

ORDINANCE NO. 2832

AN ORDINANCE of the City of Enumclaw, King County, Washington, adopting interim zoning and development regulations to implement the State’s co-living housing requirements under Engrossed Substitute House Bill 1998 (2024), amending the City’s land use matrix and related provisions to allow co-living housing on lots where multifamily development of six units or more is permitted; declaring an emergency; establishing an immediate effective date of December 8, 2025; providing for a public hearing consistent with RCW 36.70A.390; and providing for severability.

WHEREAS, the City of Enumclaw (“City”) is authorized to adopt interim zoning controls and interim development regulations under RCW 36.70A.390, RCW 36.70.790, and RCW 35A.63.220, which permit immediate adoption of temporary land-use regulations when necessary to protect the public health, safety, and welfare, provided a public hearing is held within sixty (60) days; and

WHEREAS, in 2024, the Washington State Legislature adopted Engrossed Substitute House Bill 1998 (“ESHB 1998”), codified in part at RCW 36.70A.540, requiring cities planning under the Growth Management Act (“GMA”) to allow co-living housing on any lot where at least six multifamily dwelling units are permitted; and

WHEREAS, ESHB 1998 defines “co-living housing” as a residential development containing independently rented, lockable sleeping units that provide living and sleeping space, where residents share kitchen facilities with other units in the building; and

WHEREAS, the Legislature found that Washington is experiencing a severe housing affordability crisis, including a shortage of affordable workforce housing, and that co-living housing historically provided a significant portion of the low-cost private-market rental inventory; and

WHEREAS, the Legislature further found that co-living housing provides a wide range of benefits, including:

- Lower housing costs for residents seeking smaller units;
- Living arrangements that support community connections;
- Increased opportunities for residents to live in high-opportunity neighborhoods they could not otherwise afford;
- An alternative to traditional roommate rental arrangements;
- Reduced demand for family-sized homes that are currently rented by singles or small households; and

WHEREAS, the Legislature also recognized that co-living housing benefits seniors—particularly those wishing to downsize or who no longer drive—by providing smaller, more affordable units in walkable neighborhoods close to services; and

WHEREAS, co-living housing is well suited to residents of diverse incomes, including low-income and very-low-income households, and Washington’s building codes already include minimum unit sizes and standards ensuring that co-living meets modern health and safety requirements; and

WHEREAS, the Legislature found that locating co-living developments near transit, employment, and services can reduce greenhouse-gas emissions, shorten commute distances, limit sprawl, and reduce development pressure on natural and working lands; and

WHEREAS, ESHB 1998 requires jurisdictions to adopt implementing co-living regulations no later than **December 31, 2025**, and the City will be unable to complete permanent code updates and Planning Commission review before that deadline; and

WHEREAS, the City’s zoning code does not currently include a specific co-living housing category, creating uncertainty for staff, applicants, and the public as to how such uses should be reviewed and processed under existing land-use regulations; and

WHEREAS, adoption of interim development regulations will ensure the City complies with state law, provide clarity for permit applicants, preserve the status quo, and prevent development decisions that could conflict with the City’s long-term planning objectives; and

WHEREAS, interim development regulations will provide the City with adequate time to complete a full legislative review, including environmental analysis, public participation, Planning Commission recommendations, and preparation of permanent zoning amendments; and

WHEREAS, Washington courts have long upheld the authority of cities to adopt interim zoning controls when necessary to address emerging land-use issues, including *Matson v. Clark County Bd. of Comm’rs*, 79 Wn. App. 641 (1995), *Norco Constr. v. King County*, 97 Wn.2d 680 (1982), and *Byers v. Clallam County*, 84 Wn.2d 796 (1975); and

WHEREAS, additional case law confirms that interim zoning is valid when supported by adequate legislative findings and when consistent with comprehensive planning principles, including *Faben Point v. City of Mercer Island*, 102 Wn. App. 775 (2000), and *Caswell v. Pierce County*, 99 Wn. App. 194 (2000); and

WHEREAS, the GMA requires that interim zoning adopted under RCW 36.70A.390 not substantially interfere with the goals of the GMA, and the City Council finds that adopting co-living interim regulations will advance those goals by supporting housing availability, efficient urban growth, and reduced displacement; and

WHEREAS, WAC 197-11-880 exempts emergency interim zoning ordinances from SEPA threshold determinations, recognizing that permanent regulations will undergo full SEPA review once drafted; and

WHEREAS, the City Council finds that without immediate adoption of interim regulations governing co-living housing, the City could receive land use or building applications proposing co-living developments under a zoning framework that does not address this newly created housing type, resulting in inconsistent interpretation of state law, confusion for the public, and potential vesting under outdated standards; and

