



**Agenda for Gig Harbor Planning Commission
Open Public Hearing
Gig Harbor Civic Center
Thursday, February 6, 2025 at 5:30 P.M.**

This meeting may also be accessed through Zoom at <https://zoom.us/j/95353411299> or by calling (253) 215- 8782 and entering Meeting ID 953 5341 1299. Please see the Public Comment & Decorum section at the end of this agenda for information on options to make public comment.

This meeting may also be viewed live in the Council Chambers at the Civic Center.

Call to Order/Roll Call:

Approval of Minutes: January 16, 2025

Agenda Items for Formal Review: Accessory Dwelling Unit Code Revisions – Code changes related to Accessory Dwelling Units required for compliance with House Bill 1337

- a. Announcement of Application
- b. Open Public Meeting Announcement
- c. Staff Report
- d. Public Comment (See Assistance Memo)
- e. Discussion

Other Business: Next meeting Thursday, February 20, 2025 Election of Chair and Vice Chair

Adjournment:

PUBLIC COMMENT & DECORUM

The city desires to allow a maximum opportunity for public comment. However, the business of the Planning Commission must proceed in an orderly, timely manner. The purpose of a Planning Commission meeting is to advise on subjects prescribed by the

City Council; it is not a public forum.

Public comment may be made in-person from the microphone, remotely via Zoom or by phone during designated portions of the meeting. To speak during the meeting via Zoom, press the Raise Hand button near the bottom of your Zoom window or press *9 on your phone. Please refrain from raising your hand until the Chair has announced that the Commission has opened the public comment portion of the meeting. Your name or the last three digits of your phone number will be called out when it is your turn to speak. When using your phone to call in, you may need to press *6 to unmute yourself. Speakers will be allotted 3 minutes per individual, unless revised by the chair. Comments shall be made, first giving the speaker's name and address. Anyone making "out of order" comments may be subject to removal from the meeting.

Instead of making oral comments, written comments may be submitted to the Planning Commission at MThomas@gjgharborwa.gov.

All remarks shall be addressed to the commission as a body and not to any specific commissioner. All speakers shall be courteous in their language and deportment and shall not engage in or discuss or comment on personalities or indulge in derogatory remarks or insinuations with regard to any commissioner, or any member of the staff or the public.

There will be no demonstrations during or at the conclusion of any public comment. These guidelines are intended to promote an orderly system of holding public meetings, to give every person an opportunity to be heard and to ensure that no individuals are embarrassed by voicing their opinions.

AMERICANS WITH DISABILITIES (ADA) ACCOMMODATIONS

ADA accommodations can be provided upon request. Those requiring special accommodations should contact the city clerk at cityclerk@gjgharborwa.gov or (253) 853-7613 at least 24 hours prior to the meeting.



**Minutes for Gig Harbor Planning Commission
Gig Harbor Civic Center
Thursday, January 16, 2025 at 5:30 P.M.**

Call to Order/Roll Call:

Vice Chair Burcar called the meeting to order at 5:32 p.m. Commissioners Jordan, Martin, Snodgrass, Tessicini and Nasseh (virtually) were present. Chair Krawczyk was excused.

Staff: Community Development Director, Eric Baker; Senior Planner, Jeremy Hammar and Planning Technician, Michelle Thomas

Approval of Minutes:

Motion: Move to approve minutes from November 21, 2024 (Martin/Snodgrass)

Vote: Unanimously approved

Public Comment: No public comment

Agenda Items:

Election of Chair and Vice Chair - Move February 20th, 2025 meeting when all Commissioners are in attendance.

Introduction of new Community Development Director Eric Baker

Review of Accessory Dwelling Unit Code Revisions – Staff presentation by Jeremy Hammar and Commission discussion.

Other Business: Next meeting Thursday, February 6, 2025 Public Hearing for Planning Commission recommendation on ADU code revisions.

Adjournment: 6:46 p.m.

Michelle Thomas

Planning Technician
Michelle Thomas



To: Gig Harbor Planning Commission

From: Jeremy Hammar, Senior Planner
Planning Division

Date: February 6, 2025

Re: Proposed code changes related to Accessory Dwelling Units

Overview:

At the upcoming Planning Commission (PC) meeting on February 6, 2025, a Public Hearing will be held to hear public testimony regarding the proposed code changes pertaining to Accessory Dwelling Units. At the PC study sessions dated March 7, 2024 and January 16, 2025, Commissioners reviewed the draft code changes and discussed changes related to off-street parking and the use of Accessory Dwelling units as Short-term rentals. Staff has incorporated the input provided to inform the current draft and seeks PC's recommendation.

Background:

Under the current code, the city regulates Accessory Dwelling Units as Accessory Apartments defined in Chapter 17.04.015 GHMC as: *a residential unit of up to 600 square feet with a functional kitchen, bath, and outside entrance attached to or on the same parcel as a single-family residence in a residential zone. Accessory apartments shall be under the same ownership as the primary residential unit with the owner living on-site in either unit. Accessory apartments shall not be condominiumized or otherwise sold separately.* Accessory Apartments may be permitted through a conditional use permit in the R-1, RB-1, RB-2, B-2, and C-1 zoning districts, and permitted outright in the RLD, RMD, DB, B-1, PCD-C, WC, PCD-NB, and MUD zoning districts.

With the passing of HB-1337 (effective date July 23, 2024) changes to Gig Harbor's code will be necessary. The city must incorporate into its zoning regulations the requirements of section 3 and 4 of the bill to take effect six months after the upcoming periodic comprehensive plan update. Some highlights of the bill that must be addressed by the city:

- Within urban growth areas, cities and counties must allow two ADUs on all lots in zoning districts that allow for single-family homes. (attached and/or detached)
- Cities and counties must allow an ADU on any lot that meets the minimum lot size required for the principal unit.
- Within UGAs, cities and counties may not require the owner of a lot on which there is an ADU to reside in or occupy the ADU or another housing unit on the same lot.
- 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.
- Parking limits for ADUs are subject to the following:
 - Off-street parking may not be required as a condition of permitting ADUs within one half mile of a major transit stop.
 - On lots smaller than 6,000 square feet, no more than one off-street parking space may be required per ADU before any zero lot line subdivisions or lot splits.
 - On lots greater than 6,000 square feet, no more than two off-street parking spaces per ADU may be required before any zero lot line subdivisions or lot splits.
- 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.
- 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 ADUs that are more restrictive than those for principal units.

Again, staff seeks PC's recommendation on this matter and is happy to discuss any questions that commissioners may have.

Attachments:

Exhibit A – Draft Code changes

17.XX.010 Intent

The purpose of these code provisions for accessory dwelling units (ADUs) is to: (1) provide homeowners with flexibility in establishing separate living quarters within or adjacent to their homes for the purpose of caring for seniors, providing housing for their children or obtaining rental income; (2) increase the range of housing choices and the supply of accessible and affordable housing units within the community; and (3) ensure that the development of accessory dwelling units does not cause unanticipated impacts on the character or stability of neighborhoods

17.XX.020 Applicability

The regulations established in this chapter apply to all accessory dwelling units proposed or located within, or detached from legally established dwelling units.

