

Joyce Phillips

From: Derek Pohle <ddpohle@hotmail.com>
Sent: Thursday, January 30, 2025 10:47 AM
To: Middle Housing
Subject: Party of record request

We just started construction on a part remodel part addition to our house for the purpose of multi-generational living. My mother will be moving in with us and this project will provide her an attached apartment for semi independent living with out having to go into elder care in a facility that would drain her resources in less than a year and leave her living on Medicaid only. We unfortunately had to pay almost \$4000 in mitigation as the city determined the project was an ADU. This is an expansion of our home and is accessible and connected internally.

Derek Pohle & Melissa McFadden
2016 14th Ave SW
Olympia, WA

Joyce Phillips

From: Sandy Novack <snepointe@gmail.com>
Sent: Friday, February 7, 2025 6:29 PM
To: Middle Housing
Subject: Proposal for more housing

No, no, no

I am all for middle housing but this is a seriously bad idea. Are you trying to pack us in like worms. And, whatever happened to worrying about permeable land? When our house flood because there is no where for the water to go it is the city that will be sued. And it will happen with climate change and this wet state.

Please, no. Find a better way

Sent from my iPad

Joyce Phillips

From: northbeachcomm@cs.com
Sent: Tuesday, February 25, 2025 6:04 AM
To: Jay Burney; Councilmembers
Cc: Joyce Phillips; Cari Hornbein; Tim Smith
Subject: Tier 1 VS Tier 2 City issues; Olympia City Council

FEB 25

Hello Olympia City Council:

The City of Olympia is trying to giving a huge prize for the rich real estate developers, again!
No one can afford to live in our city anymore. This is a city only for rich people (from CA?)

The City Council is now set to re-define our city through WA State Laws.
The City only has a current population of 55,400 people, which is a Tier 2 City.

The City wants to call ourselves a Tier 1 City, which is a population of 75,000 people; this is a lie!

The City wants the WA state rules and regulations for a Tier 1 city to apply; but Olympia is a Tier 2 City!

The City wants to make it easier for real estate developers to go forward with what ever

they want in our city; we are not talking about 'LOW INCOME' Housing.

We are talking about expensive housing costs, which the City is now calling "Affordable Housing"(Market rate), this is a lie. This city has become one that is not affordable for low income, not affordable for middle income people. The City council people think that the expensive housing will help issues in our city. It will destroy our city. Wake up!

Thank you;

L. Riner
2103 Harrison
OLY., WA
98502

Joyce Phillips

From: Sandy Novack <sanovack41@gmail.com>
Sent: Friday, February 28, 2025 3:01 PM
To: Joyce Phillips
Subject: Proposed new housing rules

The city of Olympia and the state are planning and have planned new rules for housing that I strongly object to. Who knew that I, the Democrat, would find living in a Democratic state just as annoying as living in a Republican state.

About the proposals to address middle housing problems.

Your proposal. In a single house lot

1. 4 units or 6 or 6 plus 2 ADU's. You will certainly be succeeding in packing as many people as you can together. Most of us, even the poor or middle would like to walk a short distance to see a forest or a tree or a bit of sky. People are happier and better adjusted when they can do that. I suggest affordable housing go up but have space around it that is not developed. Or if developers can't afford to build smaller because they don't make enough money on a house, subsidize the building of smaller houses or build public housing. They have that in large cities all the country.
2. "Frequent transit routes" and parking. I had a hip replacement, could not walk a block much less half a mile. I had a hip replacement. For 2 years before that couldn't walk 3 blocks or half a mile, might have made one block. I can't take a bus to the grocery store and bring groceries home. My grandkids go to soccer in Tumwater. Guess that would be out in one of your new places.
3. ADU's. 1,000 sq ft. That's a house, but, I guess! That's what you want it to be.
4. No street parking required or little. See above.
5. Co-living. Yikes, with no parking. I am ok with co-living, in general, but the bigger the house, the more opportunity for disaster because it is uncontrollable. 30 people could live there, yes, illegally but it is very hard to prove it. Tried that, wasn't willing to stand on my front porch and take pictures all day long to show to police.

I have lived in more than a couple of large cities. Businesses need parking places for customers, residents drive around for hours to find spaces and when they do find them leave their cars there for weeks. And, it works better in big cities because they have lots of mass transit and a central city where most people work. It can't work here because we need our cars. If we are talking about poor and middle housing, Uber everywhere is not an option.

So, no, no, no, no to your big ideas

Sent from my iPad

Joyce Phillips

From: Lorie Hewitt <bradleyhewittoly@gmail.com>
Sent: Sunday, March 23, 2025 8:32 AM
To: Joyce Phillips
Cc: John Saunders
Subject: Comments on Code Amendments for Middle Housing

Follow Up Flag: Follow up
Flag Status: Completed

Dear Ms Phillips and City of Olympia staff:

Thank you for your presentation last Wednesday March 19th for the South Capital Neighborhood (SCN). Based on your presentation, various Code Amendment and Design Review fact sheets, and FAQs, I have some comments and questions on the proposal. As you know the SCN is a National Historic neighborhood. Most of the following comments are related to preserving the historic heritage and character of our neighborhood, while allowing some proportional increased density needed for housing.

- **Tier 1 versus Tier 2 city designation:** The decision to draft these amendments for a Tier 1 city when Olympia is a Tier 2 city is problematic. Doing so increases the base unit density to 6 in areas near a “major transit stop”, a pretty drastic density leap. There is no guarantee that Olympia will actually be a Tier 1 city by 2030. I have lived here 40 years and seen many population projections come and go and not ever materialize. Moreover, the city appears to be using the Urban Growth Boundary, not the City limits, as the basis to estimate future population. I fail to see the benefit of “redefining “ the city limits this way to potentially reach a Tier 1 level of population. Why intentionally reduce the flexibility to design a program for a Tier 2 city and see how it works before jumping right into Tier 1 requirements from the State? Many regulations benefit from adjustments in a 5 year timeframe, which should not be overly onerous as far as staff time. Just review the regulations in 2030 and amend them, if needed.
- **Major Transit Stop:** Olympia has complete flexibility in this area of State requirements since we do not have any major transit stops. Yet the draft amendments box us in to untested densities and probably suspend some design requirements for projects within the 1/4 or 1/2 mile (whichever is chosen) of these non existent transit stops. If the city insists on using its own creation of “frequent transit routes” and allowing increased unit lot density to 6 units instead of 4, no matter whether it’s 1/4 or 1/2 mile from the transit route this will encompass our entire SCN. Has anyone actually looked at our neighborhood lots? Fitting 6 units on them will certainly not allow for design standards that respect the historic nature of our streets and houses. Not to mention parking issues on some heavily parked streets. The option to require off street parking should not be precluded by these amendments. In addition, where is the data that show that residents routinely walk 1/2 mile in the rain to the bus stop? Even 1/4 mile is probably stretching it.