WHEREAS, allowing such applications to vest under existing code before permanent regulations are adopted would undermine the City's ability to fully implement the requirements of ESHB 1998, could result in development patterns inconsistent with the Comprehensive Plan, and would prevent the City from applying standards that ensure compatible density, infrastructure capacity, neighborhood impacts, and life-safety protections; and

WHEREAS, the circumstances requiring this action were not created by the City but result from the Legislature's imposition of a mandatory December 31, 2025 deadline for co-living zoning compliance, which cannot be met through the City's normal legislative process involving Planning Commission review, public participation, SEPA analysis, and Comprehensive Plan consistency review; and

WHEREAS, the City Council finds that an emergency exists because, without immediate adoption of interim regulations effective December 8, 2025, the City risks falling out of compliance with mandatory state housing law, resulting in legal uncertainty and potential impairment of the public welfare; and

WHEREAS, adoption of these interim regulations is therefore necessary to protect the public health, safety, and welfare by ensuring orderly permit review, preventing inconsistent zoning interpretations, and providing adequate time to develop permanent regulations; and

WHEREAS, the City Council will conduct a duly noticed public hearing within sixty (60) days of adoption, as required by RCW 36.70A.390, to consider public comment and determine whether the interim regulations should be continued, modified, or replaced with permanent regulations;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ENUMCLAW, KING COUNTY, WASHINGTON, DOES ORDAIN AS FOLLOWS:

SECTION 1: FINDINGS. The City Council adopts the above "WHEREAS" recitals as findings of fact in support of its action as required by RCW 36.70A.390 and RCW 35.63.200.

SECTION 2: INTERIM ZONING REGULATIONS IMPOSED. Temporary Interim Zoning Regulations are hereby imposed related to Co-living as set forth in Exhibit A, attached hereto and incorporated herein by this reference.

SECTION 3: DURATION. These regulations shall be in effect for twelve (12) months from the effective date of Ordinance 2830 (effective December 8, 2025), unless extended, modified, or terminated by the City Council.

SECTION 4: STUDY AND REGULATORY DEVELOPMENT. During the interim period, City staff shall prepare a work plan that includes:

1. Evaluation of co-living housing impacts on traffic, parking, utilities, emergency services, and neighborhood compatibility;
2. Review of building, fire, and life-safety code requirements for co-living structures;
3. Drafting of permanent amendments to the Enumclaw Municipal Code addressing co-living housing;
4. SEPA review of permanent regulations; and
5. Public engagement and Planning Commission review consistent with the City's legislative procedures.

The work plan shall be provided to the City Council for acknowledgment within sixty (60) days of adoption.

SECTION 5: DECLARATION OF EMERGENCY. The City Council finds and declares that an emergency exists due to the statutory requirement to adopt permanent co-living regulations by December 31, 2025, and the inability to complete required legislative procedures before that date. This ordinance is necessary for the immediate preservation of the public health, safety, and welfare and shall take effect immediately as an emergency interim zoning measure pursuant to RCW 35A.12.130 and RCW 36.70A.390. The City Council further finds that this emergency is not the result of City delay but arises from the Legislature's imposed deadline and the need to prevent vesting under outdated regulations.

SECTION 6: SEVERABILITY. If any section, sentence, clause, or phrase of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this ordinance.

SECTION 7: EFFECTIVE DATE. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum and shall take effect immediately upon its adoption.

PASSED IN REGULAR AND OPEN SESSION this 9 day of February, 2026.



Mayor Anthony Wright

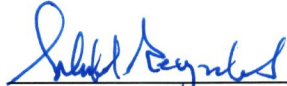
INTRODUCED 1-26-26
PASSED 2-9-26
APPROVED 2-9-26
PUBLISHED 2-18-26

Attested:



Jessica Rose
City Clerk

Approved as to Form:



Michael J. Reynolds
City Attorney

Exhibit A

**Chapter 18.05
LAND USE MATRIX**

Sections:

- 18.05.010 Interpretation of land use matrix.**
- 18.05.020 Residential land use matrix.**
- 18.05.030 Accommodation, food services, finance, insurance, medical and professional offices land use matrix.**
- 18.05.040 Educational and government land use matrix.**
- 18.05.050 Cultural, religious, recreational, and entertainment land use matrix.**
- 18.05.060 Retail sales, service uses and similar uses land use matrix.**
- 18.05.070 Agriculture, mining and forestry land use matrix.**
- 18.05.080 Manufacturing and construction land use matrix.**
- 18.05.090 Wholesale, transportation, communication, and utilities land use matrix.**

