

HOUSE BILL REPORT

ESB 5471

As Passed House - Amended:

April 12, 2025

Title: An act relating to authorizing middle housing in unincorporated urban growth areas, certain limited areas of more intensive rural development, and fully contained communities.

Brief Description: Authorizing middle housing in unincorporated growth areas and unincorporated urban growth areas, certain limited areas of more intensive rural development, and fully contained communities.

Sponsors: Senators Goehner, Bateman, Chapman, Frame, Lias, Nobles and Saldaña.

Brief History:

Committee Activity:

Housing: 3/17/25, 3/24/25 [DPA].

Floor Activity:

Passed House: 4/12/25, 90-4.

Brief Summary of Engrossed Bill (As Amended by House)

- Allows a fully planning county to authorize middle housing on each parcel that permits single-family residences in designated urban growth areas (UGAs) and limited areas of more intensive rural development (LAMIRDs).
- Limits any middle housing in a designated UGA or LAMIRD to four residential units per lot.

HOUSE COMMITTEE ON HOUSING

Majority Report: Do pass as amended. Signed by 15 members: Representatives Peterson, Chair; Hill, Vice Chair; Richards, Vice Chair; Low, Ranking Minority Member;

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

Jacobsen, Assistant Ranking Minority Member; Manjarrez, Assistant Ranking Minority Member; Barkis, Connors, Engell, Entenman, Gregerson, Lekanoff, Reed, Timmons and Zahn.

Minority Report: Do not pass. Signed by 1 member: Representative Dufault.

Staff: Serena Dolly (786-7150).

Background:

Growth Management Act.

Enacted in 1990, 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 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. Comprehensive plans must contain certain elements, such as a land use element, a housing element, and a rural element. The rural element must protect the rural character of an area and may allow for limited areas of more intensive rural development (LAMIRDs).

Limited Areas of More Intensive Rural Development.

When the GMA was first adopted, existing areas of more intensive development within rural areas were not incorporated within UGAs. These rural areas, and the necessary public facilities and services serving them, were accommodated within the rural element of the comprehensive plan through the allowance for LAMIRDs.

A county is required to adopt measures to minimize and contain areas of more intensive rural development within existing areas of development, and lands included within a LAMIRD must not extend past the logical boundary of the area. A county is required to establish the logical outer boundary of existing intensive rural development based on:

- the need to preserve the character of existing communities;

- physical boundaries, such as bodies of water, streets, and land forms;
- the prevention of abnormally irregular boundaries; and
- the ability to provide public facilities and services in a way that does not permit low-density sprawl.

The rural element of county comprehensive plans allows for three types of LAMIRDs:

- infill, development, or redevelopment of existing commercial, industrial, residential, or mixed-use areas;
- small-scale recreational or tourist uses; and
- isolated cottage industries or small-scale businesses that do not serve the rural population but that do provide job opportunities.

Middle Housing.

Under the GMA, 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. Middle housing includes duplexes, triplexes, fourplexes, fiveplexes, sixplexes, townhouses, stacked flats, courtyard apartments, and cottage housing.

Summary of Amended Bill:

A fully planning county may allow middle housing on each parcel that permits single-family residences in LAMIRDs and designated UGAs. If a county authorizes middle housing, it may not allow more than four residential units per parcel.

A county may not require any standards for middle housing that are more restrictive than those required for detached single-family residences, but it may apply any objective development regulations that are required for detached single-family residences, including setback, lot coverage, stormwater, clearing, and tree canopy and retention requirements.

A county must apply the same development permit and environmental review processes to middle housing that apply to detached single-family residences, unless otherwise required by state law.

Any middle housing in LAMIRDs must be served by existing sewer service. Any middle housing in designated UGAs must be served by water and sewer services.

Actions taken by a county to authorize middle housing in LAMIRDs are not subject to appeal under the State Environmental Policy Act (SEPA). Actions taken by a county to authorize middle housing in designated UGAs are not subject to appeal under the GMA or SEPA.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) This bill creates a housing option. Urban growth areas are where cities will typically expand. To offer the same type of housing that is allowed within the city is just a continuation of the middle housing bill. This bill strikes a balance that ensures proper protection, such as public water and sewer systems, but without creating unnecessary barriers. The bill will have limited application because it requires middle housing to be on a sewer system, but hopefully the sewer requirement can be addressed in the future.

(Opposed) None.

(Other) The bill should be consistent with the existing sewer requirements for LAMIRDs.

Persons Testifying: (In support) Senator Keith Goehner, prime sponsor; and Brian Enslow, Washington State Association of Counties.

(Other) Bryce Yadon, Futurewise.

Persons Signed In To Testify But Not Testifying: None.