



CITY OF
TUMWATER

**SPECIAL MEETING CITY COUNCIL AND PLANNING COMMISSION TOUR
MEETING AGENDA**

**Tumwater City Hall 555 Israel Rd. SW,
Tumwater, WA 98501**

**Tuesday, April 09, 2024
6:00 PM**

1. Convene
2. 2025 Comprehensive Plan Periodic Update – Housing Tour (Brad Medrud)
2. Adjourn

Meeting Information

This tour will be held in-person and the public is welcome to attend.

The tour bus will embark from the Tumwater City Hall parking lot at 6:00 p.m. and is expected to return to City Hall at approximately 8:00 p.m.

Accommodations

The City of Tumwater takes pride in ensuring that people with disabilities are able to take part in, and benefit from, the range of public programs, services, and activities offered by the City. To request an accommodation or alternate format of communication, please contact the City Clerk by calling (360) 252-5488 or email CityClerk@ci.tumwater.wa.us. For vision or hearing impaired services, please contact the Washington State Relay Services at 7-1-1 or 1-(800)-833-6384. To contact the City's ADA Coordinator directly, call (360) 754-4128 or email ADACoordinator@ci.tumwater.wa.us

TO: City Council and Planning Commission
FROM: Brad Medrud, Planning Manager
DATE: April 9, 2024
SUBJECT: 2025 Comprehensive Plan Periodic Update – Housing Tour

1) Recommended Action:

Discussion item only.

2) Background:

On a ten-year cycle, the City is required to conduct a Growth Management Act periodic update of its Comprehensive Plan and related development regulations. For the current cycle, the City is required to complete work on the periodic update by December 31, 2025. Work on the periodic update started in 2022.

The updated Comprehensive Plan will address diversity, equity, and inclusion throughout the Plan. [2025 Comprehensive Plan Update | City of Tumwater, WA](#) contains links to information about the update, as well as copies of all presentations, staff reports, and guidance materials.

The Joint City Council & Planning Commission Housing Tour will be on April 9, 2024, from 6:00 p.m. to 8:00 p.m. The focus of the tour will be on existing middle housing opportunities in Olympia and Tumwater, looking at what has worked and what can be improved as a way for us to start our discussion on Housing Element policy development and outcomes.

3) Policy Support:

Comprehensive Plan Goal H-2: To provide a sufficient number of single family dwelling units, multi-family dwelling units, manufactured homes, and group housing to provide an affordable selection of housing to each economic segment of the Tumwater population.

4) Alternatives:

☐ None.

5) Fiscal Notes:

None

6) Attachments:

- A. Short Itinerary
- B. Detailed Itinerary
- C. Staff Report

- D. Commerce Housing Checklist
- E. Citywide Design Guidelines Introduction
- F. Citywide Design Guidelines Multifamily
- G. Citywide Design Guidelines Cottage Housing
- H. Citywide Design Guidelines Single Family
- I. Commerce User Guide for Middle Housing Model Ordinances
- J. Example - City of SeaTac Housing Element

2025 Comprehensive Plan Update

Joint City Council & Planning Commission Housing Tour Itinerary – April 9, 2024, 6:00 – 8:00 PM

Action	Discussion Focus	Period	Minutes	Location
Introduction – Board Vans	Purpose of the Tour – Existing Middle Housing: Focus on potential policy outcomes – What works and what can be improved	6:00 - 6:10	10	City Hall Lobby/Front Entry
Travel – Discussion enroute	Current City Policies and Regulations – Talk about current policies, regulations, and design standards for residential development	6:10 - 6:22	12	City Hall to Yauger Way NW/4th Ave NW, Olympia
Group Discussion #1 – Stop and get out	Middle Housing Options in Recent Local Development	6:22 - 6:36	14	Yauger Way Development - Olympia
Travel – Discussion enroute	State Requirements – Talk about the State's requirements for housing and middle housing	6:36 - 6:46	10	Yauger Way NW/4th Ave NW to Franklin St SE/9th Ave SE/Jefferson St SE, Olympia
Group Discussion #2 – Stops but stay on vans	Organic Middle Housing Over Time	6:46 - 6:56	10	Franklin St SE/9th Ave SE/Jefferson St SE, Olympia
Travel – Discussion enroute	Questions and Input – Answer questions and Councilmembers and Planning Commissioners input on what they have seen	6:56 - 7:03	7	Franklin St SE/9th Ave SE/Jefferson St SE to Lorne St SE/McDonald St SE, Tumwater
Group Discussion #3 – Stop and get out	Tumwater Examples of Middle Housing from the 1960s and 1970s	7:03 - 7:17	14	Lorne St SE/McDonald St SE - Tumwater
Travel – Discussion enroute	Questions and Input – Answer questions and Councilmembers and Planning Commissioners input on what they have seen	7:17 - 7:27	10	Lorne St SE/McDonald St SE to Ridgeview Loop/Starlight Lane
Group Discussion #4 – Stop and get out	Middle Housing Options in New Development	7:27 - 7:41	14	Ridgeview Loop/Starlight Lane - Tumwater
Travel – Discussion enroute	Questions and Input – Answer questions and Councilmembers and Planning Commissioners input on what they have seen	7:41 - 7:50	9	Ridgeview Loop/Starlight Lane to City Hall
Conclusion – Summary and Next Steps	Summarize Comments and Questions and Talk About Next Steps	7:50 - 8:00	10	City Hall Lobby/Front Entry

Item 2.