18.05.020 Residential land use matrix.

A. Residential Land Use Matrix.

KEY	RESIDENTIAL ZONES					COMMERCIAL/INDUSTRIAL ZONES								
	Low Density SF	Mod Density SF	Mixed Residential	Multifamily Res	Residential Mobile Home Park	General Office	General Office-Hospital	Neighborhood Business	Highway Community Business	Central Business 1	Central Business 2	Light Industrial	Public Use	Hospital
P – Permitted Use C – Conditional Use S – Special Use	R-1	R-2	R-3	R-4	RMHP	GO	GO-H	NB	HCB	CB-1	CB-2	LI	P	H
<u>Co-living housing, subject to EMC 19.32.180</u>				P		P			P	P	P			

KEY	RESIDENTIAL ZONES					COMMERCIAL/INDUSTRIAL ZONES								
P – Permitted Use C – Conditional Use S – Special Use	Low Density SF	Mod Density SF	Mixed Residential	Multifamily Res	Residential Mobile Home Park	General Office	General Office-Hospital	Neighborhood Business	Highway Community Business	Central Business 1	Central Business 2	Light Industrial	Public Use	Hospital
SPECIFIC LAND USE	R-1	R-2	R-3	R-4	RMHP	GO	GO-H	NB	HCB	CB-1	CB-2	LI	P	H
(one unit per structure), subject to Chapter 19.46 EM C														
<i>Dwelling unit, live-work</i>				p ⁴				P ⁵ /C	P ⁶ /C	P ⁶ /C	P ⁶ /C			
<i>Multifamily development (3+ units per structure), subject to Chapter 19.40 EM C</i>				P		p ²			P ⁵ /C	p ^{5,6} /C	p ^{5,6} /C			
Group quarters, dormitories, fraternal houses, <i>boardinghouse</i> , not including <i>secure community transition</i>				C			P		P ⁵ /C					

KEY	RESIDENTIAL ZONES					COMMERCIAL/INDUSTRIAL ZONES								
P – Permitted Use C – Conditional Use S – Special Use	Low Density SF	Mod Density SF	Mixed Residential	Multifamily Res	Residential Mobile Home Park	General Office	General Office-Hospital	Neighborhood Business	Highway Community Business	Central Business 1	Central Business 2	Light Industrial	Public Use	Hospital
SPECIFIC LAND USE	R-1	R-2	R-3	R-4	RMHP	GO	GO-H	NB	HCB	CB-1	CB-2	LI	P	H
<i>facilities or halfway house</i>														
GENERAL CROSS REFERENCES:					Land use table instructions, see EMC 18.05.010 ; Development standards, see EMC Titles 18 and 19 ; Application and review procedures, see Chapters 15.16 through 15.36 EMC; General provisions, see Chapter 15.06 EMC; Italicized uses are defined in Chapter 15.04 EMC.									

B. Residential Land Use Footnotes.

1. Subject to Chapter [19.46](#) EMC.
2. A nightwatchman’s quarters are allowed as an accessory use to a use permitted in the zone.
3. New construction of a one-story duplex with a maximum building size of 2,500 gross square feet including garage, or conversion of an existing single-family dwelling to a duplex are permitted, otherwise conditional use.
4. Allowed as part of a live-work project. The work space must clearly constitute an accessory use of the building and property, and the use shall not result in a conversion of the property or building from primarily multifamily to primarily nonresidential use.
5. Dwellings or living quarters must be located above primary use. Parking is provided in private parking areas or garages on the basis of one parking space for each dwelling unit within 400 feet.
6. Multifamily residential and live-work uses shall be permitted only in the mixed use overlay when included within a mixed use development.

7. The number of transitional housing units allowed on any given property shall be no more than the number of standard dwelling units that would be allowed under the zoning of the property; provided, that in no case shall the number of transitional housing units allowed on any given property exceed 10. No transitional housing unit may be located within a quarter mile of another transitional housing property, as measured by the nearest point on one such property to the nearest point on the other, that contains permanent supportive housing or transitional housing. Each unit of transitional housing shall be limited to occupancy by one family as that term is defined in the EMC. Transitional housing shall not be located within a quarter mile of emergency housing and emergency shelters as measured by the nearest point on one such property to the nearest point on another.

8. The number of permanent supportive housing units allowed on any given property shall be no more than the number of standard dwelling units that would be allowed under the zoning of the property; provided, that in no case shall the number of permanent supportive housing units allowed on any given property exceed 10. No permanent supportive housing unit may be located within a quarter mile of another property that contains permanent supportive housing or transitional housing, as measured by the nearest point on one such property to the nearest point on another. Each unit of permanent supportive housing shall be limited to occupancy by one family as that term is defined in the EMC. Permanent supportive housing shall not be located within a quarter mile of emergency housing and emergency shelters as measured by the nearest point on one such property to the nearest point on another.