- ADUs and Unit lot Density: The proposal includes ADUs in counting the maximum number of units allowed on a lot. Please keep this as written.
- Current Residential Design requirements: One of your fact sheets says "If applying Design Review for middle housing, only administrative design review can be required" What does this mean? Already the Design review process for SCN seems to be pretty non functional. Residents have repeatedly noted the recent ongoing construction of a huge house and garage on 17th Ave SW that covers virtually an entire lot (no trees on it—were any required?). Also, it is not set back to be consistent with the historic homes on the street. If design review happened, where is the enforcement of the standards? Unfortunately this is not the first time developers or lobbyists buying properties in the SCN have ignored the design standards with no apparent City of Olympia accountability. If only administrative design review is required for all these middle housing units, is this a further weakening of requirements that preserve the historic character of the SCN? Are lot coverages/permeability, appropriate setbacks, and minimum tree density still part of administrative design review? Please also include provisions for stringent enforcement of residential design standards on these new units.
- Selling individual units on a lot to other owners: If a development is approved on a parent lot, these amendments allow for the individual units to be sold independently of each other. What provisions are in place to make sure each of these units isn't bought and used primarily for business purposes? Unfortunately, when that happens it's likely they will frequently be left vacant due to absentee ownership. And when owners are present and properties are used for business purposes, parking can become an issue on congested SCN streets. The SCN already has a large share of houses whose owners are operating businesses and leave them vacant for most of the year. We don't need more of these situations arising with extra units on our properties!
- Impact of increased density on current residents' Solar Panels: I have raised concerns about structures potentially obstructing the many solar panels in our neighborhood previously during the adoption of the Missing Middle regulations. These new middle housing amendments compound the potential for solar panel problems. With more density there is a higher chance of units close to property lines. Where are protections for not obscuring the current residents' solar panels on roofs close to the property line? A 24 foot or 35 foot tall unit will easily obscure solar panels. On our street alone two of us have panels on our carports near property lines. Any structure close to them will render them non functional!
- Question about new allowance for 3 stories in the 35 foot high units: What is the purpose of this allowance? If it's just to increase the inside space of the allowed 4 units on a lot, I don't see any problem with this. But if it's to allow for an additional apartment in each of the allowed units, I am

very opposed to this allowance. Doubling the number of resident families on a lot brings unaddressed parking congestion and possibly other issues.

- Diagram issue in FAQs document: Under “What is a unit lot subdivision?” there is a helpful diagram with 4 examples of lots with units on them. The 3rd one presents a design for townhouses. This one presents an issue regarding how the street facing townhouse would fit in with the design of many neighborhoods. It is unclear how the side of a townhouse would be designed to include windows and entries that fit in with surrounding houses. Obviously a bare wall facing the street should not be an option!
- Affordable Housing comment: I do not believe that these amendments address Olympia’s need for affordable housing. Rentals in the SCN typically are not affordable for lower income residents. It’s probably the city’s hope that rents for smaller units in SCN will be affordable. But I don’t see much in here that incentivizes affordable units.

Thank you for your work and your public outreach on these amendments. I look forward to, at some point, your response to these questions and comments.

Lorie Hewitt
401 18th Ave SE
Olympia 98501

Joyce Phillips

From: Joyce Phillips
Sent: Tuesday, March 25, 2025 2:04 PM
To: Lorie Hewitt
Cc: John Saunders; Brittany Gillia; Tim Smith
Subject: RE: Comments on Code Amendments for Middle Housing

Hi, Lorie.

Thank you for your patience as I prepared a response. Please see my responses below, in red text. Feel free to ask follow up questions or provide additional comments.

Joyce

Joyce Phillips, AICP, Planning Manager (she/her)
City of Olympia | Community Planning & Economic Development
601 4th Avenue East | PO Box 1967, Olympia WA 98507-1967
360.570.3722 | olympiawa.gov

Note: *Emails are public records and are eligible for release.*

From: Lorie Hewitt <bradleyhewittoly@gmail.com>
Sent: Sunday, March 23, 2025 8:32 AM
To: Joyce Phillips <jphillip@ci.olympia.wa.us>
Cc: John Saunders <johnosaunders@me.com>
Subject: Comments on Code Amendments for Middle Housing

Dear Ms Phillips and City of Olympia staff:

Thank you for your presentation last Wednesday March 19th for the South Capital Neighborhood (SCN). Based on your presentation, various Code Amendment and Design Review fact sheets, and FAQs, I have some comments and questions on the proposal. As you know the SCN is a National Historic neighborhood. Most of the following comments are related to preserving the historic heritage and character of our neighborhood, while allowing some proportional increased density needed for housing.

- Tier 1 versus Tier 2 city designation: The decision to draft these amendments for a Tier 1 city when Olympia is a Tier 2 city is problematic. Doing so increases the base unit density to 6 in areas near a “major transit stop”, a pretty drastic density leap. There is no guarantee that Olympia will actually be a Tier 1 city by 2030. I have lived here 40 years and seen many population projections come and go and not ever materialize. Moreover, the city appears to be using the Urban Growth Boundary, not the City limits, as the basis to estimate future population. I fail to see the benefit of “redefining “ the city limits this way to potentially reach a Tier 1 level of population. Why intentionally reduce the flexibility to design a program for a Tier 2 city and see how it works before jumping right into Tier 1 requirements from the State? Many regulations benefit from adjustments

in a 5 year timeframe, which should not be overly onerous as far as staff time. Just review the regulations in 2030 and amend them, if needed.

Thank you for your comments. The majority of the population in the urban growth area (UGA) is in the southeast area. This portion of the UGA has been under consideration for potential annexation and may be considered again within the next few years. If annexed, it will add to the population of the city limits. Additionally, there is an application in for a sewer lift station in this general area that would significantly expand development opportunities in this part of the City and its UGA. Because the City and the County have joint planning agreements, the same or similar development regulations apply within the City Limits and UGA. We strive to plan cooperatively for the entire area, not just one or the other. This is the reason the Council's Land Use and Environment Committee encouraged the first draft be drafted for our expected population in 2030.

- Major Transit Stop: Olympia has complete flexibility in this area of State requirements since we do not have any major transit stops. Yet the draft amendments box us in to untested densities and probably suspend some design requirements for projects within the 1/4 or 1/2 mile (whichever is chosen) of these non-existent transit stops. If the city insists on using its own creation of "frequent transit routes" and allowing increased unit lot density to 6 units instead of 4, no matter whether it's 1/4 or 1/2 mile from the transit route this will encompass our entire SCN. Has anyone actually looked at our neighborhood lots? Fitting 6 units on them will certainly not allow for design standards that respect the historic nature of our streets and houses. Not to mention parking issues on some heavily parked streets. The option to require off street parking should not be precluded by these amendments. In addition, where is the data that shows that residents routinely walk 1/2 mile in the rain to the bus stop? Even 1/4 mile is probably stretching it.