Housing Tour Itinerary for the 2025 Comprehensive Plan Update

*Balancing Nature and Community:
Tumwater's Path to Sustainable Growth*

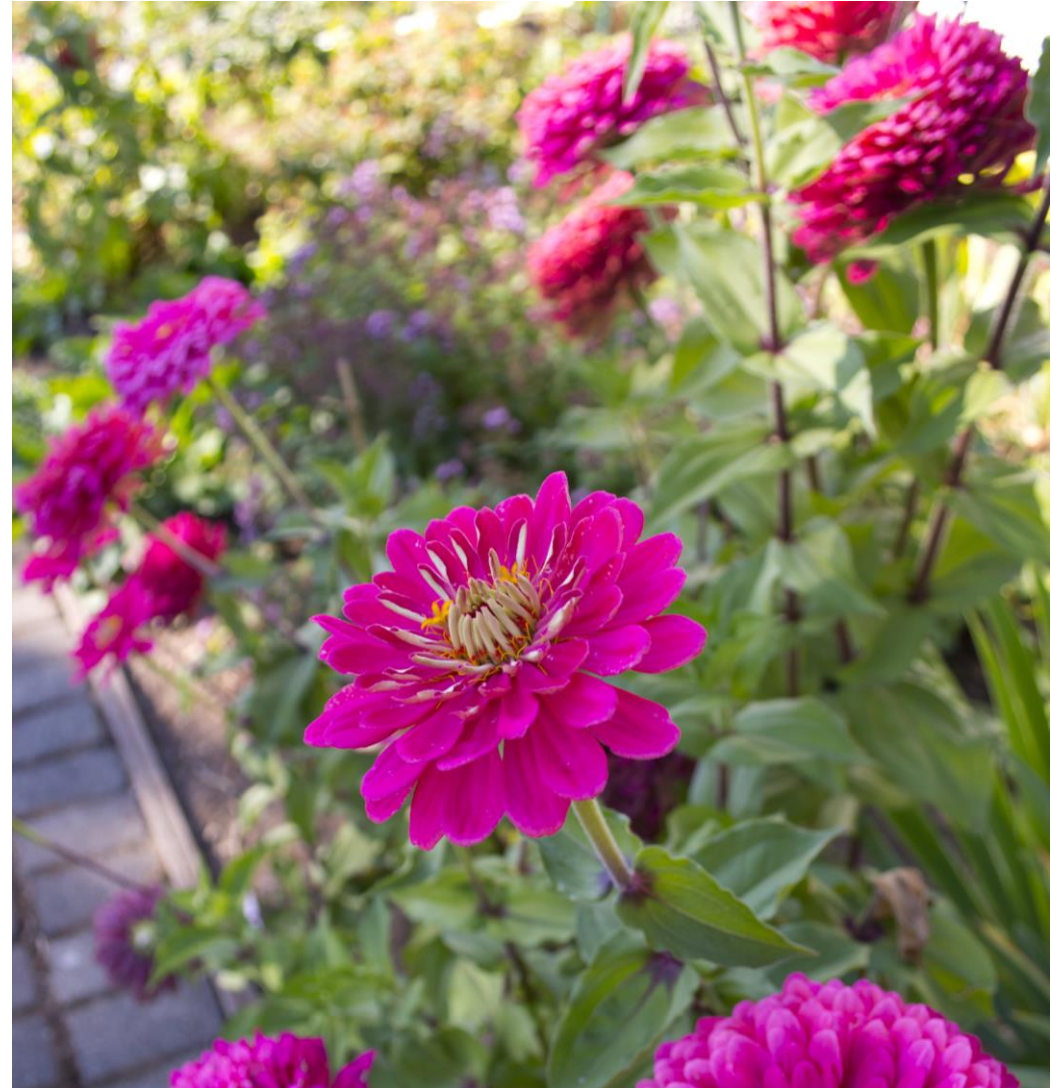
Joint City Council and Planning Commission Work Session – April 9, 2024



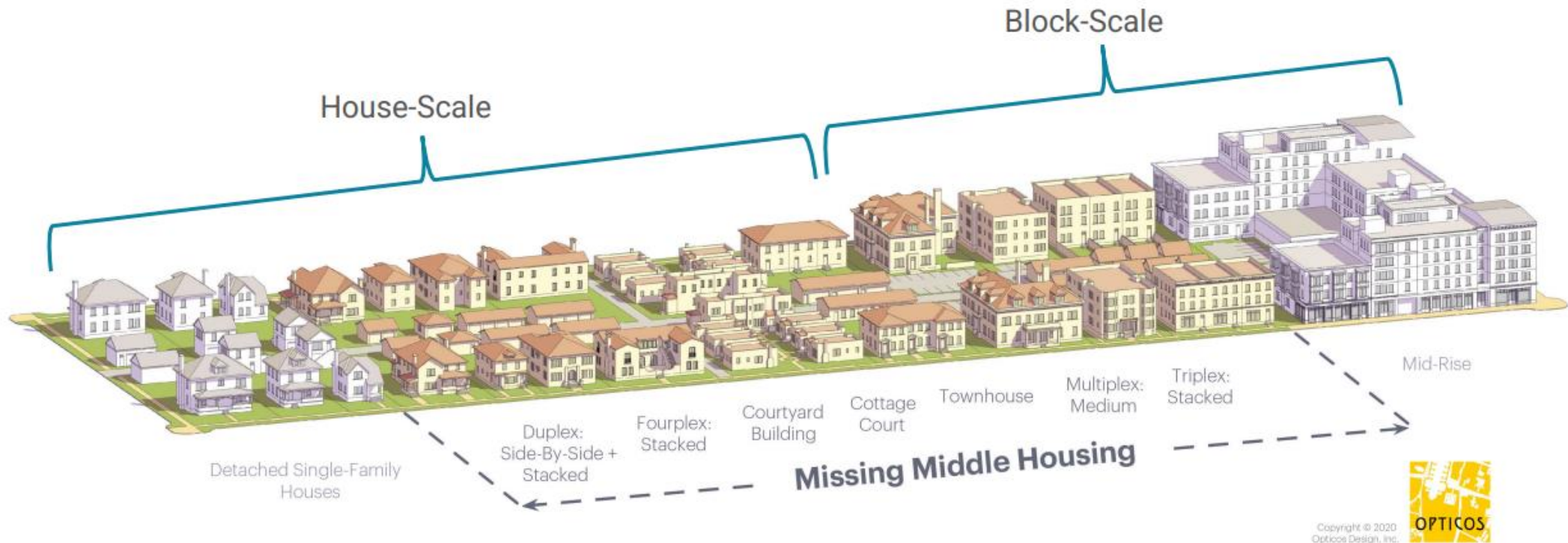
Intent

Start our discussion of the Housing Element policy development and intended outcomes by looking at existing middle housing opportunities in Olympia and Tumwater

Identify what has worked and what can be improved



Palette of Middle Housing Types



Middle Housing Typologies

Small

Equal to or like the size of a typical house in building footprint and size with heights up to 2.5 stories

Examples: Stacked or side-by-side duplex (2 units)
 Cottage housing (3 to 10 units)
 Triplex or fourplex (3 to 4 units)

Medium

Slightly larger than small middle housing with a height up to 2.5 stories

Examples: Multiplex medium (5 to 10 units)
 Courtyard medium (6 to 16 units)
 Townhouse medium (1 unit)



Middle Housing Typologies

Large

Taller (3 to 4 stories), wider and deeper than small/medium middle housing, still fit on larger lot sizes in residential neighborhoods, designed to fit in with smaller scale residential buildings

Examples: Multiplex large (7 to 18 units)
 Courtyard large (20 to 28 units)
 Townhouse large (1 unit)





Local Middle Housing Examples

Small Middle Housing

Cottage Housing



Duplex



Medium Middle Housing

Triplex



Fourplex



Medium Middle Housing

Triplex



Medium Middle Housing

Fiveplex



Sixplex



Medium / Large Middle Housing

Medium Courtyard



Large Courtyard



Medium / Large Middle Housing

Apartment Conversion





Itinerary

Itinerary

2025 Comprehensive Plan Update

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Introduction – City Hall



Purpose of the Tour

Existing Middle Housing:
Focus on potential policy
outcomes – What works and
what can be improved



Travel to Yauger Way – Olympia

Current City Policies and Regulations

Discuss current policies, regulations, and design standards for residential development

CITY OF TUMWATER

Citywide Design Guidelines



Group Discussion #1 – Recent Development

Yauger Way NE – Olympia

Examples of:

Middle housing options in recent local development

Housing Types:

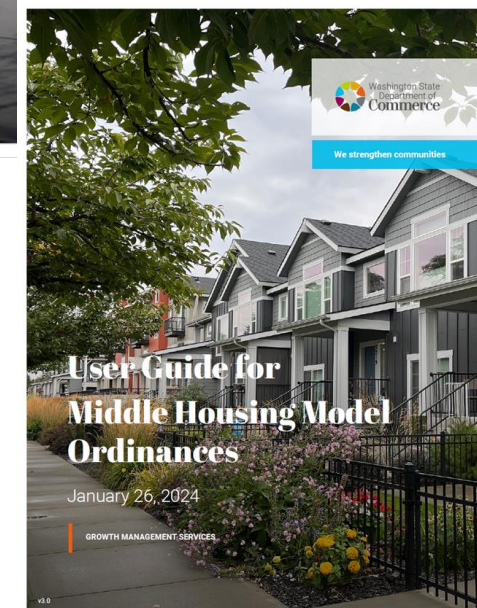
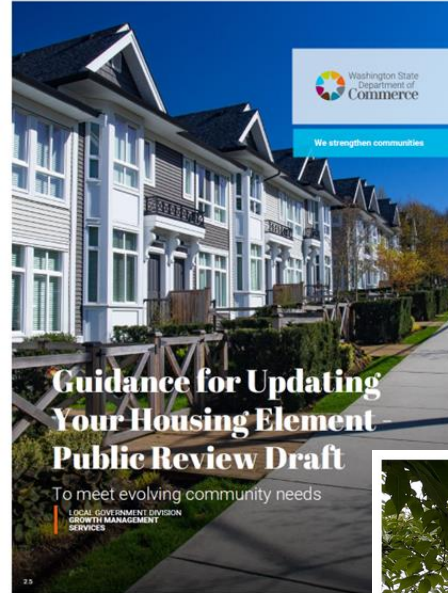
Duplex, triplex, fourplex, sixplex, and single family residential



Travel to Downtown Olympia

State Requirements

Discuss the State's requirements for housing and middle housing



Group Discussion #2 – Organic Middle Housing

Downtown Olympia

Examples of:

Middle housing options
in older development

Housing Types:

Conversions of single
family residential,
duplex, courtyard
apartments, fourplex



Travel to North Street – Tumwater



Questions and Discussion

Answer questions and discuss what we have seen



Group Discussion #3 – 1960s Middle Housing

North Street – Tumwater

Examples of:

Middle housing options in
1960s/1970s in Tumwater

Housing Types:

Duplex, triplex, fourplex,
and cottage housing



Travel to Ridgeview Loop – Tumwater



Questions and Discussion

Answer questions and discuss what we have seen



Group Discussion #4 – New Development

Tumwater Hill

Examples of:

Middle housing options in
new development in
Tumwater

Housing Types:

Duplex, triplex, fourplex,
and cottage housing



Travel back to City Hall



Questions and Discussion
Answer questions and
discuss what we have seen



Conclusion

Summarize Tour and Talk
About Next Steps





Upcoming Events

Upcoming Open Houses

Each Open House will be in person with a separate online component starting the day of the open house and be active for two weeks

- Wednesday, May 29, 2024 – Housing
- Wednesday, July 31, 2024 – Climate
- Wednesday, October 2, 2024 – Development Code

Joint City Tours with City Council

- Tuesday, April 9, 2024 – Housing
- Tuesday, August 13, 2024 – Transportation

Joint Work Sessions with City Council

- Tuesday, June 25, 2024 – Development Code
- Tuesday, July 9, 2024 – Climate
- Tuesday, July 23, 2024 – Economic Development
- Tuesday, October 22, 2024 – Land Use and Development Code
- Tuesday, December 10, 2024 – 2025 Work Program

Submitting Comments or Questions

Written comments or questions are welcome at any time during the periodic update process

- The periodic update email is compplan@ci.tumwater.wa.us
- City of Tumwater Contact:
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City of Tumwater Planning Manager
Community Development Department
555 Israel Road SW
Tumwater, WA 98501
Phone: 360-754-4180
Email: bmedrud@ci.tumwater.wa.us



STAFF REPORT



Date: April 9, 2024

To: City Council and Planning Commission

From: Brad Medrud, Planning Manager

2025 Comprehensive Plan Periodic Update – Housing Tour

On a ten-year cycle, the City is required to conduct a Growth Management Act periodic update of its Comprehensive Plan and related development regulations. For the current cycle, the City is obligated to complete work on the periodic update by December 31, 2025. Work on the periodic update started in 2022.

The updated Comprehensive Plan will address diversity, equity, and inclusion throughout the Plan and incorporate many State required changes addressing housing, climate change, and other topics, as well as City amendments identified through the public engagement process.

The Joint City Council & Planning Commission Housing Tour will be on April 9, 2024, from 6:00 p.m. to 8:00 p.m. The focus of the tour will be on existing middle housing opportunities in Olympia and Tumwater, looking at what has worked and what can be improved as a way for us to start our discussion on Housing Element policy development and outcomes.

This staff report is intended to provide background information on the Housing Element and development code update requirements.

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1. The Need

It is clear there is a need to do more to support increasing the City’s housing supply as part of the Comprehensive Plan update, even without the State requirements to do so.

A. Statewide Need

According to the State Department of Commerce, statewide 1.1 million new homes will be needed in the next 20 years.

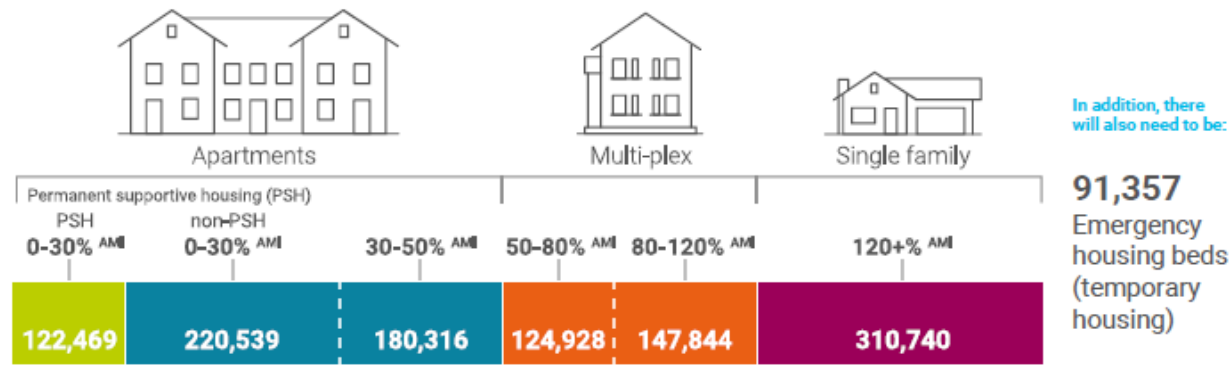


Figure 1. State Department of Commerce.