17.XX.030 General Regulations

Accessory dwelling units are permitted outright in all residential zones that permit single-family homes and may be developed with new or existing principal dwelling unit. The development standards of the underlying zone and the following siting and performance standards shall apply to all accessory dwelling units as defined by GHMC 17.04.XXX

Development standards for accessory dwelling units. An ADU shall comply with the following standards:

- A. Configuration. An ADU may be located either within, attached to, or detached from the Principal Dwelling Unit. Primary Dwelling Units includes single-family housing unit, duplex, triplex, townhome, or other housing unit.
- B. Density. Up to two (2) ADUs may be created in conjunction with each Principal Dwelling Unit.
- C. Minimum lot size. An ADU may be established on any legally established parcel meeting minimum lot size per building site of the zoning district which the Principal Dwelling Unit is located.
- D. Maximum unit size. The gross floor area, calculated from finished wall to finished wall. ADU shall not exceed 1000 square feet.
- E. Minimum unit size. The gross floor area of an ADU shall not be less than the requirements of the Washington State Building Code.
- F. Setbacks and lot coverage. Additions to existing structures, or the construction of new detached structures, associated with the establishment of an ADU shall not

exceed the allowable lot coverage or encroach into required setbacks as prescribed in the underlying zone. The applicable setbacks shall be the same as those prescribed for the primary structure, not those prescribed for accessory structures.

- G. In addition to any off-street spaces required for the primary residence, and except when the property is located within one-half mile of a Major Transit Stop, off-street parking shall be provided for accessory dwelling units pursuant to Chapter 17.72 GHMC
- H. Design and appearance. ADUs that are attached to or detached from existing structures shall conform to the applicable design standards contained in Chapter 17.99 GHMC.
- I. Construction standards. The design and construction of the ADU shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health and any other applicable codes.
- J. An ADU may not operate as a short-term rental.

17.14.020 Land use matrix.

Uses	P I	R- 1	RL D	R- 2	RM D	R- 3	RB -1	RB -2	D B	B- 1	B- 2	C- 1 ¹ ₉	PCD -C	ED ¹ ₈	W R	W M	W C	PCD -BP	PCD -NB	MUD ² ₄
Dwelling, single-family	-	P	P	P	P	C	P	P	P ³ ₁	P ¹ ₄	C	C	P ¹⁴	-	P	P	P	-	P ¹⁴	P
Dwelling, duplex	-	-	-	P	P	P	-	P	P ³ ₁	P ¹ ₄	C	C	P ¹⁴	-	P	P	P	-	P ¹⁴	P
Dwelling, triplex	-	-	-	C	P	P	-	P	P ³ ₁	P ¹ ₄	C	C	P ¹⁴	-	-	C ¹⁷	P	-	P ¹⁴	P
Dwelling, fourplex	-	-	-	C	P	P	-	P	P ³ ₁	P ¹ ₄	C	C	P ¹⁴	-	-	C ¹⁷	P	-	P ¹⁴	P
Dwelling, multiple-family	-	-	-	-	P	P ⁶	-	P	P ³ ₁	P ¹ ₄	C	C	P ¹⁴	-	-	-	-	-	P ¹⁴	P
Accessory apartment ⁴	-	C	P	-	P	-	C	C	P ³ ₄	P ¹ ₄	C	C	P ¹⁴	-	-	-	P	-	P ¹⁴	P

Uses	P I	R- 1	RL D	R- 2	RM D	R- 3	RB -1	RB -2	D B	B- 1	B- 2	C- 1 ⁹	PCD -C	ED ⁸	W R	W M	W C	PCD -BP	PCD -NB	MUD ⁴
<u>Accessory Dwelling Unit</u>		P	P	P	P	P	P	P	P	P	P	P	P		P	P	P		P	P
Family day care provider	-	P	P	P	P	P	P	P	C	P	P	P	P	-	P	P	P	-	P	P
Home occupation ²	-	P	P	P	P	P	P	P	C	P	-	C	-	-	P	P	P	-	-	-
Adult family home	-	P	P	P	P	P	P	P	C	P	P	P	P	-	P	P	P	-	P	P
Living facility, independent	-	-	-	C	-	P	C	C	C	P	C	C	P	C ²¹	-	-	-	-	-	P
Living facility, assisted	-	-	-	C	-	P	C	C	C	P	-	C	P	C	-	-	-	-	-	P
Nursing facility, skilled	-	-	-	C	-	P	C	C	C	P	C	C	P	C	-	-	-	-	-	P
Hospital	-	-	-	-	-	-	-	-	C	-	C	C	-	C	-	-	-	C	-	-
School, primary	P	C	P	C	P	C	C	C	C	P	C	C	P	-	-	-	-	P	-	-
School, secondary	P	C	P	C	P	C	C	C	C	P	C	C	P	-	-	-	-	P	-	-
School, higher educational	P	C	-	C	-	C	C	C	C	P	C	C	P	-	-	-	-	P	-	-
School, vocational/trade	P	C	-	C	-	C	C	C	C	P	C	C	P	P	-	-	-	P	-	-
Government administrative office	P	C	P	C	P	C	C	P	P	P	P	P	P	P	C	P	P	P	P	P

Uses	P I	R- 1	RL D	R- 2	RM D	R- 3	RB -1	RB -2	D B	B- 1	B- 2	C- 1 ¹ 9	PCD -C	ED ¹ 8	W R	W M	W C	PCD -BP	PCD -NB	MUD ² 4
Public/private services	P	C	-	C	-	C	C	C	C	P	C	C	P	C	C	C	C	P	P	P
Religious worship, house of	-	C	P ⁵	C	P ⁵	C	C	C	C	P	C	C	P	C	-	-	-	C	-	P/C ¹⁵
Museum	P	-	-	-	-	-	-	-	-	-	C	C	P	-	C	C	P	-	-	-
Community recreation hall	P	-	P	C	P	C	C	C	C	P	C	C	P	-	-	-	C	P	P	-
Clubs	-	-	C	C	C	C	C	C	P	P	P	P	P	C	-	C ²⁰	P	P	C	-
Parks	P	P	P	P	P	P	P	P	P	P	C	C	P	-	P	P	P	P	P	P
Essential public facilities	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Utilities	P	C	P	C	P	C	C	C	C	P	C	C	P	C	C	C	C	P	P	P
Electric vehicle charging station ²⁵	P	P ²⁶ 6	P ²⁶	P ²⁶ 6	P ²⁶	P ²⁶ 6	P ²⁶	P	P	P	P	P	P	P	P ²⁶	P ²⁶	P	P	P	P
Rapid charging station ²⁷	P	-	-	-	P ²⁸	P ²⁸ 8	-	P ²⁸	P	P	P	P	P	P	-	-	P	P	P	P ²⁸
Battery exchange station	-	-	-	-	-	-	-	-	P	-	P	P	P	C	-	-	-	C	P	-
Cemetery	-	-	-	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Lodging, level 1	-	C	-	C	-	P	P	P	P	P	C	C	-	-	C	C	C	-	-	P

