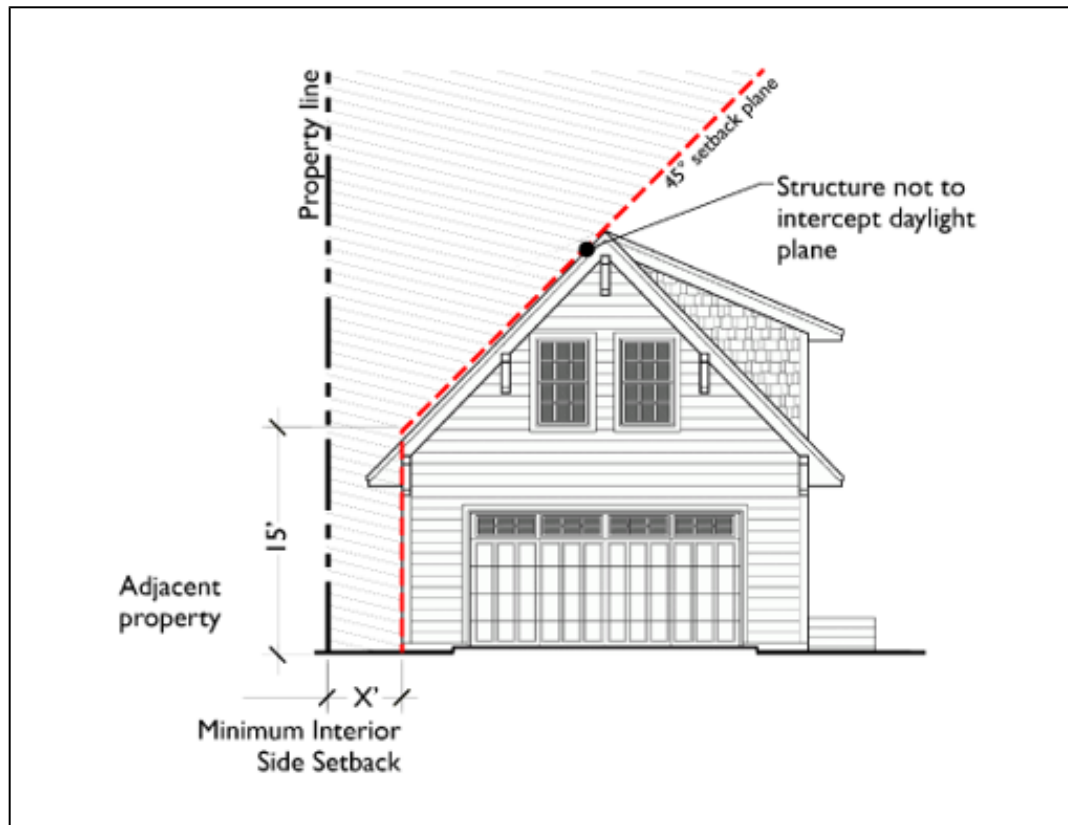
Figure 19.47.030(C)(5)
Height limits for detached ADUs.



6. *Minimum Setbacks and Siting Requirements.* ADUs enclosed within the principal building are subject to the setback requirements for the applicable zone. Standards for detached ADUs (whether or not they are attached to a garage) are subject to the following setback requirements:

- a. Minimum interior side setback: five feet, except that from a height of 15 feet at the five-foot minimum interior side setback, buildings must step back at a 45-degree angle away from the interior side or rear property line as shown in Figure 19.47.030(C)(6) below.
- b. Minimum rear setback (to alley property line): zero feet, except where garage doors or a carport faces the alley, the structure must be set back a minimum of 10 feet from the alley property line to allow adequate turning distance for vehicles.
- c. Detached ADUs must be located consistent with the minimum usable open space standards of AMC [19.43.030](#), regardless of lot size.

Figure 19.47.030(C)(6)
Height/setback plane for detached accessory dwelling units along
interior side setbacks.



7. *Living Facilities.* At a minimum, an accessory dwelling unit includes a bathroom, kitchen, and separate exterior access.

8. *Parking.* A minimum of three parking spaces must be provided for the principal and accessory dwelling units. Where on-street parking is available abutting the lot, only two off-street spaces must be provided for the principal and accessory dwelling units.

9. *Entrance.* The entrance to the ADU must not be on the same side of the structure as the entrance to the principal residence, except when such entrance is not visible from the street as determined by the Director.

Exception: If an ADU is created within an existing residence which already has more than one existing exterior door on the same side, an existing door may be utilized for the ADU. (Ord. 4071 § 2 (Att. A), 2024; Ord. 3040 § 2 (Att. A), 2019)

The Anacortes Municipal Code is current through Ordinance 4097, passed March 24, 2025.

Disclaimer: The city attorney's office has the official version of the Anacortes Municipal Code. Users should contact the city attorney's office for ordinances passed subsequent to the ordinance cited here.

