

**CITY OF MONROE**  
**ORDINANCE NO. 009/2025**

AN ORDINANCE OF THE CITY OF MONROE, WASHINGTON, AMENDING MONROE MUNICIPAL CODE CHAPTER 22.12 MMC DEFINITIONS, CHAPTER 22.16 MMC SINGLE-FAMILY RESIDENTIAL ZONING DISTRICTS, CHAPTER 22.34 MMC LIMITED OPEN SPACE ZONING DISTRICT, CHAPTER 22.80 MMC CRITICAL AREAS AND, AND CHAPTER 22.84 MMC PERMIT PROCESSING; RELATING TO EASING BARRIERS FOR CONSTRUCTION FOR ACCESSORY DWELLING UNITS (ADUS) IN COMPLIANCE WITH HOUSE BILL HB 1337; SETTING FORTH LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

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WHEREAS, during its 2023 session, the Washington State Legislature passed, and the Governor signed, HB 1337, codified into the Revised Code of Washington (“RCW”) as RCW 36.70A.680 and 36.70A.681, “which intends to ease barriers to the construction and use of [Accessory Dwelling Units] ADUs”; and

WHEREAS, cities must amend their development regulations to ease barriers for construction of ADUs in compliance with ESHB 1337 within six months of adopting periodic amendments to their comprehensive plans; and

WHEREAS, the City of Monroe must amend Monroe Municipal Code (MMC) 22.12, 22.16.030, 22.16.050, 20.34, 20.80.050, and 22.84 to provide for easing the barriers for construction of ADUs in compliance with ESHB 1337; and

WHEREAS, all proposals to construct ADUs must meet generally applicable health and safety standards, including but not limited to, building code, fire, and life safety standards; and

WHEREAS, the City’s proposed amendments were transmitted to the Washington State Department of Commerce for state agency review, in accordance with RCW 36.70A.106, on April 10, 2025; and

WHEREAS, on January 27, 2025, the Planning Commission held a workshop to review the proposed code amendments set forth in this ordinance; and

WHEREAS, on February 5, 2025, an introduction to the proposed code amendments was presented to the Community Human Services Advisory Board; and

WHEREAS, on March 13, 2025, an introduction to the proposed code amendments was presented to the Transportation/Planning, Parks & Recreation and Public Works (P3) Committee; and

WHEREAS, under RCW 43.21C.450(5), the code amendments contained in this ordinance are categorically exempt from review under the State Environmental Policy Act (SEPA); and

WHEREAS, the Planning Commission held a public hearing on April 14, 2025, to consider the proposed amendments, and all persons desiring to comment on the proposal were given a full and complete opportunity to be heard at said hearing; and

WHEREAS, the Planning Commission on May 12, 2025, adopted Findings of Fact, authorized the Chair of the Planning Commission to sign the Findings of Fact on behalf of the Commission, and recommended that the City Council approve the proposed amendments set forth herein; and

WHEREAS, the City Council held a public hearing on May 20, 2025, to consider the proposed amendments, and all persons desiring to comment on the proposal were given a full and complete opportunity to be heard at said hearing; and

WHEREAS, the City Council continued the public hearing to June 10, 2025, and provided additional opportunity for public input and deliberation on the proposed amendments;

WHEREAS, the Monroe City Council, after considering all information received, has determined to adopt the amendments as provided in this ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MONROE, WASHINGTON, HEREBY ORDAINS AS FOLLOWS:

Section 1. Findings. The above recitals, together with the Planning Commission Findings of Fact and Conclusions of Law dated May 12, 2025, and the content of Agenda Bill AB25-285, are hereby adopted as legislative findings in support of this ordinance. The Monroe City Council further finds as follows:

- A. The Planning Commission held a public hearing on the substance of this ordinance on April 14, 2025, and recommended adoption by the City Council.
- B. The City is authorized by State law, including but not limited to Chapter 35A.63 RCW and Chapter 36.70A RCW, to adopt local regulations governing the use and development of land.
- C. The regulations set forth in this ordinance have been processed and considered by the City in material compliance with all applicable procedural requirements, including but not limited to requirements related to public notice and comment.
- D. All relevant requirements of SEPA have been satisfied with respect to this ordinance.