9. The occupancy of an indoor emergency shelter shall be limited to no more than 10 families or 40 people, whichever is fewer. "Continuously operating" is intended to exclude indoor emergency shelter facilities that are needed to respond temporarily to a natural disaster or other similarly acute emergency (e.g., unusually hot or cold temperatures of short duration) that has caused unexpected homelessness within the city. No continuously operating indoor emergency shelter may be located within a quarter mile of a continuously operating indoor emergency housing facility as measured by the nearest point on one such property to the nearest point on the other. Indoor emergency shelters shall not be located within a quarter mile of permanent supportive housing or transitional housing units as measured by the nearest point on one such property to the nearest point on another.

10. The occupancy of an indoor emergency housing facility shall be limited to no more than 10 families or 40 people, whichever is fewer. "Continuously operating" is intended to exclude indoor emergency housing facilities that are needed to respond temporarily to a natural disaster or other similarly acute emergency (e.g., unusually hot or cold temperatures of short duration) that has caused unexpected homelessness within the city. No continuously operating indoor emergency housing facility may be located within a quarter mile of a continuously operating indoor emergency shelter as measured by the nearest point on one such property to the nearest point on the other. Indoor emergency housing facilities shall not be located within a quarter mile of permanent supportive housing or transitional housing units, as measured by the nearest point on one such property to the nearest point on another.

19.32.180 Co-living housing.

Co-living housing shall comply with the following:

- A. Review process. A co-living housing shall be reviewed the same as the required review process for the permitted multifamily use for the underlying zone.
- B. Development standards. As required by RCW 36.70A.535(4), development standards for co-living housing shall not be any more restrictive than the development standards applied to other multifamily uses in the same underlying zone.
 - 1. A sleeping unit in a co-living housing shall not exceed a maximum size of 600 square feet.
 - 2. Shared kitchens shall be provided in the development to be classified as co-living housing. At least one shared kitchen shall be provided for every thirty sleeping units. Each sleeping unit shall be required a kitchenette.
 - 3. Open space shall be provided at a minimum of 10 square feet for each 100 square feet of sleeping unit. Open space may be provided through shared indoor common areas, outdoor open space, or private open spaces, or a combination thereof.
 - a. Required open space may include common areas which are shared indoor spaces and amenity areas separate from required shared kitchen. Other shared indoor spaces may include but not limited to multi-purpose entertainment space, fitness center, movie theater, library, and similar amenities that promote share use and a sense of community.
 - b. Required open space may be provided in outdoor open space or as private open spaces such as patios, rooftop gardens, and balconies.
 - c. See EMC 19.40.050(D) for Open Space Types and Standards.
 - 4. A minimum of one off-street parking space per four sleeping units shall be required. No off-street parking is required within one-half mile walking distance of a major transit stop.
 - 5. In zones with established maximum and/or minimum density requirements, each co-living housing sleeping unit shall be counted as one-quarter of a dwelling unit for the purpose of calculating density.
 - 6. Each sleeping unit in a co-living housing shall be calculated at one-half of a dwelling unit for the purposes of calculating fees for sewer connections.
- C. All other development standards, including, but not limited to, setbacks, lot coverage, maximum height, landscape buffer, mixed-use requirements, and design standards, shall be those established for multifamily uses in the underlying zone.
 - a. In addition to exceptions listed under EMC 19.40.030, co-living housing conversion of an existing building shall be exempt from design standards.
- D. Co-living housing developments are exempt from any affordable housing requirements, however, voluntary affordable housing provisions outlined in EMC Chapter 19.38 Article IV Affordable Housing Incentive remain available to co-living

housing developments, at sole discretion of the property owner. In addition, affordable housing incentives outlined under RCW 36.70A.540 are available to co-living housing developments that include on-site affordable housing.

15.04.020 Definitions.

~~“Boardinghouse” means a dwelling in which not more than four roomers, lodgers and/or boarders are housed and fed.~~

“Co-living housing” means 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. Local governments may use other names to refer to co-living housing including congregate living facilities, single room occupancy, rooming house, boarding house, lodging house and residential suites. Each sleeping unit shall be a minimum of 300 square feet.

“Major transit stop” means: (1) a stop on a high capacity transportation system funded or expanded under the provisions of Chapter 81.104 RCW; (2) commuter rail stops; (3) stops on rail or fixed guideway systems, including transitways; (4) stops on bus rapid transit routes or routes that run on high occupancy vehicle lanes; or (5) stops for a bus or other transit mode providing actual fixed route service at intervals of at least 15 minutes for at least five hours during the peak hours of operation on weekdays.

“Kitchenette” means limited cooking facilities such as a small sink, 1 or 2 burner electric stove, microwave and mini fridge. A Kitchenette does not meet the definition of a kitchen.

~~“Rooming house” means a boardinghouse.~~