



Justin Bouffard <tethian@gmail.com>

## Technical Assistance Request: HB 1337 Compliance & Middle Housing ADU Limits (Bothell)

**Vespier, Lilith (COM)** <lilith.vespier@commerce.wa.gov>

Thu, Jan 22, 2026 at 8:24 AM

To: Justin Bouffard <tethian@gmail.com>

Cc: "Fritzel, Anne (COM)" <anne.fritzel@commerce.wa.gov>, "Hodgson, Laura (COM)" <laura.hodgson@commerce.wa.gov>, "McCoy, Catherine (COM)" <catherine.mccoy@commerce.wa.gov>, "Aken, Jeff (COM)" <jeff.aken@commerce.wa.gov>, "Kloba, Shelley (LEG)" <shelley.kloba@leg.wa.gov>

Your interpretation of ADU statute appears consistent with Commerce's guidance.

**Lilith Vespier, AICP** (She/Her) | INFILL HOUSING MANAGER

Phone: (509) 606-3530

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**From:** Justin Bouffard <tethian@gmail.com>

**Sent:** Wednesday, January 21, 2026 4:38 PM

**To:** Vespier, Lilith (COM) <lilith.vespier@commerce.wa.gov>

**Cc:** Fritzel, Anne (COM) <anne.fritzel@commerce.wa.gov>; Hodgson, Laura (COM) <laura.hodgson@commerce.wa.gov>; McCoy, Catherine (COM) <catherine.mccoy@commerce.wa.gov>; Aken, Jeff (COM) <jeff.aken@commerce.wa.gov>; Kloba, Shelley (LEG) <shelley.kloba@leg.wa.gov>

**Subject:** Re: Technical Assistance Request: HB 1337 Compliance & Middle Housing ADU Limits (Bothell)

External Email

Hi Lilith,

Let's simplify this. I want to ensure my reading of the statute is correct before I submit my proposal to the City.

The Facts:

1. Location: The lot is within the UGA.
2. Permitted Use: Bothell's Zoning Table (BMC 12.06.140) explicitly marks "Dwelling units, single-family" as a Permitted (P) use in my zone (R-M2).
3. The Statute: RCW 36.70A.681(1) states The city or county must allow at least two accessory dwelling units on all lots that are located in all zoning districts within an urban growth area that allow for single-family homes

The Logic:

Because the zone allows single-family homes and is in a UGA, the two-prong test is passed and RCW 36.70A.681 applies. Therefore, the City is required to allow at least two ADUs per lot.

Crucially, both the City and yourself has already stated that HB 1110 (Middle Housing) does not apply here because "higher densities" apply. Since HB 1110 does not apply, its specific limitations on ADUs do not apply, leaving RCW 36.70A.681(1) to stand alone as the governing statute.

My Question:

Is this statutory interpretation correct? Specifically, does the mandate apply to any zone that permits single-family residences, regardless of whether the City labels that zone "Multifamily" or "High Density"?

Both the plain text of the law and your earlier assessment suggest the answer is yes. You previously stated:

*"Similarly, the RM-2 zone does not appear to allow for single-family, therefore the requirements to two ADUs is not applicable, per RCW 36.70A.681(1)(c)."*

Since the R-M2 zone does in fact allow for single-family (per the "P" in the Zoning Table), does it not follow that the requirement for two ADUs is applicable?

Thanks,

Justin