[City Website: www.cityofanacortes.org](http://www.cityofanacortes.org)

[City Telephone: \(360\) 293-1900](tel:(360)293-1900)

[Hosted by General Code.](#)

RCW 36.70A.680

Accessory dwelling units—Local regulation.

*** CHANGE IN 2025 *** (SEE [5558-S.SL](#)) ***

(1)(a) Cities and counties planning under this chapter must adopt or amend by ordinance, and incorporate into their development regulations, zoning regulations, and other official controls the requirements of this section and of RCW 36.70A.681, to take effect six months after the jurisdiction's next periodic comprehensive plan update required under RCW 36.70A.130.

(b) In any city or county that has not adopted or amended ordinances, regulations, or other official controls as required under this section, the requirements of this section and RCW 36.70A.681 supersede, preempt, and invalidate any conflicting local development regulations.

(2) Ordinances, development regulations, and other official controls adopted or amended pursuant to this section and RCW 36.70A.681 must only apply in the portions of towns, cities, and counties that are within urban growth areas designated under this chapter.

(3) Any action taken by a city or county to comply with the requirements of this section or RCW 36.70A.681 is not subject to legal challenge under this chapter or chapter 43.21C RCW.

(4) Nothing in this section or RCW 36.70A.681 requires or authorizes a city or county to authorize the construction of an accessory dwelling unit in a location where development is restricted under other laws, rules, or ordinances as a result of physical proximity to on-site sewage system infrastructure, critical areas, or other unsuitable physical characteristics of a property.

(5) Nothing in this section or in RCW 36.70A.681 prohibits a city or county from:

(a) Restricting the use of accessory dwelling units for short-term rentals;

(b) Applying public health, safety, building code, and environmental permitting requirements to an accessory dwelling unit that would be applicable to the principal unit, including regulations to protect ground and surface waters from on-site wastewater;

(c) Applying generally applicable development regulations to the construction of an accessory unit, except when the application of such regulations would be contrary to this section or to RCW 36.70A.681;

(d) Prohibiting the construction of accessory dwelling units on lots that are not connected to or served by public sewers; or

(e) Prohibiting or restricting the construction of accessory dwelling units in residential zones with a density of one dwelling unit per acre or less that are within areas designated as wetlands, fish and wildlife habitats, flood plains, or geologically hazardous areas.

[2023 c 334 s 3.]

NOTES:

Findings—Intent—2023 c 334: "(1) The legislature makes the following findings:

(a) Washington state is experiencing a housing affordability crisis. Many communities across the state are in need of more housing for renters across the income spectrum.

(b) Many cities dedicate the majority of residentially zoned land to single detached houses that are increasingly financially out of reach for many households. Due to their smaller size, accessory dwelling units can provide a more affordable housing option in those single-family zones.

(c) Localities can start to correct for historic economic and racial exclusion in single-family zones by opening up these neighborhoods to more diverse housing types, including accessory dwelling units, that provide lower cost homes. Increasing housing options in expensive, high-opportunity neighborhoods will give more families access to schools, parks, and other public amenities otherwise accessible to only the wealthy.

(d) Accessory dwelling units are frequently rented below market rate, providing additional affordable housing options for renters.

(e) Accessory dwelling units can also help to provide housing for very low-income households. More than 10 percent of accessory dwelling units in some areas are occupied by tenants who pay no rent at all; among these tenants are grandparents, adult children, family members with disabilities, friends going through life transitions, and community members in need. Accessory dwelling units meet the needs of these people who might otherwise require subsidized housing space and resources.

(f) Accessory dwelling units can meet the needs of Washington's growing senior population, making it possible for this population to age in their communities by offering senior-friendly housing, which prioritizes physical accessibility, in walkable communities near amenities essential to successful aging in place, including transit and grocery stores, without requiring costly renovations of existing housing stock.

(g) Homeowners who add an accessory dwelling unit may benefit from added income and an increased sense of security.

(h) Accessory dwelling units provide environmental benefits. On average they are more energy efficient than single detached houses, and they incentivize adaptive reuse of existing homes and materials.

(i) Siting accessory dwelling units near transit hubs, employment centers, and public amenities can help to reduce greenhouse gas emissions by increasing walkability, shortening household commutes, and curtailing sprawl.

(2) The legislature intends to promote and encourage the creation of accessory dwelling units as a means to address the need for additional affordable housing options." [2023 c 334 s 1.]

RCW 36.70A.681

Accessory dwelling units—Limitations on local regulation.

