

WA Dept of Commerce 60-Day Regulatory Review Comments- April 23, 2025

Middle Housing and Accessory Dwelling Unit Code Amendments

Hi Mark,

I hope you are doing well. Thanks for your submittal on middle housing and ADU's (2025-S-8174). The drafts were reviewed by our housing team, and we'd like to offer the following comments for your consideration to be consistent with the statutory guidelines.

- ADU's
 - 18.08.030 and .033 include subordinate in floor area to single[1]family dwelling unit. We recommend including middle housing types to ADU definition and removing subordinate in floor area to be more consistent with state statute.
 - Section 18.50.060(E) has a 15-foot setback from the rear property line. We recommend adding language that ADU's can be sited at the lot line when abutting a public alley, if it is not routinely snow plowed.
 - 18.50.050(H) states one off-street parking space unless within a quarter mile, statutory guidance in [RCW 36.70A.681\(2\)\(a\)\(i\)](#) does not require off-street parking within ½ mile so we recommend using ½ mile to be consistent and removing the director's discretion to require within ¼ mile as neither is consistent with guidance. See more on page 13 of Commerce's [ADU guidance](#).
 - We did not find language allowing for sale by condominium as in [RCW 36.70A.681\(1\)\(k\)](#). We recommend adding to 18.50.050 for clarification.
 - We recommend reviewing code to ensure any impact fees on construction of ADU's are less than or equal 50 percent of impact that would be imposed on the principal unit per RCW [36.70A.681\(1\)\(a\)](#)
- Middle Housing
 - Please note that middle housing state law exempts certain areas from middle housing requirements per [RCW 36.70A.635\(6\)\(c\)](#). The environmental and development review process will need to be the same for middle housing as single-family residential. It is recommended to review and ensure this is included for your jurisdiction. For further information see page 101 of the [middle housing user guide](#)

Thanks—please let us know if we can answer any questions or provide clarifications either over email or we would be happy to meet as well via MS Teams.

Jeff

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