It is true that the City does not have any transit stops that meet the state's definition of a Major Transit Stop. To be clear, the increased number of units per lot associated with the use of frequent transit routes in this draft does not suspend or alter any design requirements or impact where the Infill & Other Residential design guidelines apply. The design requirements apply to all housing types in the Infill Design District, whether for a single family home or middle housing. The historic preservation provisions also apply to all housing types in Historic Districts.

Even though the code may allow 6 units per lot, that does not mean 6 units will actually fit. There are a lot of variables to be considered, which are even more complex when there are existing structures on a lot to take into account. Each applicant will need to demonstrate that the number of units proposed will fit and meet all requirements that apply to the property (zoning, design review, historic preservation, tree protection, etc.).

The use of frequent transit routes (rather than Major Transit Stops) and 1/2 mile instead of a 1/4 mile are policy decisions suggested by members of the Land Use and Environment Committee, and do go beyond the minimum requirements of the state law. This is a proposed approach to help address the housing crisis locally and these parts of the code amendments may, or may not, be adopted in the final action taken by City Council.

- ADUs and Unit lot Density: The proposal includes ADUs in counting the maximum number of units allowed on a lot. Please keep this as written.

Comment noted.

- Current Residential Design requirements: One of your fact sheets says “If applying Design Review for middle housing, only administrative design review can be required” What does this mean? *This means that design review must be completed without requiring a public meeting, that it will be handled as part of the building permit review process. Our code currently requires Design Review be completed by the Design Review Board and in a Public Meeting if there are 5 units or more proposed. Since middle housing includes 6-plexes, we propose to require Board level review for 7 units or more.* Already the Design review process for SCN seems to be pretty non functional. Residents have repeatedly noted the recent ongoing construction of a huge house and garage on 17th Ave SW that covers virtually an entire lot (no trees on it—were any required?). Also, it is not set back to be consistent with the historic homes on the street. If design review happened, where is the enforcement of the standards? Unfortunately this is not the first time developers or lobbyists buying properties in the SCN have ignored the design standards with no apparent City of Olympia accountability. If only administrative design review is required for all these middle housing units, is this a further weakening of requirements that preserve the historic character of the SCN? *These comments seem to be more about the historic preservation aspects of review than the design review aspects of the structure. My understanding is that the home has not yet received final approval and that there will be four trees planted on site (per the approved site plan).* Are lot coverages/permeability, appropriate setbacks, and minimum tree density still part of administrative design review? *Setbacks, lot coverage, and tree density are part of review of the site plan, not the design review (of the building) or the historic preservation review aspects of review.* Please also include provisions for stringent enforcement of residential design standards on these new units. *I suggest that the SCNA may want to work with the Historic Preservation Planner to review what is in the code, how the review is conducted, and see if there is a desire to propose or request any text amendments to the historic preservation sections of the code. If this is done, it would apply to all historic districts in the city, not just the South Capitol district.*
- Selling individual units on a lot to other owners: If a development is approved on a parent lot, these amendments allow for the individual units to be sold independently of each other. What provisions are in place to make sure each of these units isn’t bought and used primarily for business purposes? Unfortunately, when that happens it’s likely they will frequently be left vacant due to absentee ownership. And when owners are present and properties are used for business purposes, parking can become an issue on congested SCN streets. The SCN already has a large share of houses whose owners are operating businesses and leave them vacant for most of the year. We don’t need more of these situations arising with extra units on our properties!

Any resident (renter or property owner) of a residential unit can apply for a Home Occupation to operate a business from their residence. The requirements they are to comply with are included in Olympia Municipal Code (OMC) [18.04.060\(L\)](#). The purpose of the home occupation provisions is to allow for the use of a residential structure for a non-residential use which is clearly an accessory use to the residential use and does not change the residential character of the neighborhood. Home occupations meeting the requirements in the code section noted above are allowed in any district in which residential uses are permitted. If you believe a home occupation is being used in violation of those standards, please contact Code Enforcement 360.753.8487 or cpdce@ci.olympia.wa.us.
- Impact of increased density on current residents’ Solar Panels: I have raised concerns about structures potentially obstructing the many solar panels in our neighborhood previously during

the adoption of the Missing Middle regulations. These new middle housing amendments compound the potential for solar panel problems. With more density there is a higher chance of units close to property lines. Where are protections for not obscuring the current residents' solar panels on roofs close to the property line? A 24 foot or 35 foot tall unit will easily obscure solar panels. On our street alone two of us have panels on our carports near property lines. Any structure close to them will render them non functional!

The provisions to protect anyone's solar access rights remain unchanged with the amendments as drafted, but over time, as more infill occurs, it is quite possible that actions of an adjacent property owner could impact someone else's solar panel access to sunlight, either by adding an addition to their existing home or adding a new unit that shades the panels. This could also occur as existing trees grow and get taller or if new trees are planted.

The best legal way to protect existing solar access that I am aware of is by securing a solar access easement from adjacent property owner(s). The City of Olympia does not currently address solar access in its codes. I will share your comments with our climate staff and building department staff on this issue.

- Question about new allowance for 3 stories in the 35 foot high units: What is the purpose of this allowance? If it's just to increase the inside space of the allowed 4 units on a lot, I don't see any problem with this. But if it's to allow for an additional apartment in each of the allowed units, I am very opposed to this allowance. Doubling the number of resident families on a lot brings unaddressed parking congestion and possibly other issues.

This proposed change would allow someone to either have 1, 2, or 3 stories in a building, as long as the building height does not exceed the current limit of 35 feet (as measured to the midpoint of the roof pitch). This would pertain to single family residences, duplexes, triplexes, etc. It would not pertain to Accessory Dwelling Units (ADUs) which have a maximum building height of 24 feet. There are many variables for how this may be applied. As an example, a triplex could be 3 units side-by-side-by-side or it could be three units, one on top of the other (or stacked). The code is drafted to apply to the zoning district(s) for this portion of the code. The historic preservation provisions of the code would also apply, which may mean additional design mitigations could be requested or required to reduce the mass/scale/appearance of the building.

- Diagram issue in FAQs document: Under "What is a unit lot subdivision?" there is a helpful diagram with 4 examples of lots with units on them. The 3rd one presents a design for townhouses. This one presents an issue regarding how the street facing townhouse would fit in with the design of many neighborhoods. It is unclear how the side of a townhouse would be designed to include windows and entries that fit in with surrounding houses. Obviously a bare wall facing the street should not be an option!