Uses	P I	R- 1	RL D	R- 2	RM D	R- 3	RB -1	RB -2	D B	B- 1	B- 2	C- 1 ¹ ₉	PCD -C	ED ¹ ₈	W R	W M	W C	PCD -BP	PCD -NB	MUD ² ₄
Lodging, level 2	-	-	-	-	-	-	-	C	P	-	P	P	P	-	-	-	C	-	-	P
Lodging, level 3	-	-	-	-	-	-	-	C	P	-	P	P	P	-	-	-	C	P	-	P
Short-term rental ³²	-	P	P	P	P	P	P	P	P	P	P	P	P	-	P	P	P	-	P	P
Personal services	-	-	-	-	-	-	P	P	P	P	P	P	P	P	-	P	P	P	P	P
Business services	-	-	-	-	-	-	P	P	P	P	P	P	P	P	-	P	P	P	P	P
Professional services	-	-	-	-	-	-	P	P	P	-	P	P	P	P	-	P	P	P	P	P
Ancillary services	P	-	-	-	-	-	P	P	P	P	P	P	P	P	-	P	P	P	P	P
Product services, level 1	-	-	-	-	-	-	P	P	P	P	P	P	P	P	-	P	P	P	P	P
Product services, level 2	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	P ¹⁶
Sales, level 1	-	-	-	-	-	-	C ^{7,8}	-	P	P	P	P	P	C ²²	-	-	P	C ²³	P ¹³	P
Sales, level 2	-	-	-	-	-	-	-	-	-	-	-	P	-	C ²²	-	-	-	-	-	-
Sales, level 3	-	-	-	-	-	-	-	-	-	-	-	P	-	C	-	-	-	-	-	-
Sales, ancillary	-	-	-	-	-	-	P	P	P	-	P	P	P	P	-	-	P	P	-	-

Uses	P I	R- 1	RL D	R- 2	RM D	R- 3	RB -1	RB -2	D B	B- 1	B- 2	C- 1 ¹ ₉	PCD -C	ED ¹ ₈	W R	W M	W C	PCD -BP	PCD -NB	MUD ² ₄
Commercial child care	-	-	C	-	C	-	C	C	C	-	-	P	-	C	-	-	-	C	-	-
Recreation, indoor commercial	-	-	-	-	-	-	C	C	P	-	P	P	P	C	-	-	-	C	-	P
Recreation, outdoor commercial	-	-	-	-	-	-	C	C	C	-	P ¹ ₀	P	P	C	-	-	-	C	-	P
Entertainment, commercial	-	-	-	-	-	-	-	-	P	-	P	P	P	-	-	-	-	C	-	P
Automotive fuel-dispensing facility	-	-	-	-	-	-	-	-	P	-	P	P	P	C	-	-	-	C	P	-
Vehicle wash	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-	-
Parking lot, commercial	-	-	-	-	-	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Animal clinic	-	-	-	-	-	-	-	-	P ⁹	-	P	P	-	P	-	-	-	P	-	P
Kennel	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-
Adult entertainment facility ³	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-
Restaurant 1	-	-	-	-	-	-	C ⁸	P	P	P	P	P	P	P	-	C ¹²	P	P	P	P
Restaurant 2	-	-	-	-	-	-	-	-	P	-	P	P	P	C ²²	-	C ²⁹	P	C ²³	P	P
Restaurant 3	-	-	-	-	-	-	-	-	P	-	P	P	P	C ²²	-	C ²⁹	P	C ²³	P	P
Food truck ³⁰	-	-	-	-	-	-	-	P	P	-	P	P	P	P	-	-	P	P	P	P

Uses	P I	R- 1	RL D	R- 2	RM D	R- 3	RB -1	RB -2	D B	B- 1	B- 2	C- 1 ⁹	PCD -C	ED ⁸	W R	W M	W C	PCD -BP	PCD -NB	MUD ⁴
Tavern	-	-	-	-	-	-	-	-	C	-	P	P	P	-	-	-	P	-	-	-
Drive-through facility	-	-	-	-	-	-	-	-	C	-	C	C	P	-	-	-	-	-	-	-
Marina	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	P	P	-	-	-
Marine sales and service	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	P	P	-	-	-
Marine boat sales, level 1	-	-	-	-	-	-	-	-	-	-	P	P	-	P	-	P	P	-	-	-
Marine boat sales, level 2	-	-	-	-	-	-	-	-	-	-	-	P	-	C ²²	-	P	P	-	-	-
Ministorage	-	-	-	-	-	-	-	C	-	-	C	C	P	C	-	-	-	-	-	P
Industrial, level 1	-	-	-	-	-	-	-	C	C	-	C	P	-	P	-	-	-	C	-	P
Industrial, level 2	-	-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	-	-	-	-
Marine industrial	-	-	-	-	-	-	-	-	-	-	-	P	-	C	-	P ¹¹	C	-	-	-
Wireless communication facility ⁴	C	C	C	C	C	C	P	P	C	P	C	P	P	P	C	C	C	P	P	-
Accessory uses and structures	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Unclassified use	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>

~~1 Accessory apartments requiring conditional use permits are subject to the criteria in GHMC 17.64.045.~~

- 2** Home occupations are subject to Chapter [17.84](#) GHMC.
- 3** Adult entertainment facilities are subject to Chapter [17.58](#) GHMC.
- 4** Wireless communication facilities are subject to Chapter [17.61](#) GHMC.
- 5** Houses of religious worship shall be limited to parcels not greater than five acres.
- 6** Multiple-family dwellings shall be limited to no more than eight attached dwellings per structure in the R-3 district.
- 7** Sales, level 1 uses shall be limited to food stores in the RB-1 district.
- 8** See GHMC [17.28.090\(G\)](#) for specific performance standards of restaurant 1 and food store uses in the RB-1 zone.
- 9** Animal clinics shall have all activities conducted indoors in the DB district.
- 10** Drive-in theaters are not permitted in the B-2 district.
- 11** Marine industrial uses in the WM district shall be limited to commercial fishing operations and boat construction shall not exceed one boat per calendar year.
- 12** Coffeehouse-type restaurant 1 uses shall not exceed 1,000 square feet in total size in the WM district.
- 13** Sales, level 1 uses shall be limited to less than 7,500 square feet per business in the PCD-NB district.
- 14** Residential uses shall be located above a permitted business or commercial use.
- 15** Houses of religious worship on parcels not greater than 10 acres are permitted uses in the MUD district; houses of religious worship on parcels greater than 10 acres are conditionally permitted uses in the MUD district.
- 16** Auto repair and boat repair uses shall be conducted within an enclosed building or shall be in a location not visible from public right-of-way and adjacent properties.
- 17** Only one triplex dwelling or one fourplex dwelling is conditionally permitted per lot in the WM district.
- 18** Planned unit developments (PUDs) are conditionally permitted in the ED district.
- 19** Junkyards, auto wrecking yards and garbage dumps are not allowed in the C-1 district.

