

SENATE BILL REPORT

SB 5810

**AS REPORTED BY COMMITTEE ON GOVERNMENTAL OPERATIONS,
MARCH 5, 1991**

Brief Description: Creating state-wide affordable housing.

SPONSORS: Senators Rasmussen, McCaslin and L. Smith.

SENATE COMMITTEE ON GOVERNMENTAL OPERATIONS

Majority Report: That Substitute Senate Bill No. 5810 be substituted therefor, and the substitute bill do pass.

Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; Madsen, Matson, and Sutherland.

Staff: Rod McAulay (786-7754)

Hearing Dates: March 5, 1991

BACKGROUND:

Residential apartments within a single family residential structure (sometimes referred to as "mother-in-law 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.

It is felt 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 in order to provide additional economical housing without requiring the expansion of roads, utilities and other basic services.

SUMMARY:

The Legislature finds that there is a tremendous need for new housing resources and that there are benefits to permitting the creation of second-family residential units on existing single-family lots.

Cities and counties may issue zoning variances or special or conditional use permits to allow a dwelling unit within or attached to an existing single-family residence or to permit the construction of a second dwelling on a single-family lot if:

1. an attached second unit does not exceed 30 percent of the total floor space;

2. a separate second structure does not exceed 1200 square feet; and
3. the second unit is intended to be occupied by one or two adult persons who are 60 years of age or older.

Cities and counties may enact ordinances which provide for the creation of second units in single-family and multifamily zones. Such ordinances may designate specific areas for such second units and may prescribe parking, height, setback, lot coverage and architectural review limitations.

If a city or county does not enact such an ordinance by July 1, 1992 or within 120 days of receiving an application for a conditional use permit for such use after July 1, 1992, the city or county shall grant a special or conditional use permit for a second residential unit if:

1. the lot is zoned for single or multi-family use and there is an existing dwelling;
2. floor area of the existing dwelling is not increased more than 30 percent or the new separate structure does not exceed 1200 square feet;
3. the unit is not intended to be sold and meets all building, health and other structural regulations and ordinances.

The permit shall not be denied on the basis of other local ordinances, policies or regulations.

Cities and counties may not adopt an ordinance which totally precludes second units within single-family and multifamily zones unless they make findings that the ordinance may limit housing opportunities of the region and that the specific adverse impacts on the public health, safety and welfare that would result justify adoption of the ordinance. Cities and counties may adopt more permissive standards than those provided by this act.

EFFECT OF PROPOSED SUBSTITUTE:

Only one of the adults who are the intended occupants of a second unit need be 60 years of age or older when a city or county is considering a variance, special use permit or conditional use permit.

Appropriation: none

Revenue: none

Fiscal Note: available

TESTIMONY FOR: None

TESTIMONY AGAINST: None

TESTIFIED: No one