- E. The City Council has carefully considered, and the regulations set forth in this ordinance satisfy, the review requirements and criteria set forth in Title 22 MMC.
- F. In adopting this ordinance, the City considered and was guided by the applicable GMA planning goals enumerated at RCW 36.70A.020.
- G. The regulations set forth in this ordinance are consistent with and will implement the City's Comprehensive Plan and will meet the requirements and intent of the MMC.
- H. The regulations set forth in this ordinance are beneficial to the public health, safety, and welfare, and are in the public interest.

Section 2. Amendment of MMC 22.12. Chapter 22.12 of the Monroe Municipal Code is hereby amended as provided in Exhibit A, attached hereto and incorporated herein by this reference as if set forth in full. New text is indicated by underline, and deleted text is indicated by ~~striketrough~~. Without limitation of the foregoing, it is the City Council's express legislative intent that no preexisting text of Chapter 22.12 MMC be deemed deleted or otherwise repealed by this ordinance unless such text is affirmatively ~~struck through~~ in Exhibit A.

Section 3. Amendment of MMC 22.16.030. Section 22.16.030 of the Monroe Municipal Code is hereby amended as provided in Exhibit B, attached hereto and incorporated herein by this reference as if set forth in full. New text is indicated by underline, and deleted text is indicated by ~~striketrough~~. Without limitation of the foregoing, it is the City Council's express legislative intent that no preexisting text of Section 22.16.030 MMC be deemed deleted or otherwise repealed by this ordinance unless such text is affirmatively struck through in Exhibit B.

Section 4. Amendment of MMC 22.16.050. Section 22.16.050 of the Monroe Municipal Code is hereby amended as provided in Exhibit C, attached hereto and incorporated herein by this reference as if set forth in full. New text is indicated by underline, and deleted text is indicated by ~~striketrough~~. Without limitation of the foregoing, it is the City Council's express legislative intent that no preexisting text of Section 22.16.050 MMC be deemed deleted or otherwise repealed by this ordinance unless such text is affirmatively struck through in Exhibit C.

Section 5. Amendment of MMC 22.34. Chapter 22.34 of the Monroe Municipal Code is hereby amended as provided in Exhibit D, attached hereto and incorporated herein by this reference as if set forth in full. New text is indicated by underline, and deleted text is indicated by ~~striketrough~~. Without limitation of the foregoing, it is the City Council's express legislative intent that no preexisting text of Chapter 22.34 MMC be deemed deleted or otherwise repealed by this ordinance unless such text is affirmatively struck through in Exhibit D.

Section 6. Amendment of MMC 22.80.050. Section 22.80.050 of the Monroe Municipal Code is hereby amended as provided in Exhibit E, attached hereto and incorporated herein by this reference as if set forth in full. New text is indicated by

underline, and deleted text is indicated by ~~strike~~through. Without limitation of the foregoing, it is the City Council's express legislative intent that no preexisting text of Section 22.80.050 MMC be deemed deleted or otherwise repealed by this ordinance unless such text is affirmatively struck through in Exhibit E.

Section 7. Amendment of MMC 22.84. Chapter 22.84 of the Monroe Municipal Code is hereby amended as provided in Exhibit F, attached hereto and incorporated herein by this reference as if set forth in full. New text is indicated by underline, and deleted text is indicated by ~~strike~~through. Without limitation of the foregoing, it is the City Council's express legislative intent that no preexisting text of Chapter 22.84 MMC be deemed deleted or otherwise repealed by this ordinance unless such text is affirmatively struck through in Exhibit F.

Section 8. Copy to the Department of Commerce. Pursuant to RCW 36.70A.106, a true and correct copy of this ordinance shall be transmitted to the WA Department of Commerce, Growth Management Services Division, within ten days after adoption.

Section 9. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by State or federal law or regulation, such decision or pre-emption shall not affect the validity or enforceability of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 10. Effective Date. This ordinance shall be in full force and effect five (5) days from and after its passage and approval and publication as required by law.

PASSED by the City Council and APPROVED by the Mayor of the City of Monroe, at a regular meeting held this 24<sup>th</sup> day of June, 2025.