20 Clubs in the WM zone shall not serve alcoholic beverages and shall not operate a grill or deep-fat fryer.

21 Independent living facilities are conditionally allowed in the ED zone only when in combination with assisted living facilities, skilled nursing facilities or hospitals in the same site plan or binding site plan.

22 See GHMC [17.45.040](#) for specific performance standards of sales and restaurant uses in the ED zone.

23 See GHMC [17.54.030](#) for specific performance standards of sales and restaurant uses in the PCD-BP zone.

24 Permitted and conditional uses in the MUD district overlay are subject to the minimum parcel size and location requirements contained in GHMC [17.91.040\(A\)](#).

25 Level 1 and Level 2 charging only.

26 Electric vehicle charging stations, Level 1 and Level 2 only, are allowed only as accessory to a principal outright permitted or principal permitted conditional use.

27 The term “rapid” is used interchangeably with Level 3 and “fast charging.”

28 Only “electric vehicle charging stations – restricted” as defined in Chapter [17.73](#) GHMC.

29 Only those properties lying adjacent to or southeast of Dorotich Street are allowed to request a conditional use permit for a restaurant 2 or restaurant 3 use. In other areas of WM zone, restaurant 2 and restaurant 3 uses are prohibited. See Chapter [17.48](#) GHMC for specific performance standards for restaurant uses in the WM zone.

30 Food truck permits shall be processed with a special use permit, per Chapter [17.65](#) GHMC.

31 Permitted above and below street-level nonresidential uses.

32 Short-term rentals are subject to Chapter [17.85](#) GHMC.

~~17.64.045 — Review criteria for accessory apartments.~~

~~When reviewing a conditional use request for an accessory apartment, the hearing examiner shall consider the following guidelines:~~

~~A. The required parking space for the accessory apartment is placed behind the primary structure or is paved with grass block pavers to avoid an expansive area of hard surface;~~

~~B. The accessory apartment is attached to or placed at least six feet behind the primary structure;~~

~~C. The design of the accessory apartment is incorporated into the primary unit's design with matching materials, colors, window style and roof design;~~

~~D. The entrance to the accessory apartment is oriented away from the view of the street or is designed to appear as a secondary entrance to the primary unit (e.g., garage entrance or service porch entrance);~~

~~E. Utilities for the accessory apartment shall be metered separate from the primary dwelling unit;~~

~~F. The accessory apartment and the primary unit conforms to all other building and zoning code requirements.~~

17.04.XXX Definitions

“Accessory Dwelling Unit” or ADU means a subordinate dwelling unit located on the same lot as a single-family housing unit, duplex, triplex, or other housing unit.

“Principal Dwelling Unit” means the single-family housing unit, duplex, triplex, townhome, or other housing unit located on the same lot as an accessory dwelling unit.

“Dwelling Unit” means a residential living unit that provides complete, independent living facilities for one or more persons including permanent provisions of living, sleeping, eating, cooking and sanitation.

“Dwelling, Duplex” means a building designed exclusively for occupancy by two families living independently of each other. A duplex can share a wall, ceiling/floor or any other shared roof assembly, including breezeways, but cannot have interior openings between dwellings.

“Dwelling, Triplex” means a building designed exclusively for occupancy by three families living independently of each other. A Triplex can share a wall, ceiling/floor or any other shared roof assembly, including breezeways, but cannot have interior openings between dwellings.

“Dwelling, Multiple-family” means a building or portion thereof designed to house two or more families living independently of each other and containing two or more dwelling units.

“Dwelling, Single-Family” means a detached residential structure with one dwelling unit containing but one kitchen, designed for and occupied by one family.

“Family” means one or more persons occupying a dwelling unit, including the joint use of and responsibility for common areas, sharing household activities and responsibilities such as chores, household maintenance, and expenses. Such persons need not be related by blood or marriage.

“Kitchen” a place where food is cooked or prepared and contains the facilities and equipment used in preparing and serving food, such as: a gas or electric range or oven (a freestanding burner, warming oven or microwave is not considered a range or oven); a kitchen sink (a bar or hand sink is not considered a kitchen sink); a refrigerator/freezer (an upright refrigerator or freezer that fits under a counter, such as the type often found in offices, is not sufficient for a kitchen in a dwelling); or an electric outlet for 220 voltage and/or plumbing or standpipes for equipment and facilities normally found in a kitchen.

“Mixed Use” The development of a contiguous tract of land, a building or a structure with two or more different uses identified on the Land Use matrix specified in Chapter 17.14 GHMC.

17.72.030 Number of off-street parking spaces.

The following is the number of off-street parking spaces required for each of the uses identified below:

Use	Required Parking
Dwelling, single-family	Two off-street parking spaces per dwelling unit. ³
Dwelling, duplex	Two off-street parking spaces per dwelling unit. ³
Dwelling, triplex	One off-street parking space for each studio unit, 1.5 off-street parking spaces for each one-bedroom unit, and two off-street parking spaces for units with two or more bedrooms. ³
Dwelling, fourplex	One off-street parking space for each studio unit, 1.5 off-street parking spaces for each one-bedroom unit, and two off-street parking spaces for units with two or more bedrooms. ³
Dwelling, multiple-family	One off-street parking space for each studio unit, 1.5 off-street parking spaces for each one-bedroom unit, and two off-street parking spaces for units with two or more bedrooms. ³
Accessory apartment <u>dwelling unit</u>	One off-street parking space per accessory apartment <u>dwelling unit</u> in addition to parking required for primary dwelling unit.
Family day care provider	Two off-street parking spaces.
Home occupation	One off-street parking space in addition to parking required for any other use; two parking spaces shall be required if the occupation requires customers or clients to visit the premises at any time.
Adult family home	Two off-street parking spaces.

Use	Required Parking
Independent living facility	One off-street parking space for every four beds based on maximum capacity as determined by the International Building Code. ¹
Assisted living facility	One off-street parking space for every four beds based on maximum capacity as determined by the International Building Code. ¹
Skilled nursing facility	One off-street parking space for every four beds based on maximum capacity as determined by the International Building Code. ¹
Hospital	One off-street parking space for every two beds based on maximum capacity as determined by the International Building Code.
School, primary	One off-street parking space for every five seats in the main auditorium or assembly room.
School, secondary	One off-street parking space for every four seats in the main auditorium or assembly room, or three off-street parking spaces for every classroom plus one additional off-street parking space for each staff member or employee, whichever is greater.
School, higher educational	One off-street parking space for every possible four seats in the classrooms based on maximum capacity as determined by the International Building Code.
School, vocational/trade	One off-street parking space for every possible four seats in the classrooms based on maximum capacity as determined by the International Building Code.
Government administrative office	One off-street parking space for every 300 square feet of gross floor area.
Public/private services	For libraries: One off-street parking space for every 1,000 square feet of gross floor area; for police stations and fire stations: one off-street parking space for every 300 square feet of gross floor area; for maintenance and storage facilities: one off-street parking space for every 1,000 square feet of gross floor area.

