
Environment & Energy Committee

ESSB 6617

Brief Description: Concerning accessory dwelling unit regulation.

Sponsors: Senate Committee on Housing Stability & Affordability (originally sponsored by Senators Liias and Das).

Brief Summary of Engrossed Substitute Bill

- Requires cities and counties planning under the Growth Management Act (GMA) to adopt certain policies related to accessory dwelling units (ADUs) by July 1, 2021.
- Provides that the adoption of specified ADU policies by covered jurisdictions are exempt from appeals under the GMA and the State Environmental Policy Act.

Hearing Date: 2/25/20

Staff: Jacob Lipson (786-7196).

Background:

Growth Management Act.

The Growth Management Act (GMA) is the comprehensive land-use-planning framework for counties and cities in Washington. Originally enacted in 1990 and 1991, the GMA establishes land-use designation and environmental protection requirements for all Washington counties and cities. The GMA also establishes a significantly wider array of planning duties for 29 counties, and the cities within those counties, that are obligated to satisfy all planning requirements of the GMA.

The GMA directs jurisdictions that fully plan under the GMA (planning jurisdictions) to adopt internally-consistent, comprehensive land-use plans that are generalized, coordinated land-use policy statements of the governing body. Comprehensive plans must address specified planning elements, each of which is a subset of a comprehensive plan. Comprehensive plans are implemented through locally adopted development regulations, both of which are subject to review and revision requirements prescribed in the GMA.

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.

Counties and cities planning under the GMA may impose impact fees on development activity as part of the financing of public facilities needed to serve new growth and development. Additionally, impact fees may only be imposed for system improvements that are reasonably related to the new development, may not exceed a proportionate share of the costs of system improvements, and must be used for system improvements that will reasonably benefit the new development.

Local Planning for Accessory Apartments.

Certain 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 1994 report to the Legislature by the predecessor agency to the Department of Commerce, the Department of Community, Trade, and Economic Development (CTED). This 1994 CTED report provided recommendations designed to encourage developing and placing ADUs in areas zoned for single-family residential use. The CTED model ordinance recommendations include standards and criteria regarding size, parking, design, and quantity of ADUs. To allow local flexibility, the CTED recommendations are subject to regulations, conditions, procedures, and limitations determined by the local city or county legislative authority. The local governments to which the CTED recommendation provisions apply are:

- counties planning under the GMA;
- counties with a population of over 125,000; and
- cities with a population of over 20,000.

State Environmental Policy Act.

The State Environmental Policy Act (SEPA) establishes a review process for state and local governments to identify environmental impacts that may result from governmental decisions, such as the issuance of permits or the adoption of land-use plans. The SEPA environmental review process involves a project proponent or the lead agency completing an environmental checklist to identify and evaluate probable environmental impacts. Government decisions that the SEPA checklist process identifies as having significant adverse environmental impacts must then undergo a more comprehensive environmental analysis in the form of an Environmental Impact Statement.

Government decisions can be appealed under the SEPA on procedural grounds related to a threshold determination of significance or on substantive grounds related to an agency's decision to deny or condition a project approval upon the completion of mitigation. Depending on the applicable rules or ordinances related to SEPA appeals that have been adopted by a lead agency, a SEPA appeals process may either begin in an administrative appeals forum or may directly proceed to a judicial review.

Summary of Bill:

Through ordinances, development regulations, and other official controls, cities and counties planning under the Growth Management Act (GMA):

- may allow up to two attached or detached accessory dwelling units (ADUs) on all lots on which there is a single-family unit, duplex, triplex, fourplex, rowhouse, townhome, or apartment building, regardless of zoning district;
- may not require the provision of off-street parking for ADUs within one-half-mile of major transit stops, including bus or transit stops frequented by fixed-route service at intervals of at least every thirty minutes during peak hours; and
- may remove requirements that the owner of a lot on which there is an ADU reside in or occupy the ADU or another housing unit on the lot.

GMA-planning cities and counties must adopt required ADU policies by July 1, 2021.

Beginning July 1, 2021, the required ADU policies apply and take effect in any covered city or covered county that has not adopted required ADU ordinances, development regulations, or other official controls and supersede, preempt, and invalidate local regulations in conflict with the ADU requirements. Ordinances, development regulations, or other official controls are only required to apply in the portions of covered jurisdictions within an urban growth area designated under the GMA.

The adoption of ADU policies that covered jurisdictions are required to adopt are exempt from appeals under the State Environmental Policy Act and the GMA.

Appropriation: None.

Fiscal Note: Available.

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