
Housing Committee

HB 1096

Brief Description: Increasing housing options through lot splitting.

Sponsors: Representatives Barkis, Ryu, Connors, Leavitt, Klicker, Reed, Fitzgibbon, Richards, Couture, Macri, Callan, Doglio, Bronoske, Tharinger, Wylie, Duerr, Timmons, Ormsby, Fosse, Stonier, Bernbaum and Hill.

Brief Summary of Bill
<ul style="list-style-type: none">Requires cities subject to minimum residential density requirements to establish a process for simultaneous review and approval of an administrative lot split and residential building permits for new single-family or middle housing.

Hearing Date: 1/13/25

Staff: Serena Dolly (786-7150).

Background:

Growth Management Act.

The Growth Management Act (GMA) is the comprehensive land use planning framework for counties and cities in Washington. 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 28 counties, and the cities within those counties, that are obligated to satisfy all planning requirements of the GMA. These jurisdictions are sometimes said to be fully planning under the GMA.

Counties that fully plan under the GMA must designate urban growth areas (UGAs), within which urban growth must be encouraged and outside of which growth may occur only if it is not

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urban in nature. Each city in a county must be included in a UGA. Fully planning jurisdictions must include within their UGAs sufficient areas and densities to accommodate projected urban growth for the succeeding 20-year period.

The GMA also directs fully planning jurisdictions to adopt internally consistent comprehensive land use plans. Comprehensive plans are implemented through locally adopted development regulations, and both the plans and the local regulations are subject to review and revision requirements prescribed in the GMA. When developing their comprehensive plans, counties and cities must consider various goals set forth in statute. Fully planning counties and cities must review and, if necessary, revise their comprehensive plans every 10 years to ensure they comply with the GMA.

Minimum Density Requirements.

No later than six months after its next required comprehensive plan update, fully planning cities meeting population requirements must allow for the development of a minimum number of units on all residential lots as follows:

- Cities with a population of at least 75,000 must allow at least four units on all residential lots, at least six units on all residential lots within 0.25 miles walking distance of a major transit stop, and at least six units if two are affordable housing.
- Cities with a population of at least 25,000 but less than 75,000 must allow at least two units on all residential lots, at least four units on all residential lots within 0.25 miles walking distance of a major transit stop, and at least four units if one unit is affordable housing.
- Cities with a population of less than 25,000, within a contiguous UGA with the largest city in a county with a population of more than 275,000, must allow two units on all residential lots.

Cities must allow at least six types of middle housing and may allow accessory dwelling units to achieve the minimum density requirements. Middle housing is defined as buildings that are compatible in scale, form, and character with single-family houses and contain two or more attached, stacked, or clustered homes including duplexes, triplexes, fourplexes, fiveplexes, sixplexes, townhouses, stacked flats, courtyard apartments, and cottage housing.

Subdivisions and Plats.

The state subdivision law governs the way cities and counties administer the division of land into parcels for sale, lease, or other transfers of ownership. Short subdivisions are divisions of land into four or fewer lots for sale or lease. Cities may increase the number of lots that can be regulated as short subdivisions up to nine.

Plats and short plats are maps or representations of subdivisions and short subdivisions that show the division of land into lots as well as streets, alleys, and easements. State law requires cities and counties to establish systems for short subdivisions but leaves the details largely up to city or county control. Once established, all long and short subdivisions are subject to certain statutory requirements.

Cities and counties are required to include in their short plat regulations procedures for unit lot subdivisions allowing division of a parent lot into separately owned unit lots.

Project Permit Process.

Before developing land, a developer must obtain permits from the local government allowing the development. These permits can include land use permits, environmental permits, building permits, and others, and are known as project permits. When a county or city planning under the GMA is reviewing a project, its comprehensive plan and development regulations must serve as the basis for the project permit review.

Summary of Bill:

Cities required to comply with the minimum density requirements must include in their short plat regulations a process for an applicant to seek simultaneous review and approval of an administrative lot split and residential building permits for new single-family or middle housing. The application process may only require an administrative decision through which the application is reviewed, approved, or denied by the planning director or the planning director's designee without a predecision public hearing.

A new buildable lot and residential building permit must be approved and is not subject to appeal if:

- no more than one new lot is created through the lot split;
- both the parent lot and the new lot are at least 1,000 square feet;
- the parent lot was not created through the splitting of a single-family residential lot;
- the parent lot is not located in a zone that primarily allows nonresidential uses, such as business, commercial, retail, or industrial;
- the lot split would not require demolition or alteration of any existing housing that is rent restricted, is rent subsidized, or has been occupied by a tenant paying market-rate rent within the preceding 12 months;
- the applicable sewer and water purveyors have issued certificates of availability to serve the new lot and dwelling unit; and
- access rights for the maximum number of dwelling units that would be developed on the new lot have been granted or conveyed.

A city may not impose a limit on the number of dwelling units allowed on the parent lot or new lot that is less than the number of dwelling units allowed by the underlying zoning of the parent lot prior to the lot split. Any construction on the new lot is subject to all existing state and local laws, including the State Building Code, unless otherwise specified.

A city must deny an application for an administrative lot split if the parent lot or the new lot would not have sufficient developable land for the proposed new dwelling unit because of the presence of critical areas or their buffer.

Appropriation: None.

Fiscal Note: Available.

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