B. Who Are We Planning For?

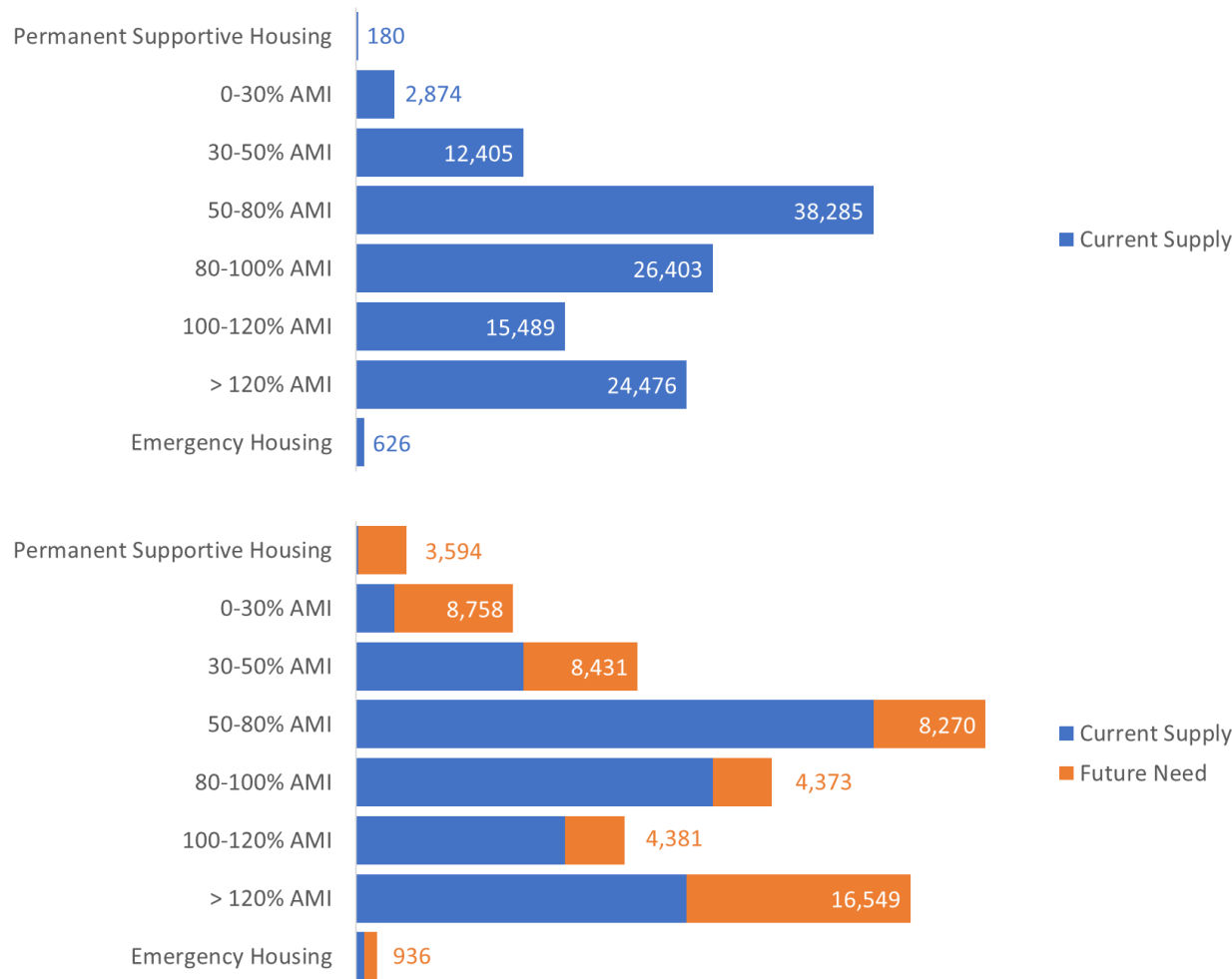
The State Growth Management Act requires the City to “**plan for and accommodate housing affordable to all economic segments of the population.**”

This means the City must plan for housing can be provided for all the categories of area median income (AMI) under 120% as well as emergency housing and shelter.

Income Category	Percent of Area Median Income	Equivalent Household Income*
Permanent Supportive Housing	0-30% AMI	Less than \$30,750
Extremely Low-Income		
Very Low-Income	30-50% AMI	\$30,751 to \$51,250
Low-Income	50-80% AMI	\$51,251 to \$82,000
Moderate-Income	80-100% AMI	\$82,001 to \$102,500
	100-120% AMI	\$102,501 to \$123,000
Remainder	>120% AMI	\$123,001 and greater

Also: Emergency Shelter, Emergency Housing (temporary shelter for people experiencing homelessness or at imminent risk of becoming homeless).

C. Countywide Need



AMI = Area Median Income (\$102,500 in 2023)

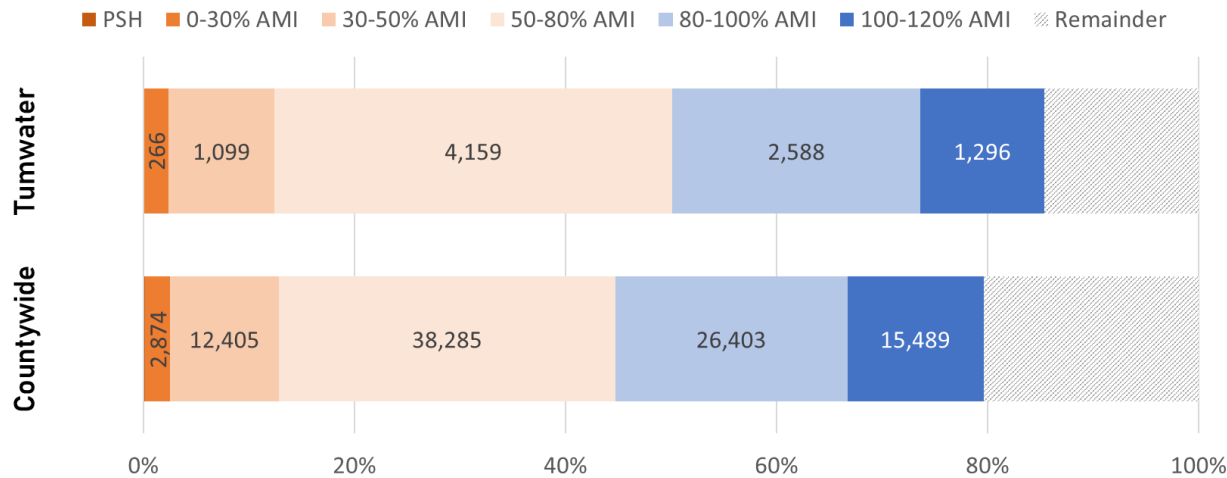
D. City Need

1) Total 2020 Supply and 2045 Need

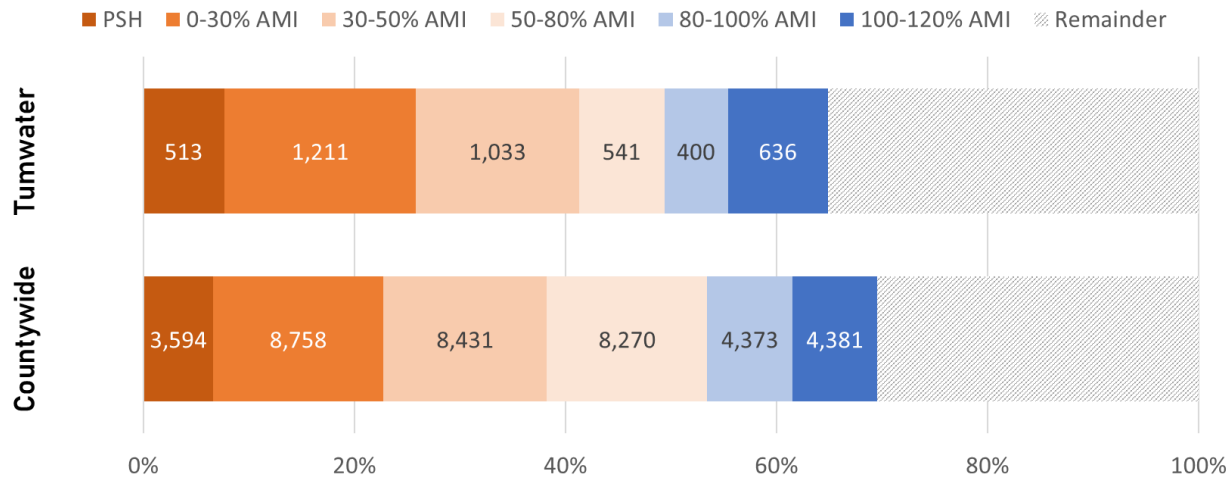
	City	UGA	Total
2020 Housing Supply	11,064	1,210	12,274
2020-2045 Housing Need*	6,676	2,516	9,192
	+60%	+208%	+75%