These examples are from a statewide handout and meant to be for illustrative purposes about unit lot subdivisions. Townhouses are already allowed in almost all residential zoning districts, including R 6-12 that applies to your neighborhood. Development of townhouses would be subject to the applicable standards of that zoning district, the Historic Preservation codes, and the Townhouses chapter ([OMC 18.64](#)).

- Affordable Housing comment: I do not believe that these amendments address Olympia's need for affordable housing. Rentals in the SCN typically are not affordable for lower income residents. It's probably the city's hope that rents for smaller units in SCN will be affordable. But I don't see much in here that incentivizes affordable units.

The opportunity to get additional units in exchange for 1 or 2 of the units being "affordable" are tied to the property owner recording a covenant stating the homes will be affordable for a period of at least 50 years. This is typically recorded prior to the issuance of the building permit(s). We have done something similar in the past for a period of 20 years but the new time period is 50 years. However, because the current draft includes your neighborhood in the area that could get the additional units because of its proximity to frequent transit routes (as locally defined), the additional units would be allowed with or without the affordable housing covenant.

Affordable Housing is defined as housing affordable to households with an income not greater than 80 percent of the median income for Thurston County as determined by the U.S. Department of Housing and Urban Development. Affordable housing should cost no more than 30 percent of gross household income (including utilities).

Thank you for your work and your public outreach on these amendments. I look forward to, at some point, your response to these questions and comments.

Lorie Hewitt
401 18th Ave SE
Olympia 98501

Joyce Phillips

From: northbeachcomm@cs.com
Sent: Saturday, April 5, 2025 3:28 PM
To: Middle Housing
Subject: comments.....: City of Olympia -" Middle Housing" Survey Now Open

April 5

Hello City of OLY.....

These are comments for this city survey, below:

MY ANSWER; "No " tier 1. Oly is not forecast to exceed 75000 population for 20 years. We have heard the city presentation on this issue. The city staff is ignoring certain facts. Population numbers are important. You cannot "fake" them! Stop pushing for something that does not exist. Stop pushing your own agenda; Allow rich developers to build anything that they want; no rules.

City does not seem to care about public comment. The city council only cares about rich developers; giving them MFTE'S. The city council is making the city for rich people only; others cannot afford the huge taxes. Others cannot afford all the rules and regulations that only the rich developers can afford; where is the "low cost HUD housing?" It is no where.

fyi,

L. Riner

2103 Harrison

OLY., WA 98502

----- Forwarded Message -----

From: Middle Housing <middlehousing@ci.olympia.wa.us>

To: Middle Housing <middlehousing@ci.olympia.wa.us>

Sent: Tuesday, April 1, 2025 at 11:10:22 AM EDT

Subject: Olympia - Middle Housing Survey Now Open

You are receiving this email as an identified Party of Record for the Middle Housing Code Amendments proposal.



Middle Housing Code Amendments

Community Survey Now Open

The first draft is issued for public review and comment – and we want to hear from you! Some parts of the proposal are required in order to meet state law but in other parts there is more discretion about how we proceed. We're soliciting feedback on the parts of the proposal where there is more than one way to decide how to move forward.

Get involved

Take the short survey to tell us what you think about the proposed code amendments for housing. The survey will close on April 30th.

- [Middle Housing Survey](#) on Engage Olympia

For more information on middle housing, please visit www.olympiawa.gov/middlehousing

Thank you!

Joyce

Joyce Phillips, AICP, Planning Manager (she/her)

City of Olympia | Community Planning & Economic Development

601 4th Avenue East | PO Box 1967, Olympia WA 98507-1967

360.570.3722 | olympiawa.gov

Note: Emails are public records and are eligible for release.

--

Joyce Phillips

From: Jim Carroll <jcarroll@springwoodave.com>
Sent: Thursday, April 17, 2025 8:14 AM
To: Middle Housing
Subject: Middle housing comments

Hi Joyce, can the new code please address shadow (or ghost) platting? It would be great to be able to do partial subdividing of a large lot in Olympia. Other cities allow this.

Also, I wanted to express disagreement with having a maximum GFA limit of only 1000 Sq ft for ADUs. I vote for no limit, at least 1200 for footprint, not GFA. Or, some language that might allow planning staff and citizens some variance for unique situations, like my 5 acre parcel, with a 1106 square foot (footprint) house that I would like to treat as an ADU, and then build a larger main house.

Thank you for taking the time to talk to me about this yesterday.

Much appreciated,

Jim Carroll

360-486-4745

Joyce Phillips

From: hellocallie@comcast.net
Sent: Tuesday, May 6, 2025 8:43 PM
To: Middle Housing
Subject: I support going with tier 1 standards

You don't often get email from hellocallie@comcast.net. [Learn why this is important](#)

Since buildings are years in the planning, financing and building, if we delay until we hit tier 1 population, we will be years behind the need. As a practical matter, we will see changes slowly. I like the idea of 3 stories.

Callie Wilson 3043 Central St SE, within ½ mile of transit.

Joyce Phillips

From: Peter Cook <pcook99@hotmail.com>
Sent: Monday, June 9, 2025 12:43 PM
To: Middle Housing
Subject: Very good process and data presentation

You don't often get email from pcook99@hotmail.com. [Learn why this is important](#)

Joyce and Team:

Excellent work in dealing with all the tricky issues and summarizing and presenting all the pertinent information to us as citizens. You are on the right track.

Keep up the good work!

Peter

Peter Cook

pcook64@alum.mit.edu



April 22, 2025

Joyce Phillip, Principal Planner
Community Planning and Development
City of Olympia
middle@ci.olympia.wa.us
jphillip@ci.olympia.wa.us

RE: Comment Letter re Middle Housing Code Amendments – Party of Record

Dear Joyce:

Dimension Law Group provides strategic legal counsel for development projects throughout King, Pierce, Snohomish, Chelan, Grays Harbor, and Thurston counties. Our firm specializes in helping clients construct attached accessory dwelling units (AADUs) and detached accessory dwelling units (DADUs) and conversion of such units to condominiums for real property transfer. We appreciate the opportunity to comment on this evolving area of long-range planning and land use regulation. We offer these comments on behalf of our diverse client base, who work tirelessly to provide affordable housing within Washington State.

House Bill 1337, adopted by the Washington State Legislature in 2023, amongst other important changes to state law, encourages the creation of new Accessory Dwelling Units. Most notably, HB 1337 requires jurisdictions to allow two AADUs or DADUs (or a combination thereof) per lot, within urban growth areas by six months after the next Comprehensive Plan periodic updates.

Construction of AADUs and DADUs is critical for diversity housing options and provision of affordable housing, which when properly constructed or redeveloped, harmonize and enhance the character of low density residential communities.

