

# SENATE BILL REPORT

## SB 6589

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As of January 26, 2006

**Title:** An act relating to the development of affordable housing through flexible short subdivision.

**Brief Description:** Encouraging the development of affordable housing.

**Sponsors:** Senators Eide and McAuliffe.

**Brief History:**

**Committee Activity:** Financial Institutions, Housing & Consumer Protection: 1/24/06.

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### SENATE COMMITTEE ON FINANCIAL INSTITUTIONS, HOUSING & CONSUMER PROTECTION

**Staff:** Jennifer Arnold (786-7471)

**Background:** Regulation of land divisions by local governments. Local governments must adopt regulations and procedures governing the approval of proposed divisions of land within their jurisdictional boundaries.

Divisions of land are generally categorized as either "subdivisions" or "short subdivisions." Subdivisions are defined as land divisions resulting in five or more lots, tracts, or parcels. Short subdivisions are defined as land divisions resulting in four or fewer lots, tracts, or parcels. However, a city, town or Growth Management Act (GMA) planning county may adopt a local ordinance increasing to a maximum of nine the number of lots, tracts, or parcels that may be contained in a short subdivision located within the boundary of an urban growth area (UGA).

The GMA and residential density requirements within an UGA. Although the GMA includes provisions pertaining to density and the reduction of sprawling low-density development, neither "density" nor "residential density" is defined in the Act. Further, the GMA does not prescribe a uniform minimum residential density, nor does the Act require jurisdictions to establish uniform minimum residential densities. However, Growth Management Hearings Boards have issued decisions pertaining to residential densities. For example, The Central Puget Sound Growth Management Hearings Board has adopted a bright line rule that provides, with some exceptions, that four net dwelling units per acre will be considered "compact urban development and satisfies the low end of the range required by the [GMA]."

**Summary of Bill:** Allowing the division of single lots into multiple nonconforming lots. Subject to specified conditions, certain cities, towns, and counties must have zoning ordinances that permit a single lot to be divided into two or more lots, which will be recognized as legal and conforming for purposes of development. This requirement applies under the following circumstances:

- The original lot must be at least twice the minimum lot size required under existing zoning regulations;
- The averaged area of all resulting lots shall be not less than the legally required minimum lot size;
- The averaged width and depth of all resulting lots must be at least fifty percent of any applicable requirements regarding minimum width and depth;
- The city, town, or county must be planning under the GMA;
- The lot or parcel must be located in a residentially zoned district within an UGA; and
- All of the resulting lots must have adequate access to a public street.

A city, town, or county not planning under the GMA has the option of adopting such zoning ordinances, but is not under a legal requirement to do so.

Allowing boundary line adjustments that result in nonconforming lots. Subject to specified conditions, certain cities, towns, and counties must have zoning ordinances that permit the adjustment of boundary lines between abutting lots under the same ownership so as to allow the creation of one or more lots of nonconforming size or dimension that are recognized as legal and conforming for purposes of development. These requirements apply under the following circumstances:

- The adjustment of the boundary line does not result in the creation of additional lots;
- The averaged area of all resulting lots shall be not less than the legally required minimum lot size;
- The averaged width and depth of all resulting lots must be at least fifty percent of any applicable requirements regarding minimum width and depth;
- The city, town, or county must be planning under the GMA;
- The lot or parcel must be located in a residentially zoned district within an UGA; and
- All of the resulting lots must have adequate access to a public street.

A city, town, or county not planning under the GMA has the option of adopting such zoning ordinances, but is not under a legal requirement to do so.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

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

**Testimony For:** The concept of lot size averaging can be applied to subdivisions in order to preserve existing housing, while at the same time creating new buildable lots. This bill provides a solution to the problem of existing lots that are two to three times the current minimum GMA-lot requirements, which have an existing dwelling unit in the middle of the parcel. Such parcels can remain underdeveloped until the house reaches the end of its useful life, locking up the infill development potential of the parcel.

**Testimony Against:** None.

**Who Testified:** PRO: Michael Lewis, The Housing Partnership.