*TRPC projection, adopted 2018

2) 2020 Housing Supply



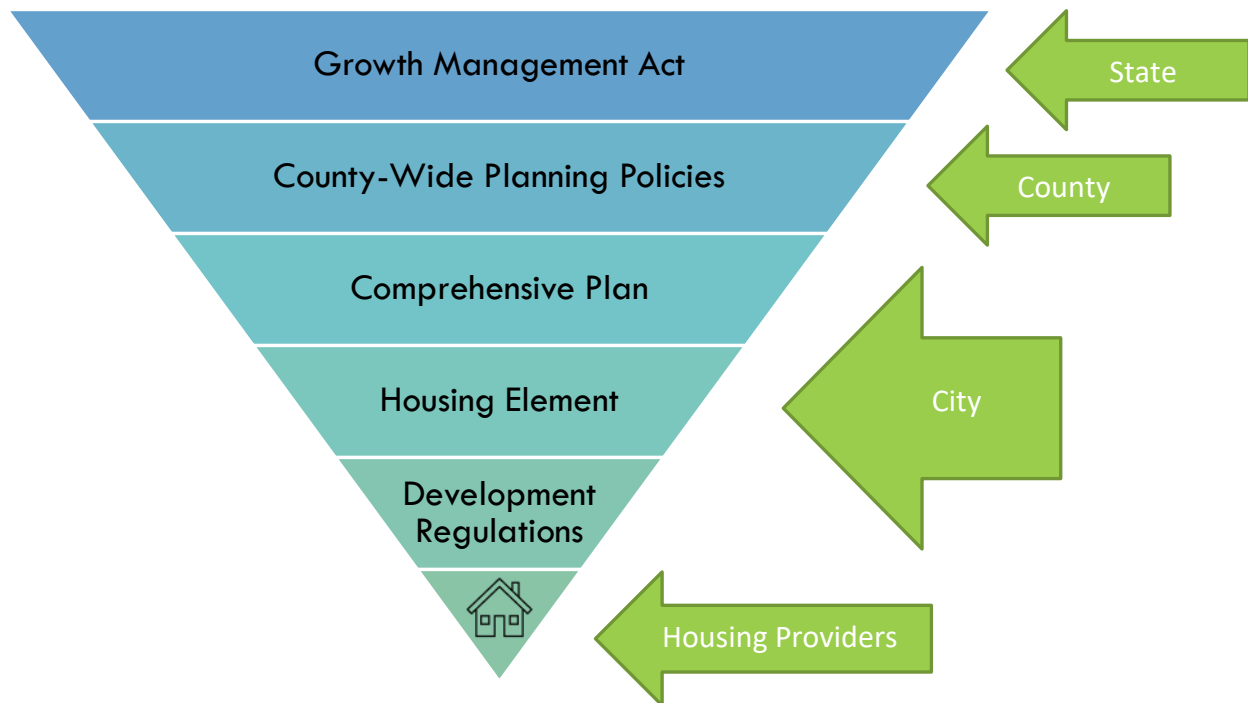
3) 2020-2045 Housing Need



PSH = Permanent Supportive Housing

2. Requirements for the Housing Element Update

A. How All the Parts Are Related



B. Growth Management Act

1) Housing Goal

The state Growth Management Act (Chapter 36.70A Revised Code of Washington (RCW)) requires that the City demonstrate that each Element in its Comprehensive Plan meets the relevant fifteen planning goals contained within the Act. The fifteen goals guide the development and adoption of the City's Comprehensive Plan and development regulations.

The following is a summary of how the updated Housing Element will need to meet the housing goal of the Growth Management Act. The housing goal was substantially updated in 2022 by the state legislature.

4. **Housing.** *Plan for and accommodate housing affordable to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.*

How affordable housing will be accommodated for all economic classes will be specifically set forth in the Housing Element of the Comprehensive Plan. The Housing Element plays a role in working with the Land Use Element to allocate sufficient land to ensure an adequate supply of buildable land for housing serving each economic class.

Each residential land use designation, including the Mixed Use designation, will provide a variety of housing types at varying densities. Each Neighborhood subarea will also

need to contain sufficient variability in housing types to ensure housing needs can be met for all segments of the City's population for the next 20 years. It is expected that the 2021 Tumwater Housing Action Plan will inform the update of the Land Use and Housing Elements. The goals, policies, and actions of the current Housing Element are found in Appendix B of this staff report.

2) Requirements for Housing Elements

In addition to the housing goal, the City's Housing Element will need to address the following state Growth Management Act requirements from RCW 36.70A.070 as substantially amended in 2023 to ensure the vitality and character of established residential neighborhoods.

1. Include an inventory and analysis of existing and projected housing needs that identifies the number of housing units necessary to manage projected growth, as provided by the State Department of Commerce, including:
 - a. Units for moderate, low, very low, and extremely low-income households; and
 - b. Emergency housing, emergency shelters, and permanent supportive housing;
2. Include a statement of goals, policies, objectives, and mandatory provisions for the preservation, improvement, and development of housing, including single-family residences, and moderate density housing options including, but not limited to, duplexes, triplexes, and townhomes;
3. Identify sufficient capacity of land for housing including, but not limited to, government-assisted housing, housing for moderate, low, very low, and extremely low-income households, manufactured housing, multifamily housing, group homes, foster care facilities, emergency housing, emergency shelters, permanent supportive housing, and consideration of duplexes, triplexes, and townhomes;
4. Make adequate provisions for existing and projected needs of all economic segments of the community, including:
 - a. Incorporating consideration for low, very low, extremely low, and moderate-income households;
 - b. Documenting programs and actions needed to achieve housing availability including gaps in local funding, barriers such as development regulations, and other limitations;
 - c. Consideration of housing locations in relation to employment location; and
 - d. Consideration of the role of accessory dwelling units in meeting housing needs;
5. Identify local policies and regulations that result in racially disparate impacts, displacement, and exclusion in housing, including:
 - a. Zoning that may have a discriminatory effect;
 - b. Disinvestment; and

- c. Infrastructure availability;
- 6. Identify and implement policies and regulations to address and begin to undo racially disparate impacts, displacement, and exclusion in housing caused by local policies, plans, and actions;
- 7. Identify areas that may be at higher risk of displacement from market forces that occur with changes to zoning development regulations and capital investments; and
- 8. Establish antidisplacement policies, with consideration given to the preservation of historical and cultural communities as well as investments in low, very low, extremely low, and moderate-income housing; equitable development initiatives; inclusionary zoning; community planning requirements; tenant protections; land disposition policies; and consideration of land that may be used for affordable housing.