With implementation of HB 1337, jurisdictions must balance regulatory and process frameworks with economic viability for development. In respecting this balance, efficient process requirements and minimal site regulations are critical to allow for development. Specifically, we believe the below requests provide a framework for county and local governments to ensure responsible development and/or redevelopment of AADUs and DADUs. On behalf of our clients, we encourage implementation of the following principals:

- 1) The ability for AADUs and DADUs to be used as short-term rentals with allowance for owners to appropriately regulate parking, noise, and other important measures to maintain the character of low-density residential zones.
- 2) Reduce maximum size limits to avoid over-regulating sites to the extent development and construction are functionally and/or fiscally impossible.
- 3) Allowance for construction or redevelopment of AADUs and DADUs with sewer as permitted/allowed uses within critical areas and shoreline jurisdictions, provided implementation of reasonable environmental mitigation and that such structures and detached structures are not sited nor encroach in buffers.
- 4) Relaxed public health, building code and environmental permitting requirements, which do not constrain developers to the point construction is fiscally impossible.



- 5) Allowance of DADUs to be constructed at the closest feasible location to lot lines.
- 6) Authorization for construction of AADUs and DADUs regardless of physical proximity to utility infrastructure, to include sewerage systems.
- 7) Allow construction or redevelopment of AADUs and DADUs to be at least 24 feet in height and/or remove height restriction mirroring for that of the primary single-family structure.
- 8) Remove design standards that fiscally prevent development or redevelopment.
- 9) While HB 1337 allows for up to two AADUs or DADUs (or one of each) on all lots in zoning districts, which allow single-family homes, promotion of affordable housing warrants reduction or elimination of minimum lot size requirements for the principal units.
- 10) Reduce impact fees to AADU and DADU to a proportionate amount given square footage of these affordable housing types are typically smaller in size and impact from single family residences.
- 11) Eliminate or significantly reduce utility connection fees/charges, which are costs typically passed on to buyers or otherwise a fiscal imposition to developers.
- 12) Efficient process and land use regulations implementing HB 5258, which requires jurisdictions to adopt review processes for bifurcating ownership of a primary structure into separately owned unit lots or otherwise owned in common by the respective owners of the lots.
- 13) Reduce maximum requirements for parking or eliminate them entirely, which as applied, would prohibit construction or redevelopment of AADUs and DADUs.

In addition to the requests and considerations above, our clients request the allowance for tiny homes as a continued effort to expand affordable housing options. In doing so, we request prefabricated DADUs be permitted, provided they comply with state standards. Our clients have encountered multiple jurisdictions' land use codes, which do not define "tiny home" as a "use" and thus no zoning or process pathway exists for construction or siting of such as a permitted use or a conditionally permitted use. Alternative to treating tiny homes as a specified use in zoning charts, allowance of tiny homes as AADUs or DADUs would provide more certainty for developers during the design and review phase of construction.

In conclusion, our clients seek streamlined permitting processes where developers may act quickly and efficiently during all phases of construction. Efficiency reduces costs for developers and provides certainty, which in turn reduces costs for prospective buyers. All approvals for AADUs and DADUs, to include tiny homes, should be done administratively to avoid delay and reduce review costs. We also highly encourage you to consider incentives for construction or redevelopment of AADUs and DADUs as provision of diverse housing options is critical to Washington State's priority to increase housing affordability.

If you have any questions or need additional information, please do not hesitate to contact me at this office. Thank you.

Respectfully,

Katy Sweeden,
Managing Partner, Land Use & Development
Dimension Law Group, PLLC
Office: 206-973-3500
Email: katy@dimensionlaw.com

CO-Comment Letter-Middle Housing Code Amendments – Party of Record

Joyce Phillips

From: Vanegas, Ted (COM) <ted.vanegas@commerce.wa.gov>
Sent: Wednesday, February 26, 2025 10:15 AM
To: Joyce Phillips
Subject: Commerce 60-day Review - Submittal 2025-S-8067
Attachments: Olympia Co-living Checklist.pdf; Olympia Middle Housing Checklist.pdf; Olympia ADU Housing Checklist.pdf

Hi Joyce,

Thank you for submitting the city's middle housing, ADU, and co-living housing amendments for the 60-day review. We certainly appreciate all the work the city has put into these amendments, and they are very well done. We just have a few comments for the city, which relate to the following:

Middle Housing: Need to modify some definitions and include clarity for a couple regulations.

ADUs: Address owner occupancy and clarity for allowing the sale of ADUs as condominiums.

Co-living: Provide clarity for parking standards.

We reviewed these submittals using the associated checklists, and I've attached those checklists with the comments for your reference.

By the way, I'm a regional planner with Commerce and will be helping support Olympia and Thurston county moving forward. Please don't hesitate to reach out to me if you have any questions or responses to these comments. I'm happy to hop on a phone call or virtual meeting as well if that works best.

Thanks,
-Ted

Ted Vanegas | Senior Planner
Growth Management Services | Washington State Department of Commerce
Olympia, WA

Phone: 360-280-0320

[Growth Management – Washington State Department of Commerce](#)

www.commerce.wa.gov | [Facebook](#) | [Twitter](#) | [LinkedIn](#) | [Subscribe](#)

Email communications with state employees are public records and may be subject to disclosure, pursuant to Ch. 42.56 RCW

ACCESSORY DWELLING UNIT CHECKLIST

This checklist provides the framework Commerce regional planners and local jurisdictions will use to review periodic update submissions. **This checklist is NOT required to be completed by each jurisdiction;** it is an additional tool to help meet the intent of the statute.

Allow two ADUs per lot within urban growth areas (UGAs) by six months after the next periodic update due date.

If a city or county does not amend its rules to be consistent with the law, the statute will "supersede, preempt and invalidate any conflicting local development regulations. HB 1337, passed in 2023.

See Commerce's [Guidance for Accessory Dwelling Units](#). **Questions?** Contact Lilith Vespier at Lilith.Vespier@commerce.wa.gov 360-890-5100.