Use	Required Parking
Religious worship, house of	One off-street parking space for every four fixed seats in the facility's largest assembly area. For a fixed seat configuration consisting of pews or benches, the seating capacity shall be computed upon not less than 18 linear inches of pew or bench length per seat. For a flexible configuration consisting of moveable chairs, each seven square feet of the gross floor area to be occupied by such chairs shall be considered as a seat.
Museum	One off-street parking space for every 1,000 square feet of gross floor area.
Community recreation hall	One off-street parking space for every possible four seats in the auditorium(s) and assembly room(s) based on maximum capacity as determined by the International Building Code.
Clubs	One off-street parking space for each four persons of the building's maximum seating capacity as determined by the International Building Code.
Parks	Director shall determine the standards to be applied for parking using as a guide the uses listed in this section that most closely resemble the uses proposed.
Essential public facilities	Parking required as per underlying use.
Utilities	Director shall determine the standards to be applied for parking using as a guide the uses listed in this section that most closely resemble the use proposed.
Cemetery	Off-street parking spaces are required for only office, chapel and indoor assembly areas. For office space: one off-street parking space for every 300 square feet of gross floor area. For chapel and indoor assembly areas: one off-street parking space for every four fixed seats. For a fixed seat configuration consisting of pews or benches, the seating capacity shall be computed upon 18 linear inches of pew or bench length per seat. For a flexible configuration consisting of moveable chairs, each seven square feet of the gross floor area to be occupied by such chairs shall be considered as a seat.

Use	Required Parking
Lodging, level 1	One and one-quarter off-street parking spaces for each room to rent in addition to two off-street parking spaces for the single-family residence.
Lodging, level 2	One and one-quarter off-street parking spaces for each room to rent.
Lodging, level 3	One and one-quarter off-street parking spaces for each room to rent.
Personal services	One off-street parking space for every 300 square feet of gross floor area.
Business services	One off-street parking space for every 300 square feet of gross floor area.
Professional services	One off-street parking space for every 300 square feet of gross floor area except for medical and dental offices. For medical and dental offices, one off-street parking space for every 250 square feet of gross floor area.
Ancillary services	One off-street parking space for every 300 square feet of gross floor area.
Product services, level 1	One off-street parking space for every 300 square feet of gross floor area.
Product services, level 2	One off-street parking space for every 400 square feet of gross floor area, except for auto repair. For auto repair, four off-street parking spaces for each service bay.
Sales, level 1	One off-street parking space for every 300 square feet of gross floor area.
Sales, level 2	One off-street parking space for every 400 square feet of gross floor area.
Sales, level 3	One off-street parking space for every 400 square feet of gross floor area.
Ancillary sales	One off-street parking space for every 300 square feet of gross floor area.
Commercial child care	One off-street parking space for every five possible seats in the main auditorium or assembly rooms.

Use	Required Parking
Commercial recreation, indoor	One off-street parking space for every possible four seats in the auditoriums and assembly rooms based on maximum capacity as determined by the International Building Code; for bowling alleys, five off-street parking spaces for each alley.
Commercial recreation, outdoor	Director shall determine the standards to be applied for parking using as a guide the uses listed in this section that most closely resemble the uses proposed.
Commercial entertainment	One off-street parking space for every possible four seats in the auditorium(s) and assembly room(s) based on maximum capacity as determined by the International Building Code.
Automotive fuel-dispensing facility	One off-street parking space for every two fuel pumps, if service bays are not provided. If service bays are provided, four off-street parking spaces for each service bay.
Vehicle wash	Two off-street parking spaces per service bay plus one space for every two employees. In addition, a stacking lane or lanes capable of accommodating a minimum of 10 percent of the projected maximum hourly throughput of vehicles for the vehicle wash shall be provided near the entrance to the wash bay(s). One car length within the stacking lane shall be equal to the length of a standard parking space.
Commercial parking lot	None required.
Animal clinic	One off-street parking space for every 250 square feet of gross floor area.
Kennel	One off-street parking space for every 300 square feet of gross floor area.
Adult entertainment facility	Parking required as per underlying use.
Restaurant 1	One off-street parking space for every three seats based on a seating plan submitted to the planning director showing a reasonable seating capacity for the dining area. If, at a later date, the business desires to add more seating than

Use	Required Parking
	shown on the seating plan, additional off-street parking will be required at one off-street parking space for every three additional seats. Concurrency review under Chapter 19.10 GHMC may also be required if the additional seats generate any new p.m. peak-hour trips, require additional sewer capacity, or increase water consumption.
Restaurant 2	One off-street parking space for every three seats based on a seating plan submitted to the planning director showing a reasonable seating capacity for the dining area. If, at a later date, the business desires to add more seating than shown on the seating plan, additional off-street parking will be required at one off-street parking space for every three additional seats. Concurrency review under Chapter 19.10 GHMC may also be required if the additional seats generate any new p.m. peak-hour trips, require additional sewer capacity, or increase water consumption.
Restaurant 3	One off-street parking space for every three seats based on a seating plan submitted to the planning director showing a reasonable seating capacity for the dining area. If, at a later date, the business desires to add more seating than shown on the seating plan, additional off-street parking will be required at one off-street parking space for every three additional seats. Concurrency review under Chapter 19.10 GHMC may also be required if the additional seats generate any new p.m. peak-hour trips, require additional sewer capacity, or increase water consumption.
Tavern	One off-street parking space for every three seats based on a seating plan submitted to the planning director showing a reasonable seating capacity for the dining area. If, at a later date, the business desires to add more seating than shown on the seating plan, additional off-street parking will be required at one off-street parking space for every three additional seats. Concurrency review under Chapter 19.10 GHMC may also be required if the additional seats generate any new p.m. peak-hour trips, require additional sewer capacity, or increase water consumption.
Drive-through facility	One off-street space for every two employees assigned to the drive-through service area. In addition, a stacking lane or lanes capable of accommodating a

Use	Required Parking
	minimum of 10 percent of the projected maximum hourly throughput of vehicles for the drive-through facility shall be provided near the drive-through service area. One car length within the stacking lane shall be equal to the length of a standard parking space.
Marina	For moorages/slips less than 45 feet, one off-street parking space for every two berths; for moorages/slips 45 feet or longer, one space for every berth. All moorage facilities shall provide a minimum of two parking spaces. If a commercial or residential development is to be combined with a watercraft usage requiring parking, the usage which generates the larger number of spaces shall satisfy the requirements of the other usage.²
Marine sales and service	One off-street parking space for every 300 square feet of gross floor area except for boat sales and repair. For boat sales and repair, one off-street parking space for every 400 square feet of gross floor area.
Marine boat sales, level 1	One off-street parking space for every 300 square feet of gross floor area.
Marine boat sales, level 2	One off-street parking space for every 400 square feet of gross floor area.
Ministorage	Two off-street parking spaces located near the office. Parking for loading and unloading purposes is allowed in front of individual storage units unless prohibited by the fire marshal.
Industrial, level 1	One off-street parking space for every 1,000 square feet of gross floor area.
Industrial, level 2	One off-street parking space for every 1,000 square feet of gross floor area, except for moving companies and distribution facilities. For moving companies and distribution facilities, one off-street parking space for each vehicle in use, at any time, in the conduct of business.