(1) In addition to ordinances, development regulations, and other official controls adopted or amended to comply with this section and RCW 36.70A.680, a city or county must comply with all of the following policies:

(a) The city or county may not assess impact fees on the construction of accessory dwelling units that are greater than 50 percent of the impact fees that would be imposed on the principal unit;

(b) The city or county may not require the owner of a lot on which there is an accessory dwelling unit to reside in or occupy the accessory dwelling unit or another housing unit on the same lot;

(c) The city or county must allow at least two accessory dwelling units on all lots that are located in all zoning districts within an urban growth area that allow for single-family homes in the following configurations:

(i) One attached accessory dwelling unit and one detached accessory dwelling unit;

(ii) Two attached accessory dwelling units; or

(iii) Two detached accessory dwelling units, which may be comprised of either one or two detached structures;

(d) The city or county must permit accessory dwelling units in structures detached from the principal unit;

(e) The city or county must allow an accessory dwelling unit on any lot that meets the minimum lot size required for the principal unit;

(f) The city or county may not establish a maximum gross floor area requirement for accessory dwelling units that is less than 1,000 square feet;

(g) The city or county may not establish roof height limits on an accessory dwelling unit of less than 24 feet, unless the height limitation that applies to the principal unit is less than 24 feet, in which case a city or county may not impose roof height limitation on accessory dwelling units that is less than the height limitation that applies to the principal unit;

(h) A city or county may not impose setback requirements, yard coverage limits, tree retention mandates, restrictions on entry door locations, aesthetic requirements, or requirements for design review for accessory dwelling units that are more restrictive than those for principal units;

(i) A city or county must allow detached accessory dwelling units to be sited at a lot line if the lot line abuts a public alley, unless the city or county routinely plows snow on the public alley;

(j) A city or county must allow accessory dwelling units to be converted from existing structures, including but not limited to detached garages, even if they violate current code requirements for setbacks or lot coverage;

(k) A city or county may not prohibit the sale or other conveyance of a condominium unit independently of a principal unit solely on the grounds that the condominium unit was originally built as an accessory dwelling unit; and

(l) A city or county may not require public street improvements as a condition of permitting accessory dwelling units.

(2)(a) A city or county subject to the requirements of this section may not:

(i) Require off-street parking as a condition of permitting development of accessory dwelling units within one-half mile walking distance of a major transit stop;

(ii) Require more than one off-street parking space per unit as a condition of permitting development of accessory dwelling units on lots smaller than 6,000 square feet before any zero lot line subdivisions or lot splits; and

(iii) Require more than two off-street parking spaces per unit as a condition of permitting development of accessory dwelling units on lots greater than 6,000 square feet before any zero lot line subdivisions or lot splits.

(b) The provisions of (a) of this subsection do not apply:

(i) If a local government submits to the department an empirical study prepared by a credentialed transportation or land use planning expert that clearly demonstrates, and the department finds and certifies, that the application of the parking limitations of (a) of this subsection for accessory dwelling units will be significantly less safe for vehicle drivers or passengers, pedestrians, or bicyclists than if the jurisdiction's parking requirements were applied to the same location for the same number of detached houses. The department must develop guidance to assist cities and counties on items to include in the study; or

(ii) To portions of cities within a one mile radius of a commercial airport in Washington with at least 9,000,000 annual enplanements.

(3) When regulating accessory dwelling units, cities and counties may impose a limit of two accessory dwelling units, in addition to the principal unit, on a residential lot of 2,000 square feet or less.

(4) The provisions of this section do not apply to lots designated with critical areas or their buffers as designated in RCW **36.70A.060**, or to a watershed serving a reservoir for potable water if that watershed is or was listed, as of July 23, 2023, as impaired or threatened under section 303(d) of the federal clean water act (33 U.S.C. Sec. 1313(d)).

[**2023 c 334 s 4.**]

NOTES:

Findings—Intent—2023 c 334: See note following RCW **36.70A.680**.

RCW 36.70A.696

Accessory dwelling units—Definitions.

The definitions in this section apply throughout RCW 36.70A.697, 36.70A.698, 36.70A.680, and 36.70A.681 unless the context clearly requires otherwise.

(1) "Accessory dwelling unit" means a dwelling unit located on the same lot as a single-family housing unit, duplex, triplex, townhome, or other housing unit.

(2) "Attached accessory dwelling unit" means an accessory dwelling unit located within or attached to a single-family housing unit, duplex, triplex, townhome, or other housing unit.

(3) "City" means any city, code city, and town located in a county planning under RCW 36.70A.040.

(4) "County" means any county planning under RCW 36.70A.040.

(5) "Detached accessory dwelling unit" means an accessory dwelling unit that consists partly or entirely of a building that is separate and detached from a single-family housing unit, duplex, triplex, townhome, or other housing unit and is on the same property.

(6) "Dwelling unit" means a residential living unit that provides complete independent living facilities for one or more persons and that includes permanent provisions for living, sleeping, eating, cooking, and sanitation.

(7) "Gross floor area" means the interior habitable area of a dwelling unit including basements and attics but not including a garage or accessory structure.

(8) "Major transit stop" means:

(a) A stop on a high capacity transportation system funded or expanded under the provisions of chapter 81.104 RCW;

(b) Commuter rail stops;

(c) Stops on rail or fixed guideway systems, including transitways;

(d) Stops on bus rapid transit routes or routes that run on high occupancy vehicle lanes; or

(e) Stops for a bus or other transit mode providing actual fixed route service at intervals of at least fifteen minutes for at least five hours during the peak hours of operation on weekdays.