First Reading: 06/10/2025  
Adoption: 06/24/2025  
Published: June 28, 2025  
Effective: July 3, 2025

CITY OF MONROE, WASHINGTON:

  
Geoffrey Thomas (Jun 26, 2025 11:54 PDT)

Geoffrey Thomas, Mayor

ATTEST:

APPROVED AS TO FORM:

  
Jodi Wycoff (Jun 26, 2025 14:03 PDT)

Jodi Wycoff, City Clerk

  
Zach Lell (Jun 25, 2025 14:47 PDT)

J. Zachary Lell, City Attorney

## Exhibit A

### 22.12 Definitions.

<b>Dwelling unit, accessory</b>	<del>A <u>dwelling unit located on the same lot as a single-family housing unit, duplex, triplex, townhome, or other housing unit, separate living unit attached to or contained within the structure of the primary dwelling unit or detached from the primary dwelling unit, but located on the same lot, and which includes permanent provisions for living, sleeping, eating, cooking, and sanitation.</u></del>
<b><u>Dwelling unit, accessory, attached</u></b>	<u>An accessory dwelling unit located within or attached to a single-family housing unit, duplex, triplex, townhome, or other housing unit.</u>
<b><u>Dwelling unit, accessory, detached</u></b>	<u>An accessory dwelling unit that consists partly or entirely of a building that is separate and detached from a single-family housing unit, duplex, triplex, townhome, or other housing unit and is on the same property.</u>
<b><u>Gross floor area</u></b>	<u>The interior habitable area of a dwelling unit including basements and attics but not including a garage or accessory structure.</u>
<b>Floor area</b>	The sum of the gross horizontal areas of the floors of a building or buildings, measured from the exterior walls and from the centerline of divisions, shafts and stairwells at each floor, mechanical equipment rooms or attic spaces with headroom of seven feet, six inches or more, penthouse floors, interior balconies and mezzanines, enclosed porches, and malls. "Floor area" shall not include accessory water tanks and cooling towers, mechanical equipment or attic spaces with headroom of less than seven feet, six inches, exterior steps or stairs, terraces, breezeways and open spaces.
<b>Dwelling unit, attached</b>	Any residential building structurally connected by any structural members or wall, excluding decks, patios, fences, arbors and similar features; and containing three or more attached units that may include triplexes, fourplexes, apartments, townhouses, condominiums, and the like.
<b>Dwelling unit, detached</b>	A detached residential structure having a permanent foundation, containing one dwelling unit. <u>Detached dwelling unit is interchangeable with single-family dwelling or home.</u>

<b>Dwelling unit</b>	A <del>single</del> residential living unit <u>that provides</u> complete independent living facilities for one or more persons, <u>and that includes</u> permanent provisions for living, sleeping, eating, cooking, and sanitation.
<b>Dwelling unit, duplex</b>	A structure containing not more than two attached dwelling units. The units must share a common wall with the adjacent unit that extends from foundation to roof, or a common floor/ceiling. This definition does not include single-family dwellings within an approved accessory dwelling unit.
<b>Major transit stop</b>	Means: <ul style="list-style-type: none"> <li>A. <del>A</del> <u>A stop on a high capacity transportation system funded or expanded under the provisions of chapter 81.104 RCW;</u></li> <li>B. Commuter rail stops;</li> <li>C. Stops on rail or fixed guideway systems, including transitways;</li> <li>D. Stops on bus rapid transit or routes that run on high occupancy vehicle lanes; <u>or</u>;</li> <li>E. Stops for a bus or other transit modes providing fixed-route service at intervals of at least fifteen minutes <u>for at least five hours during the peak hours of operation on weekdays.</u></li> </ul>
<b>Owner</b>	Any person who has at least fifty percent ownership in a property on which an accessory dwelling unit is located.
<b>Principal Unit</b>	<u>The single-family housing unit, duplex, triplex, townhome, or other housing unit located on the same lot as an accessory dwelling unit.</u>
<b>Short-Term Rental</b>	A lodging use that is not a hotel or motel or bed and breakfast, in which a dwelling unit, or portion thereof, is offered or provided to a guest by a short-term rental operator for a fee for fewer than thirty consecutive nights.
<b>Single-family zones</b>	<u>Residential zones where detached housing is the predominant land use. These zoning districts allow detached dwelling units as a permitted or conditionally permitted use, including Residential – 7 units per acre (R7), Residential – 15 units per acre (R15), and Limited Open Space (LOS) zoning districts.</u>

## EXHIBIT B

**Table 22.16.030. Land Use in the Single-Family Residential Zoning Districts**

Conforming Use	<del>Single-Family Residential – 4 Units per Acre (R4)</del>	Single-Family Residential – 7 Units per Acre (R7)	Single-Family Residential – 15 Units per Acre (R15)
<b>1. RESIDENTIAL LAND USES</b>			
Dwelling Units, Accessory	A	A <sup>(2)</sup>	A <sup>(2)</sup>
Dwelling Units, Attached			P
Dwelling Units, Detached	<del>P</del>	P	P
Dwelling Units, Duplex	<del>P</del>	P	
Dwelling Units, Temporary Security Guard	A	A	A
Group Homes	<del>P</del>	P	P
Halfway Houses	<del>EPF</del>	EPF	EPF
Home Occupations	A	A	A
Model Homes and Associated Sales Office	<del>P</del>	P	P
Retirement Housing and Assisted Living Facilities			P

**1 Table Notes:** A land use not explicitly permitted by Table 22.16.030 is prohibited within all single-family residential zoning districts.