Use	Required Parking
Marine industrial	One off-street parking space for every 1,000 square feet of gross floor area.
Wireless communication facility	None required.
Accessory uses and structures	Parking required as per underlying use.

For any other use not specifically mentioned or provided for, the director shall determine the standards to be applied for parking using as a guide the uses listed above that most closely resemble the uses proposed.

In instances when the calculation of the required off-street parking spaces for new or modified uses results in a fractional parking space, the number of parking spaces required shall be rounded up to the nearest whole number.

1 If the facility or home is used exclusively for the housing of the elderly, disabled or handicapped, the decisionmaker may allow a portion of the area required for off-street parking to be reserved as a landscaped area if the decisionmaker finds that the required off-street parking is not immediately required and is in the best interest of the neighborhood.

2 See GHMC [17.48.070](#) for additional requirements for parking and loading facilities in the WM district.

3 Guest parking shall be provided for all residential developments with 10 or more dwelling units or lots as follows:

- a. The minimum number of spaces shall be one guest parking space for every four dwelling units, with fractions rounded to the next highest number.
- b. Guest parking may be located:
 - i. In a parking lot accessed by a public roadway, but not located more than 500 feet from the dwelling(s) it is intended to serve; and/or
 - ii. In a central location within the subdivision as practical and may also serve as parking for active or passive outdoor amenities; and/or
 - iii. Provided as on-street parking; and/or
 - iv. In a location deemed appropriate by the planning director.

c. Unless the parking is located on dedicated public right-of-way, the guest parking spaces shall be owned and maintained by the homeowners' association.

d. Off-street parking must comply with the off-street parking design standards pursuant to GHMC [17.72.020](#).

From: [Wade Perrow](#)
To: [Jeremy Hammar](#); [Michelle Thomas](#)
Subject: Re: Public Comment on Proposed code changes - Accessory Dwelling Units
Date: Friday, January 31, 2025 9:05:13 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)

Jeremy,

Thank you for the quick response.

Based on your feedback there is one request I wish to make:

I (Wade Perrow) would request the public meeting records remain open for 10 days after the Feb. 6th Planning Commission Meeting as to ADU code review. This added time will allow the public time to provide public comment relating to any proposed last-minute changes that staff may present at the Public Meeting."

Keeping things Simple and Clear results in more effective government. The Density Limitation as to dwelling units per acre in the existing GHMC17- Zoning code needs to be addressed and now is a good time as no one seems to understand why there is this disconnect.

Please let's Keep it Simple. Thank you,

Wade Perrow

On Thu, Jan 30, 2025 at 4:40 PM Jeremy Hammar <jhammar@gigharborwa.gov> wrote:

Good Afternoon,

Thank you for providing the comment, it will be added to the record and provided to the Planning Commissioners prior to next week's Public Hearing.

The issue related to the density calculation is something that I am aware of with the draft code, I am working on a solution and will propose that to the Planning Commission at the hearing on 2/6.

Jeremy Hammar | Senior Planner

3510 Grandview St • Gig Harbor, WA 98335

253-851-6170 253-853-7606 (direct) www.gigharborwa.gov

From: Wade Perrow <wade.perrow@gmail.com>

Sent: Thursday, January 30, 2025 4:17 PM

To: Michelle Thomas <mthomas@gigharborwa.gov>; Jeremy Hammar <jhammar@gigharborwa.gov>

Subject: Public Comment on Proposed code changes - Accessory Dwelling Units

Public Comment on ADU Code changes

Att: Jeremy Hammar, Senior Planner

As the City is taking steps to address the requirements of the State of Washington HB- 1337, there are conflicts in the current GHMC that need to be considered to assure compliance with the state mandates and have clear verbiage to make it easy to understand what can be done to meet the intent of HB-1337.

The issue in the proposed Draft ADU code changes will be very limiting and require very large lots. In the case of all residential zoning districts, as an example in a R-1 zone to have an ADU the lot would need to be a half of an acre in size. Something needs to change not just in R-1 but all residential zones.

In the current GHMC 17.16.060 "Development Standards" H - Density is a maximum of 4 dwelling units/acre." This means a primary residence and ADU would need 21,780sqft lot to meet code "...***the development standards of the underlying zone standards shall apply to all accessory dwelling units.***" is the verbiage in the "Proposed ADU Code"

Since the current GHMC requirement for "***Density***" in a R-1 Zone is a maximum number of 4 units/acre", a Primary or Principal residence plus an ADU would require a minimum lot size of 21,780 sqft or more. The state is not expecting to see bigger lots.

A easiest way to clean this up would be to add verbiage to the "Proposed ADU Code" that would clarify that the "Density" requirement in the current GHMC Development Standards for dwelling units per acre do not apply to properties having Primary or Principal Residence and a ADU that meets all of the development standards of the underlying zone expect for the section relating to Density and

dwelling units per acre.

Please call and we can discuss if I am not clear in my interpretation of the Density code as currently exists in GMCA 17 Zoning.

Wade Perrow

PO Box 245

Gig Harbor, Wa 98335

9109 Harborview Dr.

253-973-1728

wade.perrow@gmail.com

From: [michael shipman](#)
To: [Michelle Thomas](#); [Jeremy Hammar](#)
Subject: Feb 6, 2025 - ADU Amendment Public Comments
Date: Friday, January 31, 2025 10:34:15 AM
Attachments: [M. Shipman Ltr - ADU Public Meeting Input - City of Gig Harbor 01-31-2025.pdf](#)

Attached are my formal comments for review prior to and during the Gig Harbor Planning Commission Meeting of February 6, 2025.

Please confirm the attached PDF version of my letter is provided to Jeremy Hammar and the Planning Commissioners.

Thank you,
Michael Shipman

DATE: January 31, 2025
FROM: Michael Shipman
TO: Senior Planner Jeremy Hammar
City of Gig Harbor Planning Commission
3510 Grandview Street
Gig Harbor, WA 98335
RE: February 6, 2025 Planning Commission Public – Draft ADU Amendment

Dear Senior Planner Jeremy Hammar and Planning Commissioners:

I am a resident of the City of Gig Harbor and live in the Finholm district. We have lived in the community for almost 40 years. I have been actively engaged in the study and research of affordable housing for years; I am still learning.