(9) "Owner" means any person who has at least 50 percent ownership in a property on which an accessory dwelling unit is located.

(10) "Principal unit" means the single-family housing unit, duplex, triplex, townhome, or other housing unit located on the same lot as an accessory dwelling unit.

(11) "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.

[2023 c 334 s 2; 2021 c 306 s 2; 2020 c 217 s 2.]

NOTES:

Findings—Intent—2023 c 334: See note following RCW 36.70A.680.

Findings—Intent—2020 c 217: "(1) The legislature makes the following findings:

(a) Washington state is experiencing a housing affordability crisis. Many communities across the state are in need of more housing for renters, across the income spectrum. Accessory dwelling units are frequently rented at below market rate, providing additional affordable housing options for renters.

(b) Accessory dwelling units are often occupied by tenants who pay no rent at all; among these tenants are grandparents, adult children, family members with disabilities, friends going through life transitions, and community members in need. Accessory dwelling units meet the needs of these people who might otherwise require scarce subsidized housing space and resources.

(c) Accessory dwelling units can meet the needs of Washington's growing senior population, making it possible for this population to age in their communities by offering senior-friendly housing, which prioritizes physical accessibility, in walkable communities near amenities essential to successful aging in place, including transit and grocery stores, without requiring costly renovations of existing housing stock.

(d) Homeowners who add an accessory dwelling unit may benefit from added income and an increased sense of security.

(e) Siting accessory dwelling units near transit hubs and near public amenities can help to reduce greenhouse gas emissions by increasing walkability, shortening household commutes, and limiting sprawl.

(2) The legislature intends to promote and encourage the creation of accessory dwelling units as a means to address the need for additional affordable housing options." [**2020 c 217 s 1.**]

CERTIFICATION OF ENROLLMENT

ENGROSSED HOUSE BILL 1337

Chapter 334, Laws of 2023

(partial veto)

68th Legislature
2023 Regular Session

GROWTH MANAGEMENT ACT—ACCESSORY DWELLING UNITS—URBAN GROWTH AREAS

EFFECTIVE DATE: July 23, 2023

Passed by the House April 14, 2023
Yeas 85 Nays 11

LAURIE JINKINS

**Speaker of the House of
Representatives**

Passed by the Senate April 6, 2023
Yeas 39 Nays 7

DENNY HECK

President of the Senate

Approved May 8, 2023 1:13 PM with the
exception of section 5, which is
vetoed.

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the
House of Representatives of the
State of Washington, do hereby
certify that the attached is
ENGROSSED HOUSE BILL 1337 as passed
by the House of Representatives and
the Senate on the dates hereon set
forth.

BERNARD DEAN

Chief Clerk

FILED

May 10, 2023

**Secretary of State
State of Washington**

ENGROSSED HOUSE BILL 1337

AS AMENDED BY THE SENATE

Passed Legislature - 2023 Regular Session

State of Washington

68th Legislature

2023 Regular Session

By Representatives Gregerson, Barkis, Berry, Christian, Duerr, Fitzgibbon, Taylor, Ramel, Reeves, Simmons, Walen, Graham, Bateman, Reed, Lekanoff, Doglio, Tharinger, Cortes, Macri, and Stonier

Read first time 01/16/23. Referred to Committee on Housing.

1 AN ACT Relating to expanding housing options by easing barriers
2 to the construction and use of accessory dwelling units; amending RCW
3 36.70A.696, 43.21C.495, and 36.70A.280; adding new sections to
4 chapter 36.70A RCW; adding a new section to chapter 64.34 RCW; adding
5 a new section to chapter 64.32 RCW; adding a new section to chapter
6 64.38 RCW; adding a new section to chapter 64.90 RCW; creating a new
7 section; and repealing RCW 35.63.210, 35A.63.230, 36.70A.400,
8 36.70.677, and 43.63A.215.

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

10 NEW SECTION. **Sec. 1.** (1) The legislature makes the following
11 findings:

12 (a) Washington state is experiencing a housing affordability
13 crisis. Many communities across the state are in need of more housing
14 for renters across the income spectrum.

15 (b) Many cities dedicate the majority of residentially zoned land
16 to single detached houses that are increasingly financially out of
17 reach for many households. Due to their smaller size, accessory
18 dwelling units can provide a more affordable housing option in those
19 single-family zones.

20 (c) Localities can start to correct for historic economic and
21 racial exclusion in single-family zones by opening up these

1 neighborhoods to more diverse housing types, including accessory
2 dwelling units, that provide lower cost homes. Increasing housing
3 options in expensive, high-opportunity neighborhoods will give more
4 families access to schools, parks, and other public amenities
5 otherwise accessible to only the wealthy.