**2** Accessory dwelling units are subject to the requirements of MMC [22.16.050](#).

## EXHIBIT C

### 22.16.050 Accessory dwelling units.

A. *Purpose.* The purpose of this chapter is to regulate the establishment of accessory dwelling units within or in conjunction with residential dwelling units while preserving the character of ~~single-family~~ residential neighborhoods. This section is intended to permit the establishment of additional living quarters within residential neighborhoods in order to (1) provide more affordable housing options for renters (2) make it possible for adult children to provide care and support to a parent or other relative in need of assistance, (23) provide increased security and companionship for homeowners, (34) provide the opportunity for homeowners to gain the extra income necessary to help meet the rising costs of home ownership, ~~and/or~~ (45) provide for the care of disabled persons within their own homes and/or, (6) to provide for environmental benefits as accessory dwelling units are, on average, more energy efficient.

#### B. *General Provisions.*

1. *Permit Required.* Any person who occupies or permits another person to occupy an accessory dwelling unit as a place of residence shall first obtain a permit. The permit shall be reviewed and processed in accordance with the requirements of Chapter 22.84 MMC, Permit Processing.

~~2. *Owner Occupancy.* Either the primary dwelling unit or the accessory dwelling unit shall be occupied by an owner of the subject property. Owner occupancy is defined as a property owner, as reflected in title records, who makes his or her legal residence at the site, as evidenced by voter registration, vehicle registration, or similar means, and actually resides at the site more than six months out of any given year, and at no time receives rent for the designated owner-occupied unit.~~

~~3. *Rental of Owner-Occupied Unit.* The owner(s) shall not rent the designated owner-occupied unit, or any portion thereof, at any time for any period during the possession of the accessory dwelling unit (ADU) permit. Such rental shall void the permit.~~

2. *Number Permitted.* A maximum of two accessory dwelling units are permitted in the following configurations:

a. One attached accessory dwelling unit and one detached accessory dwelling unit;

b. Two attached accessory dwelling units; or

c. Two detached accessory dwelling units, which may be comprised of either one or two detached structures.

~~4. — *Number of Occupants.* The total number of occupants in both the primary dwelling unit and accessory dwelling unit combined shall not exceed the maximum number established for a family as defined in Chapter 22.12 MMC, Definitions. The purpose of this limitation is to ensure that the approval of an accessory dwelling unit shall not increase the overall density of the single-family residential neighborhood in which the accessory dwelling unit is located.~~

~~5.3. *Location.* The accessory dwelling unit(s) may be attached to or included within the primary principal dwelling unit, and/or located in a detached structure. Detached accessory dwelling units shall be subordinate in location relative to the primary unit and shall only be located at the side or the rear of the primary dwelling unit. An accessory dwelling unit will be considered to be “detached” from the primary principal dwelling unit if it is surrounded on all sides by open space and does not share a common roof structure with the primary principal unit.~~

~~6. *Minimum Lot Area.* Accessory dwelling units shall only be allowed on lots in single-family residential zoning districts that have a minimum gross lot area of at least three thousand square feet.~~

~~7.4. *Size and Scale.*~~

~~a. *Maximum Floor Area.* The floor area of the accessory dwelling unit In no case shall the total floor area of an accessory dwelling unit, whether attached or detached, shall be limited to the larger of exceed 1000 square feet or fifty percent of the total floor area of the principal dwelling unit, excluding any related garage area. eight hundred square feet or forty percent of the floor area of the primary dwelling unit, whichever is less.~~

~~b. — *Bedrooms.* An accessory dwelling unit shall contain no more than two bedrooms.~~

~~5. *Bulk Requirements.* The accessory dwelling unit shall comply with all applicable bulk requirements in MMC 22.16.040 for single-family zoning districts, 22.18.040 for multifamily zoning districts, 22.20.040 for mixed use zoning districts, 22.22.060 for the Downtown Commercial zoning district, or 22.34.040 for the Limited Open Space zoning district as applicable, except that:~~

