

# HOUSE BILL REPORT

1306

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As Reported By House Committee On:  
Trade, Economic Development and Housing

**Title:** An act relating to creation of state-wide affordable housing.

**Brief Description:** Authorizing the creation of additional residential units on single-family lots.

**Sponsors:** Representative Franklin.

**Brief History:**

Reported by House Committee on:  
Trade, Economic Development and Housing, February 10,  
1993, DP.

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**HOUSE COMMITTEE ON TRADE, ECONOMIC DEVELOPMENT AND HOUSING**

**Majority Report:** Do pass. Signed by 13 members:  
Representatives Wineberry, Chair; Forner, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Campbell; Casada; Conway; Morris; Quall; Schoesler; Sheldon; Springer; Valle; and Wood.

**Staff:** Kenny Pittman (786-7392).

**Background:** Residential apartments within a single family residential structure, sometimes referred to as "accessory apartments", or separate residences constructed on a lot zoned for single family residences are generally not permitted under local governmental zoning ordinances. Variances or special or conditional use permits may be granted by cities or counties to allow such uses.

Proponents feel that cities and counties should be encouraged to allow the creation of apartment units or separate second residences in neighborhoods presently zoned for single-family residences. This would provide a source of economical housing without requiring the expansion of roads, utilities and other basic services.

**Summary of Bill:** Cities and counties may issue a zoning variance, special use permit, or conditional use permit to allow an accessory apartment within or attached to an existing single-family residence or to permit the construction of an accessory apartment on a lot zoned for

single-family residences if the: (1) accessory apartment is intended for occupancy of one or two adult persons, one of whom is 60 years of age or older; (2) floor space of the attached accessory apartment does not exceed 30 percent of the floor space of the existing dwelling unit; and (3) floor space of the detached accessory apartment does not exceed 1200 square feet.

Cities and counties may enact ordinances which provide for the siting of accessory apartments, using the conditional use permit process, in areas zoned for single-family and multi-family residences. Before an area is designated for accessory apartments, the city or county must give neighborhood groups an opportunity to submit a neighborhood plan that addresses how the impacts of the accessory apartments will be mitigated. When possible, the city or county must assist the neighborhood group in the development of the plan.

The designation of areas where accessory apartments may be constructed may be based on criteria which may include the adequacy of water and sewer services and the impact on traffic flow. The accessory apartments may not be considered in the application of any local ordinance or policy to limit residential growth.

Cities, with populations that exceed 20,000, and counties, with populations that exceed 125,000, are required to adopt an ordinance that allows the siting of accessory apartments by July 1, 1994, or within 120 days of receiving an application for a conditional use permit for such use after July 1, 1994. The city or county must approve the application for an accessory apartment, using the special or conditional use permit process, if all the following conditions are met: (1) the accessory apartment is not intended to be sold and meets all building, health and other structural regulations and ordinances; (2) the lot is zoned for single-family or multi-family residences and contains a single-family dwelling; (3) the accessory apartment is either attached and located within the living area of the existing dwelling unit, or detached from the existing dwelling unit and located on the same lot; and (4) the floor area of the attached accessory apartment does not exceed 30 percent of the floor area of the existing dwelling unit or the floor area of the detached accessory apartment does not exceed 1200 square feet.

Cities or counties are not required to approve the special use or conditional use permit if they make a finding that adequate affordable housing exists in the city or county, or that adequate affordable housing will be available through increased densities or other means.

Cities and counties may not adopt an ordinance which totally precludes the sitting of accessory apartments within areas zoned for single-family and multi-family residences. The only exception is if they make findings that adoption of the ordinance may limit housing opportunities in the region and that specific adverse impacts on the public health, safety and welfare would result if accessory apartments are allowed in areas zoned for single-family and multi-family residences. Cities and counties may adopt more permissive standards than those provided by the state and may require the applicant to be an owner-occupant.

**Fiscal Note:** Not requested.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** Responses to the housing problem involves a variety of techniques. Accessory apartments is one technique that encourages higher density and can help the elderly in their homes. There are safeguards in the legislation to address neighborhood concerns.

**Testimony Against:** The legislation is very prescriptive and not needed. Cities are looking at this issue and developing local responses to the sitting of accessory apartments.

**Witnesses:** Representative Franklin, Sponsor (Pro); Rick Slunaker, Yakima Valley rental Association (Pro); Dick Ducharme, Building Industry Association of Washington (Pro); Tim Seth, Thurston County Rental Association (Pro); Dave Williams, Association of Washington Cities (Con); and Mike Doubleday, City of Seattle (Con).