6 (d) Accessory dwelling units are frequently rented below market
7 rate, providing additional affordable housing options for renters.

8 (e) Accessory dwelling units can also help to provide housing for
9 very low-income households. More than 10 percent of accessory
10 dwelling units in some areas are occupied by tenants who pay no rent
11 at all; among these tenants are grandparents, adult children, family
12 members with disabilities, friends going through life transitions,
13 and community members in need. Accessory dwelling units meet the
14 needs of these people who might otherwise require subsidized housing
15 space and resources.

16 (f) Accessory dwelling units can meet the needs of Washington's
17 growing senior population, making it possible for this population to
18 age in their communities by offering senior-friendly housing, which
19 prioritizes physical accessibility, in walkable communities near
20 amenities essential to successful aging in place, including transit
21 and grocery stores, without requiring costly renovations of existing
22 housing stock.

23 (g) Homeowners who add an accessory dwelling unit may benefit
24 from added income and an increased sense of security.

25 (h) Accessory dwelling units provide environmental benefits. On
26 average they are more energy efficient than single detached houses,
27 and they incentivize adaptive reuse of existing homes and materials.

28 (i) Siting accessory dwelling units near transit hubs, employment
29 centers, and public amenities can help to reduce greenhouse gas
30 emissions by increasing walkability, shortening household commutes,
31 and curtailing sprawl.

32 (2) The legislature intends to promote and encourage the creation
33 of accessory dwelling units as a means to address the need for
34 additional affordable housing options.

35 **Sec. 2.** RCW 36.70A.696 and 2021 c 306 s 2 are each amended to
36 read as follows:

37 The definitions in this section apply throughout RCW 36.70A.697
38 ~~((and)),~~ 36.70A.698, and sections 3 and 4 of this act unless the
39 context clearly requires otherwise.

(1) "Accessory dwelling unit" means a dwelling unit located on the same lot as a single-family housing unit, duplex, triplex, townhome, or other housing unit.

(2) "Attached accessory dwelling unit" means an accessory dwelling unit located within or attached to a single-family housing unit, duplex, triplex, townhome, or other housing unit.

(3) "City" means any city, code city, and town located in a county planning under RCW 36.70A.040.

(4) "County" means any county planning under RCW 36.70A.040.

(5) "Detached accessory dwelling unit" means an accessory dwelling unit that consists partly or entirely of a building that is separate and detached from a single-family housing unit, duplex, triplex, townhome, or other housing unit and is on the same property.

(6) "Dwelling unit" means a residential living unit that provides complete independent living facilities for one or more persons and that includes permanent provisions for living, sleeping, eating, cooking, and sanitation.

(7) "Gross floor area" means the interior habitable area of a dwelling unit including basements and attics but not including a garage or accessory structure.

(8) "Major transit stop" means:

(a) A stop on a high capacity transportation system funded or expanded under the provisions of chapter 81.104 RCW;

(b) Commuter rail stops;

(c) Stops on rail or fixed guideway systems, including transitways;

(d) Stops on bus rapid transit routes or routes that run on high occupancy vehicle lanes; or

(e) Stops for a bus or other transit mode providing actual fixed route service at intervals of at least fifteen minutes for at least five hours during the peak hours of operation on weekdays.

~~((+8))~~ (9) "Owner" means any person who has at least 50 percent ownership in a property on which an accessory dwelling unit is located.

~~((+9))~~ (10) "Principal unit" means the single-family housing unit, duplex, triplex, townhome, or other housing unit located on the same lot as an accessory dwelling unit.

(11) "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.

NEW SECTION. **Sec. 3.** A new section is added to chapter 36.70A RCW to read as follows:

(1)(a) Cities and counties planning under this chapter must adopt or amend by ordinance, and incorporate into their development regulations, zoning regulations, and other official controls the requirements of this section and of section 4 of this act, to take effect six months after the jurisdiction's next periodic comprehensive plan update required under RCW 36.70A.130.

(b) In any city or county that has not adopted or amended ordinances, regulations, or other official controls as required under this section, the requirements of this section and section 4 of this act supersede, preempt, and invalidate any conflicting local development regulations.

(2) Ordinances, development regulations, and other official controls adopted or amended pursuant to this section and section 4 of this act must only apply in the portions of towns, cities, and counties that are within urban growth areas designated under this chapter.

(3) Any action taken by a city or county to comply with the requirements of this section or section 4 of this act is not subject to legal challenge under this chapter or chapter 43.21C RCW.

(4) Nothing in this section or section 4 of this act requires or authorizes a city or county to authorize the construction of an accessory dwelling unit in a location where development is restricted under other laws, rules, or ordinances as a result of physical proximity to on-site sewage system infrastructure, critical areas, or other unsuitable physical characteristics of a property.