~~a. Detached accessory dwelling units may be located at a lot line if the lot line abuts a public alley, unless the city routinely plows snow on the public alley; and-~~

~~e.b. Accessory dwelling units may be converted from existing structures, including but not limited to detached garages, even if they violate current code requirements for setbacks or lot coverage~~

~~8. — *Entrance.* The primary entrance to an attached accessory dwelling unit shall be located in such a manner as to be clearly secondary to the main entrance to the primary~~

~~dwelling unit. The primary entrance to the accessory dwelling unit should be located on the side or rear of the unit when possible.~~

~~9. *Utilities.* Only one electric and one water meter shall be allowed for the entire lot, serving both the primary and accessory dwelling unit.~~

~~10.6. *Parking.* In addition to the number of off-street parking spaces required for the primary principal dwelling unit, which is specified in Chapter [22.44](#) MMC, Parking Standards and Design, one off-street parking space shall be provided for an each accessory dwelling unit unless the applicant can demonstrate the accessory dwelling unit is located within one-half mile walking distance of a major transit stop.~~

~~11.7. *Subdivision.* Accessory dwelling units shall ~~may not~~ be subdivided or otherwise segregated in ownership from the primary dwelling unit, in accordance with the requirements of Monroe Municipal Code Chapter 22.68, Subdivisions. The sale or other conveyance of a condominium unit independent of a principal unit may not be prohibited solely on the grounds that the condominium unit was originally built as an accessory unit.~~

~~12.8. *Compliance with Other Applicable Regulations.* Accessory dwelling units and, if applicable, the portion of the primary principal dwelling unit in which an accessory dwelling unit is proposed shall comply with all applicable provisions of relevant codes, statutes, and regulations, as now or hereafter amended. These codes include, but are not limited to: International Building Code; International Energy Conservation Code, Commercial and Residential; International Existing Building Code; International Residential Code; International Mechanical Code; International Fuel Gas Code; International Fire Code; Uniform Plumbing Code; Chapter [19.27](#) RCW, State Building Code; and MMC Title [15](#), Buildings and Construction.~~

~~13.9. *Exceptions to Ceiling Height.* All existing accessory dwelling units that are located within a dwelling unit, which was legally constructed but does not now comply with current ceiling height requirements of the construction codes set forth in MMC Title [15](#), shall be allowed to continue in their present form.~~

~~14.10. *Nontransferability.* A permit for an accessory dwelling unit shall not be transferable to any site other than the subject site described in the application, except for when an accessory dwelling unit follows the condominium process.~~

~~15.11. *Inspection.* After receipt of a complete application and prior to approval of an accessory dwelling unit, the city shall inspect the property to confirm that all applicable requirements of this code and other codes are met. Upon compliance with the provisions of this section, a permit for an accessory dwelling unit will be issued.~~

C. *Application and Contents.* An application for an accessory dwelling unit shall be made according to the submittal requirements in Chapter [22.84](#) MMC, Permit Processing, on forms prescribed by the city, and shall include the fee established by the current fee resolution. No application shall be deemed complete or accepted by the city until all applicable information in Chapter [22.84](#) MMC, Permit Processing, and set forth below has been submitted:

~~1.— *Affidavit.* An affidavit, signed by the property owner before a notary public, affirming that the owner occupies either the primary dwelling unit or the accessory dwelling unit for more than six months per year.~~

~~2.— *Covenant.* A covenant, in a form acceptable by the city attorney and suitable for recording with the county auditor, providing notice to future owners or long-term lessors of the subject site that the existence of the accessory dwelling unit or the primary unit is predicated upon the occupancy of either the accessory dwelling unit or the primary dwelling unit by the current owner of the property, and that the current owner must have a signed affidavit on file with the city, meeting the requirements of subsection (C)(1) of this section. The covenant shall also require any owner of the property to notify prospective buyers of the limitation of this chapter and to provide for the removal of improvements added to convert the premises to an accessory dwelling in the event that any condition of approval is violated.~~

~~3.— *Completeness.* An application for an accessory dwelling unit permit shall not be issued until a recorded affidavit and covenant, as described above, are submitted to the Monroe community development department.~~

D. *Review Process.*

1. *Permit Type.* Applications for an accessory dwelling unit permit shall follow the procedures for a Type I+ permit review, pursuant to MMC [22.84.030](#), Types of project permits.