Accessory dwelling units (ADU)s		
Code requirements	Consistent? Yes/No	Comment
a. ADU means a dwelling unit located on the same lot as a single-family housing unit, duplex, triplex, townhome or other housing unit. RCW 36.70A.696(6)	Yes	Section 18.02.180(D)(a)(i)
b. 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. RCW 36.70A.696(1)	Yes	Section 18.02.180(D)
c. [WITHIN UGAs] Allows at least two ADUs on all lots that meet the minimum lot size in zoning districts that allow for single-family homes. RCW 36.70A.681(1)(c)	Yes	Section 18.04.060(1) and (6)
d. Allows ADUs in the following configurations and conditions: <ul style="list-style-type: none"> Two attached ADUs such as unit in a basement, attic, or garage; or 	Yes	Section 18.04.060(3) and (4)

<ul style="list-style-type: none"> One attached ADU and one detached ADU; or Two detached ADUs, which may be comprised of either one or two detached structures <p>Exception: 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. RCW 36.70A.681(3)</p>		
e. Allows conversion of an existing structure, such as a detached garage. RCW 36.70A.681(1)(j)	Yes	<p>Section 18.04.060(5) includes the conversion of existing structures</p> <p>This statute must allow conversions even if the setbacks or lot coverage are nonconforming for the structure</p>
f. Does not allow ADUs in locations where development is restricted under other laws, rules, or ordinances due to physical proximity to on-site sewage system infrastructure, critical areas or other unsuitable physical characteristics of a property. RCW 36.70A.680(4&5) and RCW 36.70A.681		<p>TBD</p> <p>Section 18.04.080(E) discusses developments without sewer</p> <p>Please note that ADU's are allowed within portion of critical area properties, just not within the critical area itself</p>
g. [WITHIN UGAs] Allows a gross floor area of at least 1,000 square feet. RCW 36.70A.681(1)(f)	Yes	Section 18.04.060(3)
h. Roof height limits on an ADU are greater than or equal to 24 feet. Exception: when the height limitation on the principal unit is less than 24 feet. In this case, a city or county may not require the roof height limitation for an ADU to be less than the height limit for the principal unit. RCW 36.70A.681(1)(g)	Yes	Table 4.04
i. Requirements for setbacks, yard coverage limits, tree retention mandates, restrictions on entry door locations, aesthetic requirements, or requirements for design review are not more restrictive for ADUs than those for principal units. RCW 36.70A.681(1)(h)	Yes	<p>Section 18.04.060(A)(6) addresses lot coverage and tree density</p> <p>Section 18.04.080(H)(5)(b) on page 75 includes setbacks</p>

<p>j. Allows detached ADUs to be sited at a lot line if the lot line abuts a public alley. Exception: if the city or county routinely plows snow on the public alley. RCW 36.70A.681(1)(i)</p>		<p>TBD</p> <p>Section 18.04.080(H)(4) and (5) includes ADUs may be located in a required rear yard setback if an alley was located within the rear, then this RCW would be met. Zero setbacks can occur under certain standards, which would allow align with the RCW</p> <p>Recommend adding clarity for ADUs abutting a public alley</p>
<p>k. [WITHIN UGAs] Does not require owner occupancy, unless used for short term rentals. RCW 36.70A.680(5)(a)</p> <p><i>Note: RCW 36.70A.696(9) defines owner as any person who has at least 50% ownership in a property on which an ADU is located.</i></p>	<p>No</p>	<p>Section 18.04.060(L)</p>
<p>l. Allows sale by condominium. RCW 36.70A.681(1)(k)</p>		<p>TBD</p> <p>Condominiums are not address specifically for ADUs and are more outline within ULS</p> <p>Recommend clarifying that ADUs are allowed to be sold as condominiums</p>
<p>m. Parking limits:</p> <p>Does not require off street parking within one-half mile of a major transit stop. RCW 36.70A.681(2)(a)(i)</p> <p>Exceptions:</p> <ul style="list-style-type: none"> If an empirical parking study showing that meeting these requirements would be significantly less safe to pedestrians, drivers etc. is certified by Commerce. RCW 36.70A.681(2)(b)(i) 	<p>Yes</p>	<p>Does not have major transit stops within city limits and more options are provided through the frequent stops</p> <p>ADUs do not require parking per Chapter 18.38</p>

<ul style="list-style-type: none"> Areas within a one-mile radius of Seattle-Tacoma International Airport. RCW 36.70A.681(2)(b)(ii) 		
<p>n. Parking based on lot size:</p> <p>Does not require more than one off-street parking space per ADU on lots equal to or smaller than 6,000 square feet before any zero lot line subdivisions or lot splits. RCW 36.70A.681(2)(a)(ii)</p> <p>o. Does not require more than two off-street parking spaces per ADU on lots greater than 6,000 square feet before any zero lot line subdivisions or lot splits. RCW 36.70A.681(2)(a)(iii)</p> <p>Exceptions:</p> <ul style="list-style-type: none"> If an empirical parking study showing that meeting these requirements would be significantly less safe to pedestrians, drivers etc. is certified by Commerce. RCW 36.70A.681(2)(b)(i) Areas within a one-mile radius of Seattle-Tacoma International Airport. RCW 36.70A.681(2)(b)(ii) 	Yes	ADUs do not require parking per Chapter 18.38
<p>p. Impact fees on the construction of accessory dwelling units are less than or equal to 50 percent of the impact fees that would be imposed on the principal unit. RCW 36.70A.681(1)(a)</p>	Yes	Section 15.04.040

CO-LIVING CHECKLIST

This checklist provides the framework Commerce regional planners and local jurisdictions will use to review periodic update submissions. **This checklist is NOT required to be completed by each jurisdiction;** it is an additional tool to help meet the intent of the statute.

The Washington Legislature passed Engrossed 2nd Substitute House Bill 1998 (“E2SHB 1998”, commonly referred to as “HB 1998”) in 2024. The provisions of HB 1998 are codified in RCW 36.70A.535. Cities and counties planning under the Growth Management Act are required to adopt development regulations allowing co-living as a permitted use on any lot located within an urban growth area that allows at least six multifamily residential units, including on a lot zoned for mixed-use development. The bill provides standards for unit size, parking, density, fees, and other development regulations.

The requirements of co-living are applicable to all “fully planning” counties and the cities and towns within those counties. To know if your community is in a fully planning county, visit the Commerce [interactive map](#).

A city or county subject to the requirements of this section must adopt or amend by ordinance and incorporate into their development regulations, zoning regulations, and other official controls the requirements of this section to take effect no later than December 31, 2025, or the requirements of RCW 36.70A.535 [will supersede, preempt, and invalidate](#) any conflicting local development regulations. [RCW 36.70A.535\(9-10\)](#)

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

For more information on co-living and how to incorporate it into local regulations, see Commerce’s [guidance for co-living](#).

Questions? Contact Lilith Vespier at Lilith.Vespier@commerce.wa.gov 360-890-5100.