I completed a review of the November 21, 2024, City of Gig Harbor, City Council Agenda Bill, Municipal Code Amendments and Staff Memo that was presented to the Mayor and Council Members.

SUBJECT: Municipal Code Changes Related to Accessory Dwelling Units
SUMMITTED BY: Senior Planner Jeremy Hammar
DEPARTMENT: Community Development

My hope is that during the Planning Commission Public Hearing on Thursday, February 6, 2025 you will address inadequacies contained in the proposed Draft Municipal Code Amendments. Under Washington State HB 1337, any residential lot owner in Gig Harbor City Limits is legally allowed to build one, or two ADUs within their residential lot.

The wording of the proposed Draft Municipal Code Amendments is not inclusive of all the components of HB 1337 and the current version of the Amendment does not meet all the legal requirements of HB 1337. The City of Gig Harbor must make corrections to the Draft Municipal Code Amendment before it goes back to the City Council.

I appreciate the substantial amount of work that city staff have completed and recognize they are overwhelmed while at the same time working to also complete and update the Comprehensive Plan. I also appreciate the hours that the Planning Commission members and other city staff have spent on this important topic. Thank you for your many hours of service to the community.

I encourage the city and the Gig Harbor Planning Commission to review the documents in your packet, this letter and the attachment and compare the proposed Draft Municipal Code Draft Municipal Code Amendments to the Washington State House Bill 1337.

As a condition of HB1337, examples of just a few corrections/additions that must be made in the Gig Harbor Municipal Code are as follows:

1. The City of Gig Harbor must allow at least two accessory dwelling units on all lots that are in all residential zoning districts regardless of the residential zone. (Note: I believe the city can restrict a permit for a residence and/or ADUs on lots that do not meet a minimum lot size of 6,000 sq. feet)
2. The city may not establish a maximum gross floor area requirement of ADUs that is less than 1,000 sq. ft. (Note: The city can (and many other cities already have) set and allow a maximum ADU size. Some cities are allowing maximums at 1,200 to 1,400 sq. ft.)
3. Section 4b of HB 1337 also states that the city may not establish roof heights limits of less than 24 feet unless the principal unit is also limited to less than 24 feet.
4. ADUs may be constructed from existing structures, including but not limited to detached garages, even if they violate current code requirements for setbacks or lot coverage
5. The addition of an ADU does not require public street improvements as a condition of permitting ADUs
6. The city 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 ADU
7. The city may not assess impact fees on the construction of accessory dwelling units that are greater than 50% of the impact fees that would be imposed on the principal a unit.

The Planning Commissioners may recall that sometime back, I testified to this same concern in the public meeting and the city representative stated, "We will address these issues in the Municipal Code Amendments." The corrections have not been made. These errors and omissions place the city at risk both publicly and legally.

Provisions of HB 1337 are missing in the current Draft Municipal Code Amendment; the Draft is neither clear nor complete. This error not only creates a legal risk, but it also seems to hide most of the components of HB 1337. If the city wants to reference HB 1337 in the Amendment, that would also be of value to the city. From a permit applicant prospective, the current Draft creates a situation where the city development department, and/or a city planner could express to the applicant or their building, "It is not in our code" which would potentially stall or scare the applicant away from building their ADU. This is not the intent of the new law and it would place the city in a costly legal battle in which they would lose.

Making corrections will reduce city staff time while at the same time reduce confusion with city residents, designers, architects, and builders. Changes that must be made will also reduce the city's time and cost in front of applicants trying to get answers.

It is also positive to note that HB1337 provides the city flexibly pertaining to ADU size. The city and the Planning Commission must consider allowing ADU sizes not only up to a limit of 1,000 sq. feet (inside wall to wall) but beyond. Some cities within the State of Washington have already adjusted their codes and increased the size limit of ADUs beyond the 1,000 sq. feet to a maximum of 1,200 to 1,400 sq. feet. A maximum ADU limit of 1,400 sq. feet (inside living space) is suggested. This will benefit the citizens and the city by allowing for a higher square footage level of ADU homes which will serve a broader demographic. It will also help to meet the future housing goals and objectives contained in the new comprehensive plan. Making these changes now will help the city achieve its affordable housing goals while at the same time promote the "fishing village" culture of the community. This is responsible growth versus big-box development. I would also suggest that as part of the amendments, the city must restrict ADU homes to no more than three residents living in each ADU.

Attached to this letter is the Washington State House Bill HB1337 Legislative Report from the original legislative record. In your comparative, I would encourage you to focus on the "Bill Summary" (circle in green marker text) components of HB1337 contained in the Legislative Report. You will find this component of the report is clearly written and will help guild staff in their revisions to the Municipal Code Amendment. I understand that this is a complex issue as there will be other Municipal Codes changes that will need to be adjusted because of the ADU Municipal Code changes.

My plea is this, please make these changes and additions as it will keep the city away from challenges. HB 1337 was passed overwhelming by our State Legislators. Professional leadership and compassion for others by the city will demonstrate good in our community, especially for seniors and many citizens that cannot afford or even maintain 4,000 sq. ft, million-dollar homes.

Thank you for your time in working to resolve this critical issue. I encourage the Planning Commission and staff to make the necessary corrections and additions.

Sincerely,

Michael Shipman
PO Box 508, Gig Harbor, WA 982335
9512 Woodworth Ave
Email: mshipmanwa@gmail.com

Attachment: WASHINGTON STATE HOUSE BILL **REPORT** HB 1337 (Note: pages 3 & 4)

HOUSE BILL REPORT

HB 1337

see PAGE 3 #4

As Reported by House Committee On: Housing

Title: An act relating to expanding housing options by easing barriers to the construction and use of accessory dwelling units.

Brief Description: Expanding housing options by easing barriers to the construction and use of accessory dwelling units.

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

Brief History:

Committee Activity:

Housing: 1/23/23, 2/2/23 [DP].

Brief Summary of Bill

- Requires fully planning cities and counties to allow accessory dwelling units (ADUs) in urban growth areas (UGAs).
- Prohibits certain ADU regulations within UGAs.

HOUSE COMMITTEE ON HOUSING

Majority Report: Do pass. Signed by 11 members: Representatives Peterson, Chair; Alvarado, Vice Chair; Leavitt, Vice Chair; Klicker, Ranking Minority Member; Barkis, Bateman, Chopp, Entenman, Low, Reed and Taylor.

Minority Report: Without recommendation. Signed by 2 members: Representatives Connors, Assistant Ranking Minority Member; Hutchins.

Staff: Serena Dolly (786-7150).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Background:

Growth Management Act.