~~2.— *Public Notice.* Accessory dwelling unit permits shall be subject to all applicable noticing requirements in MMC [22.84.050](#), Public notice requirements.~~

~~3.— *Public Hearing.* Pursuant to Table 22.84.060(B)(2): Decision-Making and Appeal Authorities, a public hearing is not required for an accessory dwelling unit permit application.~~

~~4.— *Decision.* The final decision authority, as determined by Table 22.84.060(B)(2): Decision-Making and Appeal Authorities, shall approve, approve with conditions, or deny an accessory dwelling unit permit.~~

~~5.3.~~Decision Criteria. An accessory dwelling unit permit shall not be granted by the decision authority unless the applicant demonstrates that the proposal meets all of the following criteria:

- a. Accessory dwelling units shall only be allowed within single-family residential zoning districts, pursuant to this section.
- b. An accessory dwelling unit shall be subordinate to and situated on the same lot as an existing ~~primary~~ principal dwelling unit.
- c. No more than ~~one~~ two accessory dwelling units shall be permitted per lot.
- d. ~~Accessory dwelling units shall only be permitted as subordinate and incidental to detached single-family dwelling units. Accessory dwelling units shall not be permitted within attached dwelling units.~~

~~6.4.~~Conditions of Approval. In approving an accessory dwelling unit permit, the decision authority may attach thereto such conditions that they deem to be necessary or desirable in order to carry out the intent and purposes of this title.

~~7.5.~~Appeals. The action of the decision-making body in granting or denying an accessory dwelling unit permit is a final decision appealable to the appeal authority specified in Table 22.84.060(B)(2): Decision-Making and Appeal Authorities.

~~8.6.~~Elimination. Elimination of a registered accessory dwelling unit may be accomplished by the owner recording a certificate with the recording division of the Snohomish County auditor, which states that the accessory dwelling unit no longer exists on the property.

~~9.7.~~Expiration. The length of time during which an accessory dwelling unit permit is valid shall be determined by Table 22.84.060(E): Project Permit Approval Expiration. An accessory dwelling unit permit shall not be approved for a period of time greater than that which is specified in Table 22.84.060(E), exclusive of any extensions allowed. The date that the permit expires shall be specified in the conditions of approval. Once an accessory dwelling unit permit has been approved and issued by the city, the approved accessory dwelling unit may continue as long as all conditions of permit issuance are met.

~~10.8.~~Extensions. The zoning administrator may grant an extension of the period of accessory dwelling unit permit authorization when requested by the applicant at least sixty days prior the expiration of the accessory dwelling unit permit. Extension requests are subject to the requirements of MMC [22.84.060\(F\)](#), Extensions. Only one extension may be granted for the accessory dwelling unit permit for a period not to exceed the extension period specified in Table 22.84.060(E): Project Permit Approval Expiration. Such an extension shall only be granted by the decision authority upon issuance of

findings that the criteria for extensions in MMC [22.84.060\(F\)](#), Extensions, have been met.

41.9. *Modifications*. Requested modifications to an accessory dwelling unit permit shall be reviewed pursuant to the requirements of MMC [22.84.060\(G\)](#), Substantial Revisions or Modifications to Proposal.

E. *Enforcement*. A permit determined to be in violation of this title, and/or any other applicable permit provisions, permit conditions, rules, or regulations may be revoked, suspended, or modified by the city subject to MMC [22.10.100](#), Review, revocation, and modification of permits and approvals. Revocation of an accessory dwelling unit permit may result from an enforcement action by the city. The accessory dwelling unit may either be converted to another permitted use or be permanently removed from the property. Permits for accessory dwelling units may be revoked under the following circumstances:

1. The accessory dwelling unit is substantially altered and is thus no longer in conformance with the plans and drawings reviewed and approved by the permitting authority and building official.
2. The subject site ceases to maintain the required number of parking spaces.
3. ~~The property owner ceases to reside in either the primary dwelling unit or the accessory dwelling unit for at least six months per year.~~
4. ~~The owner-occupied unit is rented at any time for any period of time.~~
5. ~~The property owner fails to file the affidavit and/or covenant required under subsection [\(C\)](#) of this section.~~

## EXHIBIT D

**Table 22.34.030. Land Use in the Limited Open Space Zoning District**

<b>Conforming Use <a href="#">(1)</a></b>	<b>Limited Open Space (LS)</b>
<b>1. RESIDENTIAL LAND USES</b>	
<b>Dwelling Units, Accessory</b>	A <sup>(2)</sup>
<b>Dwelling Units, Detached</b>	P
<b>Dwelling Units, Temporary Security Guard</b>	A
<b>Group Homes</b>	P
<b>Halfway Houses</b>	EPF
<b>Home Occupations</b>	A
<b>Model Homes and Associated Sales Office</b>	P

**Table Notes:**

1A land use not explicitly permitted by Table 22.34.030 is prohibited in the limited open space zoning district.