CO-LIVING CHECKLIST

Code requirements for fully-planning cities and counties	Consistent? Yes/No	Comment
<p>a. Co-living housing means <i>a residential development with sleeping units that are independently rented and lockable and provide living and sleeping space, and residents share kitchen facilities with other sleeping units in the building.</i></p> <p>Local governments may use other names to refer to co-living housing, such as congregate living facilities, single room occupancy, rooming house, boarding house, lodging house, or residential suites. RCW 36.70A.535(11)(a)</p>	Yes	
<p>b. Allows co-living housing as a permitted use on any lot within an urban growth area that allows at least six multifamily residential units. This includes lots zoned for mixed-use development. RCW 36.70A.535(1)</p>	Yes	
<p>c. Treats a sleeping unit in co-living housing as less than or equal to one-quarter of a dwelling unit for purposes of calculating dwelling unit density. RCW 36.70A.535(7)</p>	Yes	
<p>d. Does not require co-living housing to contain room dimensional standards larger than those required by the state building code. This includes dwelling unit size, sleeping unit size, room area, and habitable space. RCW 36.70A.535(2)(a)</p>	Yes	No dimensional standards identified regarding co-living within submittal
<p>e. Does not require co-living housing to provide a mix of unit sizes or number of bedrooms. RCW 36.70A.525(2)(b).</p>	Yes	No requirement to provide a mix of co-living housing identified within submittal
<p>f. Does not require co-living housing to include other uses. RCW 36.70A.535(2)(c)</p>	Yes	No requirement for other uses identified with co-living within submittal
<p>g. Does not require any development regulations for co-living housing that are more restrictive than those required for other types of multifamily housing in the same zone. RCW 36.70A.535(4)</p>	Yes	No development regulations identified restricting co-living within submittal

h. May only require a review, notice, or public meeting for co-living housing that is required for other types of residential uses in the same location, unless otherwise required by state law. This includes shoreline regulations under RCW 90.58 . RCW 36.70A.535(5) .	Yes	Additional review, notice or public hearing for co-living not stated within submittal
i. Does not exclude co-living housing from participating in affordable housing incentive programs under RCW 36.70A.540. RCW 36.70A.535(6)	Yes	No exclusion from participating in housing incentive programs found within submittal
j. Treats a sleeping unit in co-living housing as less than or equal to one-half of a dwelling unit for purposes of calculating fees for sewer connections. Exception: if the city or county makes a finding, based on facts, that the connection fees should exceed the one-half threshold. RCW 36.70A.535(8)	Yes	Section 13.08.190(B)(5)(a)
k. Parking limits: Does not require off-street parking for co-living housing within one-half mile walking distance of a major transit stop. RCW 36.70A.535(3)(a)(i) Exceptions: <ul style="list-style-type: none"> • If an empirical parking study demonstrating that meeting these requirements would be significantly less safe to pedestrians, drivers etc. is certified by Commerce. RCW 36.70A.535(3)(b) • Portions of cities within a one-mile radius of Seattle-Tacoma International Airport. RCW 36.70A.535(3)(b) 	Yes	No extra parking identified for co-living within submittal
l. Parking limits: Does not require more than 0.25 off-street parking spaces per sleeping unit for co-living housing. RCW 36.70A.535(3)(a)(ii) Exceptions: <ul style="list-style-type: none"> • If an empirical parking study demonstrating that meeting these requirements would be significantly less safe to pedestrians, drivers etc. is certified by Commerce. RCW 36.70A.535(3)(b) 		TBD No parking specifically called out for co-living Recommend adding language for co-living to meet this RCW

<ul style="list-style-type: none">• Portions of cities within a one-mile radius of Seattle-Tacoma International Airport. RCW 36.70A.535(3)(b)		
---	--	--

MIDDLE HOUSING CHECKLIST

Overview: This checklist provides the framework Commerce regional planners will use to review all relevant development regulation submissions. **This checklist is NOT required to be completed by each jurisdiction;** it is an additional tool to help local planners meet the intent of the statute.

The Tier 1 provisions in this checklist apply to cities with a population of at least 75,000 based on 2020 Office of Financial Management population estimates. Tier 2 provisions apply to cities with a population of at least 25,000 but less than 75,000 based on 2020 Office of Financial Management population estimates. Tier 3 provisions apply to cities with a population of less than 25,000, that are within a contiguous urban growth area with the largest city in a county with a population of more than 275,000, based on 2020 Office of Financial Management population estimates.

Timeline: Local codes should be updated to reflect all applicable requirements by six months after the deadline for the city's next periodic comprehensive plan and development regulation update required under RCW [36.70A.130](#). Local codes not updated by this timeline will be invalidated and superseded by the appropriate version of the Commerce Middle Housing Model Ordinance until the city takes all actions necessary to implement RCW 36.70A.635.

Guidance: Information on implementing middle housing requirements may be found on the Commerce Planning for Middle Housing web page: [Planning for Middle Housing – Washington State Department of Commerce](#)

Questions: Contact Lilith Vespier at Lilith.vespier@commerce.wa.gov or (509)-606-3530.

Definitions

The statutory definitions in this section are needed to implement middle housing requirements under state law

Code requirement	Consistent? Yes/No	Changes needed?
Administrative design review means a development permit process whereby an application is reviewed, approved, or denied by the planning director or the planning director's designee based solely on objective design and development standards without a public pre-decision hearing, unless such review is otherwise required by state or federal law, or the structure is a designated landmark or historic district established under a local preservation ordinance. A city may utilize public meetings, hearings, or voluntary review boards to consider, recommend, or approve requests for variances from locally established design review standards. RCW 36.70A.030 (3)	Yes	Section 18.100.060 and Section 18.100.090
Cottage housing means residential units on a lot with a common open space that either: (a) Is owned in common; or (b) Has units owned as condominium units with property owned in common and a minimum of 20 percent of the lot size as open space. RCW 36.70A.030 (9)	No	Section 18.02.180(D)(a)(vi) or section 18.04.060(H) does not include 20% open space Recommend adding the minimum of 20 percent of the lot size as open space per this RCW to cottage house standards
Courtyard apartments means attached dwelling units arranged on two or three sides of a yard or court. RCW 36.70A.030 (10)	Yes	Section 18.02.180(D)(a)(vii)
Major transit stop means a stop on a high capacity transportation system funded or expanded under the provisions of chapter 81.104 RCW, commuter rail stops, stops on rail or fixed guideway systems, and stops on bus rapid transit routes, including bus rapid transit routes under construction. RCW 36.70A.030 (25)	Yes	No major transit stops within city limits
Middle housing means buildings that are compatible in scale, form, and character with single-family houses and contain two or more attached, stacked, or clustered homes including duplexes, triplexes, fourplexes, fiveplexes, sixplexes, townhouses, stacked flats, courtyard apartments, and cottage housing. RCW 36.70A.030 (26)	Yes	Section 18.02.180(D)(a)(viii) does not include cottage housing within definition, but listed separately as an option
Single-family zones means those zones where single-family detached residences are the predominant land use. RCW 36.70A.030 (39)	Yes	Table 4.01
Stacked flat means dwelling units in a residential building of no more than three stories on a residential zoned lot in which each floor may be separately rented or owned. RCW 36.70A.030 (40)		TBD