The adoption of nonproject actions taken that increase housing capacity, increase housing affordability, and mitigate displacement as required under RCW 36.70A.070, and that apply outside of critical areas, are not subject to administrative or judicial appeal under SEPA unless the adoption of the nonproject actions has a probable significant adverse impact on fish habitat.

The full text of the state requirements for the Housing Element from WAC 365-196-410 is found in Appendix C of this staff report. For a copy of the complete State Department of Commerce Expanded Housing Checklist, see Attachment D.

In addition to the state requirements in WAC 365-196-410, the City will need to address new state legislation regarding accessory dwelling units and conversion of existing commercial or office uses to residential uses. A summary of the State required Development Code amendments required as part of the update is found in Appendix D of this staff report.

3) Requirements for Middle Housing

The Washington Legislature passed E2SHB 1110 in 2023. The bill requires the City to adopt development regulations allowing for middle housing on all lots zoned predominantly for residential use, including minimum unit per lot standards, maximum parking requirements, and requiring administrative design review in cases where design review is used.

The State Department of Commerce User Guide for Middle Housing Model Ordinances is found in Attachment I of the meeting packet and the current Tumwater Citywide Design Guidelines related to residential development are found in Attachments E through H of the meeting packet.

C. County-Wide Planning Policies – Affordable Housing

The Growth Management Act requires that Thurston County and the other jurisdictions within the County coordinate their plans and make them consistent. The framework for this coordination is known as County-Wide Planning Policies, which was developed by Thurston

County in collaboration with its cities and towns in 1992 and last amended in 2015. The Policies are used to frame how the Comprehensive Plans of Thurston County and its seven cities and towns will be developed and coordinated.

The County-Wide Planning Policies cover a number of topics including urban growth areas, economic development, transportation, and coordination between the jurisdictions. It is expected that the Policies will be amended again after the Update process is complete to address new state requirements.

The specific County-Wide Planning Policies related to housing include the following:

I. GENERAL POLICIES

- 1.10 Meet basic human needs of clean water and air, healthy food, adequate housing, quality education, public safety, and equal access, regardless of socio-economic status.*

VIII. AFFORDABLE HOUSING

- 8.1 Increase housing choices to support all ranges of lifestyles, household incomes, abilities, and ages. Encourage a range of housing types and costs that are commensurate with the employment base and income levels of jurisdictions' populations, particularly for low, moderate and fixed income families.*
- 8.2 Accommodate low and moderate income housing throughout each jurisdiction rather than isolated in certain areas.*
- 8.3 Explore ways to reduce the costs of housing.*
- 8.4 Establish and maintain a process to accomplish a fair share distribution of affordable housing among the jurisdictions.*
- 8.5 Work with the private sector, Housing Authority, neighborhood groups, and other affected citizens, to facilitate the development of attractive, quality, low and moderate income housing that is compatible with the surrounding neighborhood and located within easy access to public transportation, commercial areas and employment centers.*
- 8.6 Regularly examine and modify policies that pose barriers to affordable housing.*
- 8.7 When possible, provide assistance in obtaining funding and/or technical assistance for the expansion or establishment of low cost affordable housing for low, moderate and fixed income individuals and families.*

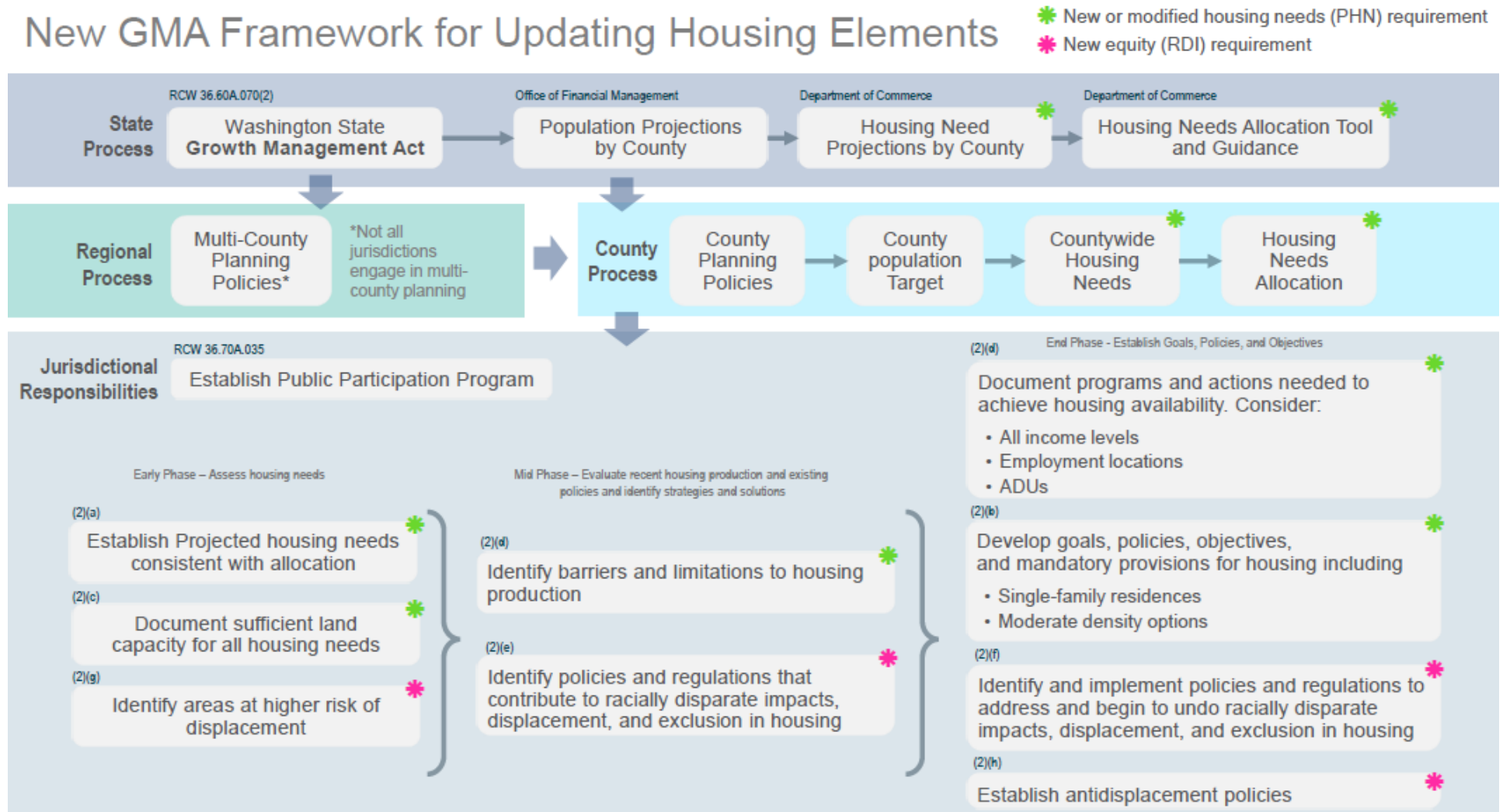


Figure 2. State Department of Commerce.