(5) Nothing in this section or in section 4 of this act prohibits a city or county from:

(a) Restricting the use of accessory dwelling units for short-term rentals;

(b) Applying public health, safety, building code, and environmental permitting requirements to an accessory dwelling unit that would be applicable to the principal unit, including regulations to protect ground and surface waters from on-site wastewater;

(c) Applying generally applicable development regulations to the construction of an accessory unit, except when the application of

1 such regulations would be contrary to this section or to section 4 of
2 this act;

3 (d) Prohibiting the construction of accessory dwelling units on
4 lots that are not connected to or served by public sewers; or

5 (e) Prohibiting or restricting the construction of accessory
6 dwelling units in residential zones with a density of one dwelling
7 unit per acre or less that are within areas designated as wetlands,
8 fish and wildlife habitats, flood plains, or geologically hazardous
9 areas.

10 NEW SECTION. **Sec. 4.** A new section is added to chapter 36.70A
11 RCW to read as follows:

12 (1) In addition to ordinances, development regulations, and other
13 official controls adopted or amended to comply with this section and
14 section 3 of this act, a city or county must comply with all of the
15 following policies:

16 (a) The city or county may not assess impact fees on the
17 construction of accessory dwelling units that are greater than 50
18 percent of the impact fees that would be imposed on the principal
19 unit;

20 (b) The city or county may not require the owner of a lot on
21 which there is an accessory dwelling unit to reside in or occupy the
22 accessory dwelling unit or another housing unit on the same lot;

23 (c) The city or county must allow at least two accessory dwelling
24 units on all lots that are located in all zoning districts within an
25 urban growth area that allow for single-family homes in the following
26 configurations:

27 (i) One attached accessory dwelling unit and one detached
28 accessory dwelling unit;

29 (ii) Two attached accessory dwelling units; or

30 (iii) Two detached accessory dwelling units, which may be
31 comprised of either one or two detached structures;

32 (d) The city or county must permit accessory dwelling units in
33 structures detached from the principal unit;

34 (e) The city or county must allow an accessory dwelling unit on
35 any lot that meets the minimum lot size required for the principal
36 unit;

37 (f) The city or county may not establish a maximum gross floor
38 area requirement for accessory dwelling units that is less than 1,000
39 square feet;

1 (g) The city or county may not establish roof height limits on an
2 accessory dwelling unit of less than 24 feet, unless the height
3 limitation that applies to the principal unit is less than 24 feet,
4 in which case a city or county may not impose roof height limitation
5 on accessory dwelling units that is less than the height limitation
6 that applies to the principal unit;

7 (h) A city or county may not impose setback requirements, yard
8 coverage limits, tree retention mandates, restrictions on entry door
9 locations, aesthetic requirements, or requirements for design review
10 for accessory dwelling units that are more restrictive than those for
11 principal units;

12 (i) A city or county must allow detached accessory dwelling units
13 to be sited at a lot line if the lot line abuts a public alley,
14 unless the city or county routinely plows snow on the public alley;

15 (j) A city or county must allow accessory dwelling units to be
16 converted from existing structures, including but not limited to
17 detached garages, even if they violate current code requirements for
18 setbacks or lot coverage;

19 (k) A city or county may not prohibit the sale or other
20 conveyance of a condominium unit independently of a principal unit
21 solely on the grounds that the condominium unit was originally built
22 as an accessory dwelling unit; and

23 (l) A city or county may not require public street improvements
24 as a condition of permitting accessory dwelling units.

25 (2)(a) A city or county subject to the requirements of this
26 section may not:

27 (i) Require off-street parking as a condition of permitting
28 development of accessory dwelling units within one-half mile walking
29 distance of a major transit stop;

30 (ii) Require more than one off-street parking space per unit as a
31 condition of permitting development of accessory dwelling units on
32 lots smaller than 6,000 square feet before any zero lot line
33 subdivisions or lot splits; and

34 (iii) Require more than two off-street parking spaces per unit as
35 a condition of permitting development of accessory dwelling units on
36 lots greater than 6,000 square feet before any zero lot line
37 subdivisions or lot splits.

38 (b) The provisions of (a) of this subsection do not apply:

39 (i) If a local government submits to the department an empirical
40 study prepared by a credentialed transportation or land use planning

expert that clearly demonstrates, and the department finds and certifies, that the application of the parking limitations of (a) of this subsection for accessory dwelling units will be significantly less safe for vehicle drivers or passengers, pedestrians, or bicyclists than if the jurisdiction's parking requirements were applied to the same location for the same number of detached houses. The department must develop guidance to assist cities and counties on items to include in the study; or

(ii) To portions of cities within a one mile radius of a commercial airport in Washington with at least 9,000,000 annual enplanements.

(3) When regulating accessory dwelling units, cities and counties may impose a limit of two accessory dwelling units, in addition to the principal unit, on a residential lot of 2,000 square feet or less.

(4) The provisions of this section do not apply to lots designated with critical areas or their buffers as designated in RCW 36.70A.060, or to a watershed serving a reservoir for potable water if that watershed is or was listed, as of the effective date of this section, as impaired or threatened under section 303(d) of the federal clean water act (33 U.S.C. Sec. 1313(d)).