2 Accessory dwelling units are subject to the requirements of MMC [22.16.050](#).

## EXHIBIT E

### 22.80.050 Applicability, exemptions, exceptions, and allowed uses.

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B. *Exemptions.* The following developments, activities, and associated uses shall be exempt from the provisions of this chapter, provided they are consistent with the provisions of other local, state, and federal laws and requirements:

1. Development and activities occurring in all isolated Category IV wetlands less than four thousand square feet that:

- a. Are not associated with riparian areas or their buffers;
- b. Are not associated with shorelines of the state or their associated buffers;
- c. Are not part of a wetland mosaic;
- d. Do not score six or more points for habitat function based on the 2014 update to the Washington State Wetland Rating System for Western Washington: 2014 Update (Ecology Publication No. 14-06-029, or as revised and approved by Ecology); and
- e. Do not contain a priority habitat or a priority area for a priority species identified by the Washington Department of Fish and Wildlife, do not contain federally listed species or their critical habitat.

Development and activities occurring in wetlands less than one thousand square feet that meet the above criteria and do not contain federally listed species or their critical habitat are exempt from the buffer provisions contained in this chapter.

2. Emergency activities that threaten public health, safety, welfare, or risk of damage to private property and that require remedial or preventative action in a time frame too short to allow for compliance with the requirements of this chapter.

Emergency actions that create an impact to a critical area or its buffer shall use reasonable methods to address the emergency; in addition, they must have the least possible impact to the critical area and/or its buffer. After the emergency, the person or agency undertaking the action shall fully restore and/or mitigate any impacts to the critical area and buffers resulting from the emergency action in accordance with the approved critical area report and mitigation plan.

3. Single-family residential building permits are exempt from the requirements of this chapter when the development proposal involves:

- a. Structural modification of, addition to or replacement of an existing residential structure or construction of a new residential structure where construction and associated disturbance are clearly equal to or greater than two hundred twenty-five feet from the nearest critical area; or
- b. Structural modification of, addition to, or replacement of an existing residential structure lawfully established prior to the effective date of the ordinance codified in this title that does not meet the building setback or critical area buffer requirements may be approved only if the modification, addition, replacement or related activity is located

away from the critical area and does not increase the existing footprint within the critical area buffer or building setback by more than one thousand square feet; or:

c. Structural modification of, addition to or replacement of an existing accessory dwelling unit or construction of a new accessory dwelling unit where construction and associated disturbance are clearly equal to or greater than two hundred twenty-five feet from the nearest critical area.

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## EXHIBIT F

### 22.84 Permit processing.

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#### 22.84.030 Types of project permits.

For the purpose of project permit processing, all project permit applications shall be classified as one of the following: Type I, Type II, Type III, or Type IV.

A. *Type I Permits.* Type I permits set forth in Table 22.84.060(B)(1): Project Permit Types are minor administrative actions, and are not subject to public notice or a public hearing. Decisions on Type I actions are made by the zoning administrator. Type I project permits include the following actions:

1. Accessory dwelling units shall meet the requirements set out in MMC [22.16.050](#), [Accessory dwelling units](#).
2. Administrative interpretations shall meet the requirements set out in MMC [22.10.060\(A\)\(4\)](#).
3. Final binding site plan reviews shall meet the requirements set out in MMC [22.68.070](#), Binding site plans.
4. Boundary line revisions that are exempt from review under SEPA shall meet the requirements set out in MMC [22.68.060](#), Boundary line revisions.
5. Development permits that are exempt from review under SEPA.
6. Land clearing/forest practices permits that are exempt from review under SEPA shall meet the requirements set out in Chapter [22.86](#) MMC, Land Clearing and Forest Practices.
7. Final short subdivisions shall meet the requirements set out in MMC [22.68.040\(D\)](#), Final Subdivision Process for Preliminary Subdivision and Short Subdivision.
8. Site plan reviews shall meet the requirements set out in Chapter [22.58](#) MMC, Site Plan Review.
9. Final subdivisions shall meet the requirements set out in MMC [22.68.040\(D\)](#), Final Subdivision Process for Preliminary Subdivision and Short Subdivision.
10. Temporary use permits shall meet the requirements set out in Chapter [22.60](#) MMC, Temporary Uses.