D. Other Related State Housing Laws

1) Washington Housing Policy Act

The Washington Housing Policy Act (RCW 43.185B.007 (1993 and amended 2004)) states:

It is the goal of the state of Washington to coordinate, encourage, and direct, when necessary, the efforts of the public and private sectors of the state and to cooperate and participate, when necessary, in the attainment of a decent home in a healthy, safe environment for every resident of the state.

[...]

The objectives of the Washington housing policy act shall be to attain the state's goal of a decent home in a healthy, safe environment for every resident of the state by strengthening public and private institutions that are able to:

- (1) Develop an adequate and affordable supply of housing for all economic segments of the population, including the destitute;*
- (2) Identify and reduce the causal factors preventing the state from reaching its goal;*
- (3) Assist very low-income and special needs households who cannot obtain affordable, safe, and adequate housing in the private market;*
- (4) Encourage and maintain homeownership opportunities;*
- (5) Reduce life-cycle housing costs while preserving public health and safety;*
- (6) Preserve the supply of existing affordable housing;*
- (7) Provide housing for special needs populations;*
- (8) Ensure fair and equal access to the housing market;*
- (9) Increase the availability of mortgage credit at low interest rates; and*
- (10) Coordinate and be consistent with the goals, objectives, and required housing element of the comprehensive plan in the state's growth management act in RCW 36.70A.070.*

E. Sustainable Thurston Goals

The Sustainable Thurston project began in early 2011 with question for the Thurston Region's residents: "How do you want your community to look, function, and feel in 2035?"

Online and in person, a thousand of engaged residents helped the Sustainable Thurston Task Force craft a regional vision of sustainable development that encompassed land use, housing, energy, transportation, food, health, and other interconnected issues.

Creating Places — Preserving Spaces: A Sustainable Development Plan for the Thurston Region was intended to integrate sustainability into all regional decision-making to achieve a healthy economy, society, and environment.

Tumwater adopted as part of the Housing Element the following Sustainable Thurston housing goals:

1.4.3 Housing Goals

- H-1: Improve regulatory clarity and predictability to encourage urban infill and redevelopment.*
- H-2: Increase housing amid urban corridors and centers to meet the needs of a changing population.*
- H-3: Provide sufficient housing for low and moderate income households within each jurisdiction.*
- H-4: Maximize opportunity to redevelop land in priority areas by investing in infrastructure and environmental remediation.*
- H-5: Provide sufficient service enriched housing for homeless and high-risk populations*
- H-6: Encourage housing density and diversity in neighborhoods to add vibrancy and increase equitable access to opportunity.*
- H-7: Encourage the construction, weatherization, and operation of homes to boost energy efficiency.*

3. Racially Disparate Impacts

As part of its Comprehensive Plan update, under HB 1220 (2023) the City must now do the following:

1. Identify local policies and regulations that result in racially disparate impacts, displacement, and exclusion in housing, including:
 - a. Zoning that may have a discriminatory effect;
 - b. Disinvestment; and
 - c. Infrastructure availability;
2. Identify and implement policies and regulations to address and begin to undo racially disparate impacts, displacement, and exclusion in housing caused by local policies, plans, and actions;
3. Identify areas that may be at higher risk of displacement from market forces that occur with changes to zoning development regulations and capital investments; and
4. Establish anti-displacement policies, with consideration given to the preservation of historical and cultural communities as well as investments in low, very low, extremely

low, and moderate-income housing; equitable development initiatives; inclusionary zoning; community planning requirements; tenant protections; land disposition policies; and consideration of land that may be used for affordable housing.

The State Department of Commerce released the final version of the *Racially Disparate Impacts Guidance* April 2023. The Guidance offers recommendations on how the City's Housing Element might be updated to address new Growth Management Act requirements regarding racially disparate impacts, displacement, exclusion, and displacement risk.

Addressing the new housing element requirements warrants recognition that the City's current housing is the product of many forces including policy, regulations, macroeconomic changes, lending practices, cost of development, and individual preference.

Land use and related policies contribute to the City's housing conditions as they can impact who has access to "areas of opportunity" in our communities, including access to healthy environments, safety, recreational opportunities, education, jobs, nutrition, and other basic needs. Land use decisions also shape the cost to produce housing, by defining the types and sizes of homes that can be built. These constraints affect the affordability and accessibility of housing for different households, and more specifically, determining if and where households can live within a community, based on their income.

Increasing housing supply and opportunity, specifically at prices affordable to Black, Indigenous, and People of Color (BIPOC) households, is one approach to reduce equity-related effects that discriminatory practices have created. Examples of these effects include:

- Past practices like redlining and restrictive covenants have denied many minorities and low-income households the opportunity to share in wealth building offered by homeownership, resulting in lasting racial and economic inequities seen today.
- Homeownership is out of reach of many minorities and low-income households, making these households particularly vulnerable to housing insecurity and displacement caused by rising rents.
- Higher poverty rates in certain minority neighborhoods have contributed to disinvestment of capital, businesses, and services from these neighborhoods.
- Compared to wealthier neighborhoods, residents in lower income and minority neighborhoods often are less engaged and less represented in local government processes and decisions that directly affect their neighborhoods and quality of life.

As part of the update, the City is required to review any history of racially disparate impacts, exclusion, and displacement, and take actions to begin to undo patterns of racial segregation and exclusion in land use policy making. Most directly, land use decisions shape the cost to produce housing, and thus the affordability and accessibility of housing for different households. The City's review and updates to housing policies and regulations will seek to provide equitable opportunity for safe and healthy housing for all members of the community.

The Guidance recommends that the Housing Element update process include, among other items, an evaluation of data and policies, as well as community engagement, following the steps below.



Figure 3. State Department of Commerce.

To assist the City on the data evaluation component, the State Department of Commerce will be issuing a Racially Disparate Impact Data Toolkit. This Toolkit will provide the City with a base level of data to use in its analysis, particularly in identifying racially disparate impacts and exclusion.

Information on the following data parameters will be available in the Toolkit, which will include comparative data for Thurston County:

- Racial composition (2015 and 2020)
- Cost burden by race and tenure (2019)
- Rental housing affordability by income categories (2019)
- Households by income and race (2019)
- Owner and renter households by racial group (2019)

Currently, the Toolkits are only available to jurisdictions in King, Pierce, Snohomish, and Kitsap Counties, as these counties and their cities and towns have a December 31, 2024, periodic update deadline. Similar information will eventually be provided to other local jurisdictions in the State, as they get closer to their respective periodic update deadlines.

4. Housing Action Plan

The City Council adopted the Tumwater Housing Action Plan in 2021. The Plan is intended to inform the City's Comprehensive Plan policies and development regulations and to guide implementation strategies to help the City meet its housing needs and strategic objectives.

The Plan built on the affordable housing work the City had started in 2018. It was the next step in the process of identifying actions to increase the amount of affordable housing in the City.

The Plan consolidated all affordable housing action items into one document that the City uses to support the development of more affordable housing in the City.

The Housing Action Plan will be used to support the update of the Housing Element.