The Growth Management Act (GMA) is the comprehensive land use planning framework for counties and cities in Washington. The GMA establishes land-use designation and environmental protection requirements for all Washington counties and cities. The GMA also establishes a significantly wider array of planning duties for 28 counties, and the cities within those counties, that are obligated to satisfy all planning requirements of the GMA. These jurisdictions are sometimes said to be "fully planning" under the GMA.

Counties that fully plan under the GMA must designate urban growth areas (UGAs), within which urban growth must be encouraged and outside of which growth may occur only if it is not urban in nature. Each city in a county must be included in a UGA. Planning jurisdictions must include within their UGAs sufficient areas and densities to accommodate projected urban growth for the succeeding 20-year period.

The GMA also directs fully planning jurisdictions to adopt internally consistent, comprehensive land use plans. Comprehensive plans are implemented through locally adopted development regulations, and both the plans and the local regulations are subject to review and revision requirements prescribed in the GMA. Comprehensive plans must be reviewed and, if necessary, revised every ten years to ensure that it complies with the GMA. When developing their comprehensive plans, counties and cities must consider various goals set forth in statute.

Each comprehensive plan must include a plan, scheme, or design for certain mandatory elements, including a housing element. The housing element must ensure the vitality and character of established residential neighborhoods and, among other requirements, consider the role of accessory dwelling units (ADUs) in meeting housing needs.

Accessory Dwelling Units.

An ADU is a residential living unit providing independent living facilities and permanent provisions for sleeping, cooking, sanitation, and living on the same lot as a single-family home, duplex, triplex, townhome, or other housing unit. An attached ADU is a dwelling unit located within or attached to another housing unit. A detached ADU is separate and detached from another housing unit.

Cities with more than 20,000 people, counties with more than 125,000 people, and counties that are required to plan under the Growth Management Act are required to incorporate in their development and zoning regulations recommendations made by the then Department of Community, Trade, and Economic Development, now the Department of Commerce, for the development and placement of accessory apartments in 1993.

As of July 1, 2021, fully planning cities under the GMA may not require the provision of off-street parking for ADUs within a quarter mile of a major transit stop, such as a high-

capacity transportation system stop, a rail stop, or certain bus stops, unless the city determines that on-street parking is infeasible for the ADU.

Summary of Bill:

By July 1, 2024, fully planning cities and counties must ensure local development regulations allow for the construction of accessory dwelling units (ADUs) within urban growth areas (UGAs) and comply with the following policies:

- permitting ADUs in structures detached from the principal unit;
- allowing an ADU on any lot that meets the minimum lot size required for the principal unit;
- not establishing a maximum gross floor area requirement for ADUs that is less than 1,000 square feet;
- not establishing roof height limits on an ADU of less than 24 feet, unless the height limit on the principal unit is less than 24 feet;
- not imposing setback requirements, yard coverage limits, tree retention mandates, restrictions on entry door locations, aesthetic requirements, or requirements for design review for ADUs that are more restrictive than those for principal units;
- allowing detached ADUs 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;
- allowing ADUs to be converted from existing structures, including detached garages;
- not prohibiting the sale of a condominium unit independently of a principal unit solely on the grounds that the condominium unit was originally built as an ADU; and
- not requiring public street improvements as a condition of permitting ADUs.

Fully planning cities and counties also must comply with a minimum of three of the following policies:

- not establishing a requirement for the provision of off-street parking for ADUs;
- not assessing impact fees on the construction of ADUs that are greater than 50 percent of the impact fees that would be imposed on the principal unit;
- not requiring the owner of a lot on which there is an ADU to reside in or occupy the ADU or another housing unit on the same lot; or
- allowing at least two ADUs on all lots that allow for single-family homes in the following configurations:
 - one attached ADU and one detached ADU;
 - two attached ADUs; or
 - two detached ADUs, which may be comprised of either one or two detached structures.

Cities and counties may apply certain regulations to ADUs, including:

- generally applicable development regulations;
- public health, safety, building code, and environmental permitting requirements that would be applicable to the principal unit, including regulations to protect ground and

- surface waters from on-site wastewater;
- a prohibition on the construction of ADUs that are not connected to or served by public sewers;
- a prohibition or restriction on the construction of ADUs 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; and
- restrictions on the use of ADUs for short-term rentals.

Any local development regulations that fail to incorporate the required provisions by the deadline are superseded, preempted, and invalidated.

Any conflicting provisions in local development regulations after the deadline are superseded, preempted, and invalidated. Actions taken to adopt these regulations cannot be challenged under the Growth Management Act (GMA) or the State Environmental Policy Act. The ADUs may not be considered as contributing to underlying density within an urban growth area boundary of a county for purposes of the GMA.

A restrictive covenant or deed restriction created after the effective date of the act may not prohibit the construction, development, or use of an ADU within a UGA. A city or county that issues a permit for the construction of an ADU may not be held civilly liable on the basis that the construction would violate the restrictive covenant or deed restriction that was created after the effective date of the act.

The provisions requiring cities and counties to incorporate in their regulations the recommendations made by the then Department of Community, Trade, and Economic Development for accessory dwelling apartments are repealed.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The state needs as many tools as possible to address our ongoing housing crisis. The accessory dwelling units (ADUs) provide results. They are a proven strategy to add housing units, and there is no better way to increase housing supply quickly. The ADUs are necessary, reasonably-priced housing. Because ADUs are smaller than other homes, they offer affordable housing opportunities. The ADUs also provide opportunities for extended families to live together. The ADUs can be used to house elderly family members or for caregivers to assist seniors who stay in their own homes. Washington is far

behind what other states are doing. California eliminated parking owner occupancy, lot size, and impact fee requirements with strong results. Statewide rules are desperately needed for consistency, instead of the patchwork of local laws that developers have to navigate now. Developers and homeowners face too many obstacles when building ADUs, and this bill remove the most significant barriers.

(Opposed) Counties are the least financially diversified government in the state and are very heavily property tax dependent. Counties cannot take on any more responsibilities with current funding, and this bill would require a costly update to land use regulations. The prescriptive requirements take away local government authority to make land use decisions. Impact fees should not be reduced for ADUs because impact fees are not based on the size of a building.

(Other) The bill needs some technical fixes related to urban growth areas and allowing hearings under the Growth Management Act.

Persons Testifying: (In support) Representative Mia Gregerson, prime sponsor; Cynthia Stewart, League of Women Voters of Washington; Dan Bertolet, Sightline Institute; Troy Schmeil, Sapphire Homes Incorporated; Samar Jha, American Association of Retired Persons; Scott Bonjukian; Ryan Donohue, Habitat for Humanity Seattle-King and Kittitas Counties; Dani Madrone, American Farmland Trust; Angela Rozmyn, Natural and Built Environments; Graham Brown, MyKabin Limited Liability Company; and Matt Hutchins.

(Opposed) Paul Jewell, Washington State Association of Counties; and Carl Schroeder, Association of Washington Cities.

(Other) Bryce Yadon, Futurewise.

Persons Signed In To Testify But Not Testifying: None.