

HOUSE BILL REPORT

HB 1797

As Reported by House Committee On: Local Government

Title: An act relating to local governments planning and zoning for accessory dwelling units.

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.

Brief History:

Committee Activity:

Local Government: 2/19/19, 2/22/19 [DPS].

Brief Summary of Substitute Bill

- Encourages cities and counties to adopt ordinances, development, and zoning regulations that authorize creating accessory dwelling units within designated urban growth areas.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 5 members: Representatives Pollet, Chair; Peterson, Vice Chair; Appleton, Goehner and Senn.

Minority Report: Do not pass. Signed by 1 member: Representative Kraft, Ranking Minority Member.

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

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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.

Counties that fully plan under the GMA must designate Urban Growth areas (UGAs). Urban growth areas 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 Substitute Bill:

Cities and counties may adopt or amend regulations authorizing accessory dwelling units.

A "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.

Provisions for such ordinances and regulations are as follows:

- There may be local flexibility for determining the siting of an ADU.
- The installation of new or separate utilities between an attached ADU and a utility may be allowed after finding that site-specific technical, environmental, or financial considerations warrant separation from existing dwellings.
- Local jurisdictions are encouraged not to 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.
- Local jurisdictions are encouraged not to count ADU residents towards the number of unrelated residents on a single-family lot.
- Local jurisdictions are encouraged not to count the gross floor area of an ADU against any single-family home floor area ratio limitations.
- Local jurisdictions are encouraged to allow detached ADUs to be sited at the lot line of the rear yard if the rear yard is adjacent to an alley.

Local jurisdictions should look to minimize the impact of regulations on the construction cost of an ADU, and without adopting findings should not:

- establish development standards that include certain roof and wall height limitations on detached ADUs;
- establish a maximum gross floor area for an ADU that is less than 1,000 square feet;
- establish a minimum gross floor area for an ADU that is greater than 140 square feet;
- establish setback regulations for an ADU that is more restrictive than regulations for single-family housing units; and
- establish a requirement for off-street parking for an ADU if the ADU is within one-half mile of a fixed guideway transit stop.

Local ordinances may establish an off-street parking requirement for an ADU being used as a short-term rental.

Areas designated as a historical district under local ordinance may be exempt from any requirement to site an ADU.

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

Substitute Bill Compared to Original Bill:

The substitute bill removes the requirement that a local jurisdiction adopt regulations requiring ADUs, and instead encourages local jurisdictions to do so and removes several development and regulatory requirements listed in the original bill.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) Additional dwelling units can help address affordable housing and access to housing. The biggest issue in addressing affordable housing is supply. This bill gets at that issue in a new way and provides real solutions by removing barriers that elevate the costs of development, which push things out of the realm of possibility in many instances. There are many reasons to add an ADU, such as to meet generational needs, add housing inventory, and offer affordable rentals. Accessory dwelling units add more housing options in existing neighborhoods and help to ensure people of all ages, including older adults, have housing and may be able to help with costs. Accessory dwelling units are also environmentally friendly.

(Opposed) Many cities are already pursuing ADUs but unfortunately this bill takes away all mechanisms for a local jurisdiction to determine what fits the community best. There are

good reasons for requiring parking-removing that is a step too far. This bill is geared towards the most urban areas, and those areas have access to transit and other factors that make ADUs a better fit, while less urban areas may be better suited to determine what best fits the needs of the local citizens. Additionally, there could be concerns related to home mortgage financing. This bill includes an unfunded mandate by making such broad requirements.

(Other) Changes are needed to the population requirements in the bill, and there should be additional provisions for transit requirements. Impact fees should not be limited; rather, actual or proportional costs would be better. A time certain for regulations might work, but the bill's date should be extended. The regulations should be encouraged and allow for flexibility-the one size fits all approach does not take into account local flexibility.

Persons Testifying: (In support) Representative Gregerson, prime sponsor; Joanna Grist, AARP; Dan Bertolet, Sightline Institute; Alex Hur, Master Builders Association of King and Snohomish Counties; Bill Clarke, Washington Realtors; and Shelly Cohen.

(Other) Bryce Yadon, Futurewise; and Doug Levy, Cities of Renton, Lake Stevens, and Fife.

(Opposed) Carl Schroeder, Association of Washington Cities; and Paul Jewel, Washington State Association of Counties.

Persons Signed In To Testify But Not Testifying: None.