***NEW SECTION. Sec. 5. A new section is added to chapter 36.70A RCW to read as follows:**

To encourage the use of accessory dwelling units for long-term housing, cities and counties may adopt ordinances, development regulations, and other official controls which waive or defer fees, including impact fees, defer the payment of taxes, or waive specific regulations. Cities and counties may only offer such reduced or deferred fees, deferred taxes, waivers, or other incentives for the development or construction of accessory dwelling units if:

(1) The units are located within an urban growth area; and

(2) The units are subject to a program adopted by the city or county with effective binding commitments or covenants that the units will be primarily utilized for long-term housing consistent with the public purpose for this authorization.

****Sec. 5 was vetoed. See message at end of chapter.***

Sec. 6. RCW 43.21C.495 and 2022 c 246 s 3 are each amended to read as follows:

1 (1) Adoption of ordinances, development regulations and
2 amendments to such regulations, and other nonproject actions taken by
3 a city to implement: The actions specified in section 2, chapter 246,
4 Laws of 2022 unless the adoption of such ordinances, development
5 regulations and amendments to such regulations, or other nonproject
6 actions has a probable significant adverse impact on fish habitat;
7 and the increased residential building capacity actions identified in
8 RCW 36.70A.600(1), with the exception of the action specified in RCW
9 36.70A.600(1)(f), are not subject to administrative or judicial
10 appeals under this chapter.

11 (2) Adoption of ordinances, development regulations and
12 amendments to such regulations, and other nonproject actions taken by
13 a city or county consistent with the requirements of sections 3 and 4
14 of this act are not subject to administrative or judicial appeals
15 under this chapter.

16 **Sec. 7.** RCW 36.70A.280 and 2011 c 360 s 17 are each amended to
17 read as follows:

18 (1) The growth management hearings board shall hear and determine
19 only those petitions alleging either:

20 (a) That, except as provided otherwise by this subsection, a
21 state agency, county, or city planning under this chapter is not in
22 compliance with the requirements of this chapter, chapter 90.58 RCW
23 as it relates to the adoption of shoreline master programs or
24 amendments thereto, or chapter 43.21C RCW as it relates to plans,
25 development regulations, or amendments, adopted under RCW 36.70A.040
26 or chapter 90.58 RCW. Nothing in this subsection authorizes the board
27 to hear petitions alleging noncompliance ~~((with RCW 36.70A.5801))~~
28 based on a city or county's actions taken to implement the
29 requirements of sections 3 and 4 of this act within an urban growth
30 area;

31 (b) That the ~~((twenty-))~~ 20-year growth management planning
32 population projections adopted by the office of financial management
33 pursuant to RCW 43.62.035 should be adjusted;

34 (c) That the approval of a work plan adopted under RCW
35 36.70A.735(1)(a) is not in compliance with the requirements of the
36 program established under RCW 36.70A.710;

37 (d) That regulations adopted under RCW 36.70A.735(1)(b) are not
38 regionally applicable and cannot be adopted, wholly or partially, by
39 another jurisdiction; or

1 (e) That a department certification under RCW 36.70A.735(1)(c) is
2 erroneous.

3 (2) A petition may be filed only by: (a) The state, or a county
4 or city that plans under this chapter; (b) a person who has
5 participated orally or in writing before the county or city regarding
6 the matter on which a review is being requested; (c) a person who is
7 certified by the governor within (~~sixty~~) 60 days of filing the
8 request with the board; or (d) a person qualified pursuant to RCW
9 34.05.530.

10 (3) For purposes of this section "person" means any individual,
11 partnership, corporation, association, state agency, governmental
12 subdivision or unit thereof, or public or private organization or
13 entity of any character.

14 (4) To establish participation standing under subsection (2)(b)
15 of this section, a person must show that his or her participation
16 before the county or city was reasonably related to the person's
17 issue as presented to the board.

18 (5) When considering a possible adjustment to a growth management
19 planning population projection prepared by the office of financial
20 management, the board shall consider the implications of any such
21 adjustment to the population forecast for the entire state.

22 The rationale for any adjustment that is adopted by the board
23 must be documented and filed with the office of financial management
24 within ten working days after adoption.

25 If adjusted by the board, a county growth management planning
26 population projection shall only be used for the planning purposes
27 set forth in this chapter and shall be known as the "board adjusted
28 population projection." None of these changes shall affect the
29 official state and county population forecasts prepared by the office
30 of financial management, which shall continue to be used for state
31 budget and planning purposes.

32 NEW SECTION. **Sec. 8.** A new section is added to chapter 36.70A
33 RCW to read as follows:

34 (1) By December 31, 2023, the department must revise its
35 recommendations for encouraging accessory dwelling units to include
36 the provisions of sections 3 and 4 of this act.