B. *Type II Permits.* Type II permits set forth in Table 22.84.060(B)(1): Project Permit Types are major administrative actions subject to public notice. A public hearing is not required. Decisions on Type II actions are made by the zoning administrator. Type II permits include the following actions:

1. Administrative departures shall meet the requirements set out in MMC [22.42.100\(A\)](#).

2. ~~Accessory dwelling units shall meet the requirements set out in MMC [22.16.050](#), Accessory dwelling units.~~

3.2. Preliminary binding site plans for less than ten lots shall meet the requirements set out in MMC [22.68.070](#), Binding site plans.

4.3. Boundary line revisions that are not exempt from review under SEPA shall meet the requirements set out in MMC [22.68.060](#), Boundary line revisions.

5.4. Development permits that are not exempt from review under SEPA.

6.5. Land clearing/forest practices permits that are not exempt from review under SEPA shall meet the requirements set out in Chapter [22.86](#) MMC, Land Clearing and Forest Practices.

7.6. SEPA threshold determinations shall meet the requirements set out in MMC [22.78.080](#), Threshold determinations.

8.7. Shoreline substantial development permits shall meet the requirements set out in MMC [22.82.110](#), Review process and criteria for substantial development permits.

9.8. Preliminary short subdivisions shall meet the requirements set out in MMC [22.68.040\(A\)](#), Preliminary Subdivisions and Short Subdivisions.

10.9. Single-family dwelling exception to development moratoria shall meet the requirements set out in Chapter [22.86](#) MMC, Land Clearing and Forest Practices.

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**Table 22.84.060(B)(1). Project Permit Types**

Type I	Type II	Type III	Type IV
<u>Accessory Dwelling Unit</u>		Administrative Approval (when a Conflict of Interest Exists)	
Administrative Departure (Chapter <a href="#">22.42</a> MMC)	<del>Accessory Dwelling Unit</del>	Binding Site Plan (10+ Lots) – Preliminary	Comprehensive Plan Amendment
Administrative Interpretation		Conditional Use	
Binding Site Plan – Final		Reasonable Use Exception	Unified Development Regulations Amendment
Boundary Line Revision (SEPA exempt)	Binding Site Plan (<10 lots – Preliminary	Removal of a Six-Year Development Moratorium	Area-Wide Zoning Map Amendment (Area-Wide Rezone)

Development Permit (SEPA exempt)	Boundary Line Revision (not SEPA exempt)	Shoreline Conditional Use Permit <sup>2</sup>	Preannexation Zoning <sup>3</sup>
Land Clearing/Forest Practices (SEPA exempt)	Development Permit (not SEPA exempt)	Shoreline Variance <sup>2</sup>	
Short Subdivision – Final	Land Clearing/Forest Practices (not SEPA exempt)	Site-Specific Zoning Map Amendment (Site-Specific Rezone) <sup>4</sup>	
Site Plan Review	SEPA Threshold Determination/EIS Adequacy <sup>1</sup>	Subdivision – Preliminary	
Subdivision – Final	Shoreline Substantial Development	Variance	
Temporary Use	Short Subdivision – Preliminary	Variance from Flood Hazard Regulation	
	Single-Family Dwelling Exception to Development Moratoria		

**Table Notes:**

**1** Appeals based on the substantive authority of SEPA for conditions imposed outside the threshold determination process are appealable to the city council, as required by RCW [43.21C.060](#). Otherwise, appeals of SEPA threshold determinations and EIS adequacy are considered procedural determinations and therefore appealable to the hearing examiner per WAC [197-11-680\(3\)\(iv\)](#).

**2** Shoreline conditional use permits and variances require final approval by the Department of Ecology per Chapter [22.82](#) MMC, Shoreline Management.

**3** City council shall hold two public hearings for a prezone application, as consistent with RCW [35A.14.340](#).

**4** The hearing examiner will hold the open record public hearing and forward a recommendation to the city council. The city council is the final decision-making body, appealable to superior court.

# Ordinance 009 2025 - CA2024-01 - Accessory Dwelling Units - final

Final Audit Report

2025-06-26

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