		Does not include definition in submittal as one of the six required middle housing types
<p>Townhouses means buildings that contain three or more attached single-family dwelling units that extend from foundation to roof and that have a yard or public way on not less than two sides. RCW 36.70A.030 (41)</p>	No	<p>Section 18.02.180(D)(a)(xv) does not include yard space or public way within definition</p> <p>Recommend adding the yard space or public way language to definition</p>

Lots zoned predominantly for residential use

Requirements in this table should be applied to all lots zoned predominantly for residential use, and represent the minimum requirements necessary to meet state law

Code requirement	Consistent? Yes/No	Changes needed?
<p>Allows at minimum the following permitted unit per lot densities:</p> <ul style="list-style-type: none"> TIER 1 CITIES: (1) Four units per lot, (2) six units per lot on all lots within one-quarter mile walking distance of a major transit stop, (3) six units per lot if at least two units on the lot are affordable housing as defined below TIER 2 CITIES: (1) Two units per lot, (2) four units per lot on all lots within one-quarter mile walking distance of a major transit stop, (3) four units per lot if at least one unit on the lot is affordable housing as defined below TIER 3 CITIES: Two units per lot <p>Exempts lots below 1,000 square feet after subdivision, unless the city has enacted an allowable lot size below 1,000 square feet in the zone. RCW 36.70A.635(1)(a - c)</p>	Yes	<p>Section 18.04.080(A)(1)(a)(i) allows up to four units per lot in all residential zoning districts</p> <p>No major transit stops within city limits and section</p>
<p>For Tier 1 and 2 cities, requires units qualifying for affordable housing provisions to meet the following standards, per RCW 36.70A.635(2):</p> <ul style="list-style-type: none"> Housing costs do not exceed 30% of the monthly income of a household making at or below 60% of median household income for rental housing, or 80% of median household income for owner-occupied housing for the county where the household is located. Median household income is as reported by the United States Department of Housing and 	Yes	Section 18.04.080(A)(1)(a)

<p>Urban Development. Housing costs include utilities other than telephone. Median household incomes are adjusted for household size.</p> <ul style="list-style-type: none"> • A covenant or deed restriction ensures that units are maintained as affordable for a term of at least 50 years, consistent with the conditions in chapter 84.14 RCW. • A covenant or deed restriction addresses criteria and policies to maintain public benefit if the property is converted to a use other than affordable housing. • Affordable units are provided in a format comparable to other units in the development, including in range of size, number of bedrooms, functionality, and distribution throughout the development. <p>* If a city has enacted a program under RCW 36.70A.540, then the terms of that program govern to the extent they vary from the requirements of RCW 36.70A.635(2). However, programs under RCW 36.70A.540 are not to substitute for the Tier 1 and Tier 2 cities' middle housing affordable housing density requirement.</p>		
<p>For Tier 1 and Tier 2 cities, allows at least six of the nine types of middle housing by-right in all zones predominantly for residential use: duplexes, triplexes, fourplexes, fiveplexes, sixplexes, townhouses, stacked flats, courtyard apartments, cottage housing. RCW 36.70A.635(5)</p> <p>For Tier 3 cities, allows all middle housing types that meet the two unit per lot density requirements in RCW 36.70A.635(1)(c) (i.e. duplex, stacked flats, courtyard apartments, cottage housing) by-right in all zones predominantly for residential use. RCW 36.70A.635(5)</p>	Yes	
<p>Allows zero lot line short subdivisions where the number of lots created is equal to the required unit density. RCW 36.70A.635(5)</p>	No	Not seeing this RCW addressed within submittal
<p>Reviews compliance with middle housing design standards using an administrative design review process. RCW 36.70A.635(6)(a)</p>	Yes	
<p>Does not require more restrictive development regulations for middle housing than those required for detached single-family residences. RCW 36.70A.635(6)(b)</p>	Yes	This RCW statement is not explicitly stated, but submittal refers to "all residential zones/uses" throughout
<p>Applies the same development permit and environmental review processes to middle housing as those applied to detached single-family residences, unless otherwise required by state law. RCW 36.70A.635(6)(c)</p>		<p>TBD</p> <p>This RCW statement is not explicitly stated, but typically done through permitting</p>

		Recommend adding statement consistent with this RCW
Does not require off-street parking within one-half mile walking distance of a major transit stop. RCW 36.70A.635(6)(d)	Yes	Does not have major transit stops within city limits and more options are provided through the frequent stops
Requires no more than one off-street parking space per unit on lots 6,000 square feet or less, before any zero lot line subdivisions or lot splits. RCW 36.70A.635(6)(e)	Yes	Chapter 18.38 addresses 0.5 spaces per unit, and nothing addressed within submittal
Requires no more than two off-street parking spaces on lots greater than 6,000 square feet before any zero lot line subdivisions or lot splits. RCW 36.70A.635(6)(f)	Yes	Chapter 18.38 addresses 0.5 spaces per unit, and nothing addressed within submittal
For cottage housing , requires a minimum of 20 percent of the lot be common open space. The common open spaced must be owned in common or has condominium units with property owned in common.	No	Section 18.02.180(D)(a)(vi) or section 18.04.060(H) does not include 20% open space Recommend adding the minimum of 20 percent of the lot size as open space per this RCW
For courtyard apartments , requires at least one yard or court, which must be bordered by attached dwelling units on two or three sides.	Yes	Section 18.04.060(II)
For townhouses , requires at least three attached single family dwelling units that extend from the foundation to roof and have a yard or public way on not less than two sides.	Yes	

Exemptions

As applicable, local code should specify the following exemptions to middle housing requirements

Code requirement	Consistent? Yes/No	Changes needed?
<p>Exempts the following areas from the middle housing requirements of RCW 36.70A.635:</p> <ul style="list-style-type: none"> • Portions of a lot, parcel, or tract designated with critical areas designated under RCW 36.70A.170 or their buffers as required by RCW 36.70A.170, except for critical aquifer recharge areas where a single-family detached house is an allowed use provided that any requirements to maintain aquifer recharge are met. • Watersheds 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)). • Lots designated as urban separators by countywide planning policies as of July 23, 2023. • A lot that was created through the splitting of a single residential lot. • Areas designated as sole-source aquifers by the United States Environmental Protection Agency on islands in the Puget Sound. 		<p>TBD</p> <p>Not seeing this addressed within submittal</p> <p>Recommend verifying in other parts of code this is addressed otherwise may need to add language to be consistent with these RCWs</p>
<p>Exempts the following areas from parking standards for middle housing, per RCW 36.70A.635(7):</p> <ul style="list-style-type: none"> • Portions of the city for which the Department of Commerce has certified a parking study in accordance with RCW 36.70A.635(7)(a), in which case off-street parking requirements are as provided in the certification from the Department of Commerce. • Areas within a one-mile radius of Seattle-Tacoma International Airport. RCW 36.70A.635(7)(b). 	N/A	