

SENATE BILL REPORT

ESB 5471

As Passed Senate, February 19, 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: 1/31/25, 2/07/25 [DP].

Floor Activity: Passed Senate: 2/19/25, 48-0.

Brief Summary of Engrossed Bill

- Allows planning counties to authorize at least one middle housing unit on each parcel that permits single-family residences in urban growth areas and limited areas of more intensive rural development (LAMIRDs).
- Limits units to four residential units per lot in LAMIRDs and in designated urban growth areas.
- Prohibits standards for middle housing that are more restrictive than those required for detached single-family residences.
- Requires counties to apply the same development permit and environmental review processes that apply to single-family housing.
- Exempts adoption of related ordinances and regulations from administrative or judicial appeals and authorizes the Growth Management Hearings Board to hear petitions alleging noncompliance.

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.

SENATE COMMITTEE ON HOUSING

Majority Report: Do pass.

Signed by Senators Bateman, Chair; Alvarado, Vice Chair; Goehner, Ranking Member; Gildon, Orwall, Salomon and Trudeau.

Staff: Benjamin Omdal (786-7442)

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.

The GMA 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. This element covers rural development and measures to protect the rural character of an area. The rural element can also allow for limited areas of more intensive rural development (LAMIRDs).

Limited Areas of More Intensive Rural Development. Most counties have examples of existing areas of more intensive development built or vested prior to the adoption of the GMA. These existing areas were designated as LAMIRDs as exceptions to the rural element requirement of comprehensive plans while retaining protections for rural character and the operation of resource uses.

Counties must establish logical outer boundaries, based on the boundaries of existing development, to contain more intense development. In establishing the logical outer boundary, the county must address:

- the need to preserve the character of existing natural neighborhoods and communities;
- physical boundaries, such as bodies of water, streets and highways, and landforms and contours;
- the prevention of abnormally irregular boundaries; and
- the ability to provide public facilities and public services in a manner that does not permit low-density sprawl.

The rural element of county comprehensive plans allow for three types of LAMIRDs. The first type involves infill, development, or redevelopment of existing commercial, industrial, residential, or mixed-use areas. The second involves small-scale recreational or tourist

uses. The third involves isolated cottage industries or small-scale businesses that do not serve the rural population but that do provide job opportunities.

Middle Housing. For the purposes of the GMA, "middle housing" is defined as buildings compatible in scale, form, and character with single-family houses and contain two or more attached, stacked, or clustered homes. These include duplexes, triplexes, fourplexes, fiveplexes, sixplexes, townhouses, stacked flats, courtyard apartments, and cottage housing.

Summary of Engrossed Bill: Any county planning under the GMA may authorize middle housing types on each parcel that permits single-family residences in designated urban growth areas and LAMIRDs.

If a county authorizes middle housing in designated urban growth areas (UGAs) or LAMIRDs, it may not authorize more than four residential units per lot in LAMIRDs or UGAs.

The county's development regulations must not require any standards for middle housing more restrictive than those required for detached single-family residences, but may apply any objective development regulations required for detached single-family residences, including, but not limited to, setback, lot coverage, stormwater, clearing, and tree canopy and retention requirements.

A county authorizing middle housing under this bill also must apply the same development permit and environmental review processes that apply to detached single-family family residences, must require that middle housing in LAMIRDs be served by sewer service, and must require that middle housing in UGAs be served by water and sewer services.

Adoption of ordinances, development regulations, amendments to such regulations, and other nonproject actions taken by a county to implement this act are not subject to administrative or judicial appeals. The Growth Management Hearings Board shall hear and determine petitions alleging noncompliance with the requirements of the act.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: The bill allows the opportunity for housing in ways that we have not before, including in rural areas where there are shortages of housing. Because of housing shortages, people do not have the opportunity to enjoy rural living opportunities. Safeguards are in the bill to protect rural areas. It makes sense to give

counties the same planning tools within UGAs as they have within cities. Limits for LAMIRDs were put into place at the behest of stakeholders. The bill allows builders flexibility, thereby helping projects pencil-out with land acquisition costs. The bill aligns with the intent of previous legislation. Counties need workers to keep resource land productive; the cost of single-family homes are often out of reach for many workers. The bill increases housing supply but could incorporate provisions on fixed-route transit.

OTHER: The appeal protection may go further than prior legislation. Many of these properties are on wells, so there needs to be alignment with other water protection requirements.

Persons Testifying: PRO: Senator Keith Goehner, Prime Sponsor; Joe Kunzler; Alex Hur, Master Builders Association of King and Snohomish Counties; Mindy Brooks, Lewis County; BRIAN ENSLOW, Washington State Association of Counties.

OTHER: Bryce Yadon, Futurewise.

Persons Signed In To Testify But Not Testifying: No one.