37 (2) During each comprehensive plan review required by RCW
38 36.70A.130, the department must review local government comprehensive
39 plans and development regulations for compliance with sections 3 and

4 of this act and the department's recommendations under subsection (1) of this section.

NEW SECTION. **Sec. 9.** A new section is added to chapter 64.34 RCW to read as follows:

(1) Except a declaration created to protect public health and safety, and ground and surface waters from on-site wastewater, a declaration created after the effective date of this section and applicable to a property located within an urban growth area may not impose any restriction or prohibition on the construction, development, or use on a lot of an accessory dwelling unit that the city or county in which the urban growth area is located would be prohibited from imposing under section 4 of this act.

(2) For the purposes of this section, "urban growth area" has the same meaning as in RCW 36.70A.030.

(3) A city or county issuing a permit for the construction of an accessory dwelling unit may not be held civilly liable on the basis that the construction of the accessory dwelling unit would violate a restrictive covenant or deed restriction.

NEW SECTION. **Sec. 10.** A new section is added to chapter 64.32 RCW to read as follows:

(1) Except a declaration created to protect public health and safety, and ground and surface waters from on-site wastewater, a declaration created after the effective date of this section and applicable to a property located within an urban growth area may not impose any restriction or prohibition on the construction, development, or use on a lot of an accessory dwelling unit that the city or county in which the urban growth area is located would be prohibited from imposing under section 4 of this act.

(2) For the purposes of this section, "urban growth area" has the same meaning as in RCW 36.70A.030.

(3) A city or county issuing a permit for the construction of an accessory dwelling unit may not be held civilly liable on the basis that the construction of the accessory dwelling unit would violate a restrictive covenant or deed restriction.

NEW SECTION. **Sec. 11.** A new section is added to chapter 64.38 RCW to read as follows:

(1) Except governing documents of associations created to protect public health and safety, and ground and surface waters from on-site wastewater, governing documents of associations created after the effective date of this section and applicable to a property located within an urban growth area may not impose any restriction or prohibition on the construction, development, or use on a lot of an accessory dwelling unit that the city or county in which the urban growth area is located would be prohibited from imposing under section 4 of this act.

(2) For the purposes of this section, "urban growth area" has the same meaning as in RCW 36.70A.030.

(3) A city or county issuing a permit for the construction of an accessory dwelling unit may not be held civilly liable on the basis that the construction of the accessory dwelling unit would violate a restrictive covenant or deed restriction.

NEW SECTION. **Sec. 12.** A new section is added to chapter 64.90 RCW to read as follows:

(1) Except declarations and governing documents of common interest communities created to protect public health and safety, and ground and surface waters from on-site wastewater, declarations and governing documents of common interest communities created after the effective date of this section and applicable to a property located within an urban growth area may not impose any restriction or prohibition on the construction, development, or use on a lot of an accessory dwelling unit that the city or county in which the urban growth area is located would be prohibited from imposing under section 4 of this act.

(2) For the purposes of this section, "urban growth area" has the same meaning as in RCW 36.70A.030.

(3) A city or county issuing a permit for the construction of an accessory dwelling unit may not be held civilly liable on the basis that the construction of the accessory dwelling unit would violate a restrictive covenant or deed restriction.

NEW SECTION. **Sec. 13.** The following acts or parts of acts are each repealed:

(1) RCW 35.63.210 (Accessory apartments) and 1993 c 478 s 8;

(2) RCW 35A.63.230 (Accessory apartments) and 1993 c 478 s 9;

(3) RCW 36.70A.400 (Accessory apartments) and 1993 c 478 s 11;

1 (4) RCW 36.70.677 (Accessory apartments) and 1993 c 478 s 10; and
2 (5) RCW 43.63A.215 (Accessory apartments—Development and
3 placement—Local governments) and 1993 c 478 s 7.

Passed by the House April 14, 2023.

Passed by the Senate April 6, 2023.

Approved by the Governor May 8, 2023, with the exception of certain items that were vetoed.

Filed in Office of Secretary of State May 10, 2023.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to Section 5, Engrossed House Bill No. 1337 entitled:

"AN ACT Relating to expanding housing options by easing barriers to the construction and use of accessory dwelling units."

Section 5 of the bill gives local governments authority to waive or defer fees, defer payment of taxes, or waive other regulations for the development of accessory dwelling units (ADUs) if specified conditions are met. The specified conditions are that the ADU must be located within an urban growth area, and the ADU must be subject to a locally adopted covenant program ensuring that the ADU will be primarily utilized for long-term housing. Current law allows local governments to waive fees, taxes, and to establish various incentives for the construction of ADUs without requiring the creation of a local covenant program. The administrative costs necessary to administer a new covenant program for ADUs may cause some cities to discontinue current incentive programs.

For these reasons I have vetoed Section 5 of Engrossed House Bill No. 1337.

With the exception of Section 5, Engrossed House Bill No. 1337 is approved."

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