
Local Government Committee

HB 1797

Brief Description: Concerning local governments planning and zoning for accessory dwelling units.

Sponsors: Representatives Gregerson, Barkis, Ryu, Peterson, Orwall, Stokesbary, Doglio, Macri, Davis, Jinkins, Lekanoff, Fitzgibbon, Young, Frame and Goodman.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Requires cities and counties to adopt ordinances, development, and zoning regulations that authorize creating accessory dwelling units within designated urban growth areas.
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Hearing Date: 2/19/19

Staff: Robbi Kesler (786-7153).

Background:

Local Planning for Accessory Apartments.

Local governments must have accessory apartment—commonly referred to as an accessory dwelling unit (ADU)—provisions incorporated in their development regulations, zoning regulations, or official controls. These provisions must be consistent with a 1993 report by the Department of Community, Trade, and Economic Development (CTED) providing recommendations to the Legislature designed to encourage developing and placing accessory apartments in areas zoned for single-family residential use. The CTED recommendations include standards and criteria regarding size, parking, design, and quantity of accessory apartments.

"Local government" means a county that is planning under the Growth Management Act (GMA), a city with a population of over 20,000, and a county with a population of over 125,000.

Urban Growth Areas.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Counties that fully plan under the GMA must designate Urban Growth areas (UGAs). UGAs are areas within which urban growth must be encouraged and outside of which growth can occur only if it is not urban in nature. Planning jurisdictions must include, within their UGAs, sufficient areas and densities to accommodate projected urban growth for the succeeding 20-year period. In addition, cities must include sufficient areas to accommodate the broad range of needs and uses that will accompany the projected urban growth, including, as appropriate, medical, governmental, institutional, commercial, service, retail, and other nonresidential uses.

Summary of Bill:

By July 1, 2020, any city with a population of 2,500 or more and any county with a population of 15,000 or more must adopt by ordinance and incorporate into its development and zoning regulations an authorization for creating ADUs within designated UGAs.

"Dwelling unit" is defined as a residential area that provides complete independent living facilities for one or more persons and includes permanent provisions for living, sleeping, eating, cooking, and sanitation. "Accessory dwelling unit" is defined as a dwelling unit located in the same lot as a single-family housing unit, duplex, triplex, townhome, or other housing unit.

Such ordinances and regulations must allow:

- either one attached ADU and one detached ADU or two attached ADUs on all lots zoned for single-family homes and all lots that contain a single-family housing unit;
- one attached ADU on any lot zoned for single-family homes; and
- detached ADUs to be sited at the lot line of the rear yard if adjacent to an alley within five feet of the rear yard lot line if approved in writing by the adjacent property owner.

Such ordinances and regulations may not:

- impose minimum lot size requirements for siting ADUs;
- require installation of new or separate utilities between an attached ADU and a utility;
- consider attached ADUs to be new residential uses for calculating utility connection or capacity fees, but may require a utility connection between a detached ADU and a utility with the appropriate and proportionate connection or capacity fee;
- prohibit the sale of a condominium unit on sole grounds that it was originally an ADU;
- count ADU residents towards the number of unrelated residents on a single-family lot;
- establish requirements for ADU off-street parking;
- require the lot owner to reside or occupy the ADU or other housing unit on the same lot;
- count the gross floor area of an ADU against any single-family home floor area ratio limitations;
- establish development standards that include certain roof and wall height limitations on detached ADUs;
- regulate the location of ADU entry doors;
- establish maximum rear yard coverages for detached ADUs less than 60 percent of the rear yard;
- establish tree retention requirements for ADUs in addition to those that exist for single-family homes;
- require the exterior design or appearance of an ADU be similar to the appearance of the principal housing unit;

- limit the roof height of detached ADUs to less than 24 feet or limit their wall height to less than 17 feet; and
- limit the maximum gross floor area of an ADU to less than 1,000 square feet or its minimum gross floor area to more than 140 square feet.

By April 1, 2020, the Building Code Council must adopt rules pertaining to ADUs consistent with the Act's definitions and development standards.

An impact fee for ADUs established by local ordinance may not be more than 50 percent of the impact fee set for single-family residences.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.