Figure 4. State Department of Commerce and BERK

5. Current Housing Element

A. Background

The 2016 Housing Element of the Comprehensive Plan was prepared in accordance with the requirements of the Growth Management Act, adopted Thurston County-Wide Planning Policies, and Sustainable Thurston Policies and Actions.

The 2016 Housing Element covered the 20-year planning period from 2015 to 2035. The Housing Element of the Comprehensive Plan was last fully updated in 2016 and amended in 2021.

The goals, policies, and actions of the current Housing Element are found in Appendix B of this staff report.

B. Structure

The current Housing Element consists of the following parts:

1. Introduction
 - 1.1 Introduction, including Table of Foundational Plans and Data
 - 1.2 Growth Management Act Goals Compliance
 - 1.3 County-Wide Planning Policy Compliance
 - 1.4 Sustainable Thurston Goals
 - 1.4.1 Priority Goals
 - 1.4.2 Community Goals
 - 1.4.3 Housing Goals
 - 1.5 Affordable Housing Definition
 - 1.6 Ongoing Review Program
 - 1.7 Amendments
 2. Existing Housing Distribution
 - 2.1 Introduction
 - 2.2 Housing Pattern
 - 2.3 Housing Trends and Projections
 3. Existing Housing Investment Profile
 - 3.1 Introduction
 - 3.2 Federal and State Housing Financing Programs
 - 3.3 Local Financing
 - 3.4 Conclusion
 4. Affordable Housing Needs
 - 4.1 Introduction
 - 4.2 Emergency Shelters and Transitional Housing
 - 4.3 Private Subsidized Housing
 - 4.4 Publicly Subsidized Housing
 - 4.5 Low and Moderate Income Definitions
 - 4.6 Housing Needs Gaps and Coordination Points
 - 4.7 Homelessness
 - 4.8 Conclusion
-

- 5. Housing Goals, Policies, and Actions
 - 5.1 Housing Goals, Policies, and Actions
 - 6. Regulatory Barrier Assessment
 - 6.1 Introduction
 - 6.2 Community Perceptions
 - 6.3 Growth Management
 - 6.4 Permitting
 - 6.5 Infrastructure
 - 6.6 Zoning Code
 - 6.7 Building Code
 - 6.8 Conclusion
 - 7. Citywide Housing Needs
 - 7.1 Introduction
 - 7.2 Housing Needs
 - 7.3 Conclusion
 - 8. Sufficient Land for Housing
 - 8.1 Introduction
 - 8.2 Identification of Expected Population
 - 8.3 Identification of Sufficient Land for Housing
 - 8.4 Sufficient Land for Specific Housing Needs
 - 8.4.1 Government Assisted Housing
 - 8.4.2 Housing for Low Income People
 - 8.4.3 Manufactured Housing
 - 8.4.4 Multi-Family Housing
 - 8.4.5 Group and Foster Care Homes
 - 8.5 Vacancy Rates
 - 8.6 Conclusion
 - 9. Existing and Future Housing Provisions
 - 9.1 Introduction
 - 9.2 Protection of Existing Housing Stock
 - 9.3 Low and Moderate Income Provisions
-

- 9.4 Regulatory Barriers to Affordable Housing
- 9.5 Sufficient Land for 20 Years of Housing
- 9.6 Employment
 - 9.6.1 Thurston County Employment Base
- 9.7 Unemployment
- 9.8 Conclusion

C. Link to Current Housing Element

<https://www.ci.tumwater.wa.us/departments/community-development-department/tumwater-comprehensive-plan>

6. Housing Element Review and Update

A. Plan Development

- Identify barriers and limitations to housing production.
- Identify policies and regulations that contribute to racially disparate impacts, displacements, and exclusion in housing.
- Document programs and actions needed to achieve housing availability.
- Develop goals, policies, objectives, and mandatory provisions for housing.
- Identify and implement policies and regulations to address and begin to undo racially disparate impacts, displacement, and exclusion in housing.
- Establish antidisplacement policies.

B Specific Topics Addressed as Part of the Update

- Incorporate consideration of Diversity, Equity, and Inclusion throughout
 - Environmental Justice
 - Special consideration for environmental justice in goals and policies (E2SHB 1181)
- Comprehensive Plan Update
 - Housing Element
 - Update goals, policies, and actions for the preservation, improvement, and development of housing.

- Revise to consider of housing locations in relation to employment locations and the role of accessory dwelling units.
- Revise inventory and analysis of existing and projected housing needs over the planning period, by income band, consistent with the jurisdiction's share of housing need, as provided by the State Department of Commerce.
- Revise to include adequate provisions for existing and projected housing needs for all economic segments of the community.
- Revise identification of capacity of land for housing including, but not limited to, government-assisted housing, housing for moderate, low, very low, and extremely low-income households, manufactured housing, multifamily housing, group homes, foster care facilities, emergency housing, emergency shelters, permanent supportive housing.
- Identify local policies and regulations that result in racially disparate impacts, displacement, and exclusion in housing, including zoning that may have a discriminatory effect, disinvestment, and infrastructure availability.
- Establish policies and regulations to address and begin to undo racially disparate impacts, displacement, and exclusion in housing caused by local policies, Plans, and actions.
- Identify areas that may be at higher risk of displacement from market forces that occur with changes to zoning development regulations and capital investments.
- Establish anti-displacement policies, with consideration given to the preservation of historical and cultural communities as well as investments in low, very low, extremely low, and moderate-income housing; equitable development initiatives; inclusionary zoning; community planning requirements; tenant protections; land disposition policies; and consideration of land that may be used for affordable housing.
- Update information on federal, State, and local financing programs.
- Update housing services provided by public and private service agencies.
- Update information on housing needs gap.
- Consider policies to support rental and residential inspections programs.
- Update regulatory barrier assessment, citywide housing needs, and existing and future housing needs to year 2045.
- Incorporate provisions of the updated 2023 Hazard Mitigation Plan as appropriate.
- Address Regional Housing Council and Five-Year Thurston County Homeless Plan

C. Schedule

In March 2024, HB 2296 (SB 6150) extended the Comprehensive Plan and Development Code update deadline from June 30, 2025, to December 31, 2025. It did not extend any of the Commerce Contracts to change the due dates to spend the grants by June 2024 or June 2025.

1. Housing Element Development

1. Continuing Community Outreach
 - January 2024 –December 2025
2. Joint City Council and Planning Commission Housing Tour
 - April 9, 2024
3. First Discussion – Discuss Housing Tour and Next Steps
 - General Government Committee April 10, 2024
 - Planning Commission April 23, 2024
4. Community Conversation – Housing
 - In Person Meeting May 29, 2024
 - Online Component May 29, 2024 – June 12, 2024
5. Land Capacity Analysis Complete
 - Summer 2024
6. Displacement Analysis Complete
 - Summer 2024
7. Second Discussion – Portions of Draft Element for review
 - Planning Commission August 13, 2024
 - General Government Committee October 13, 2024
8. Third Discussion – Complete Draft Element for Review
 - Planning Commission January 28, 2025
 - General Government Committee February 12, 2025

2. Comprehensive Plan Ordinance Adoption Process

1. Prepare Ordinance
 - October 2024
2. SEPA Review
 - April – May 2025
3. Commerce Notice of Intent Review

- April – June 2025
4. Ordinance Adoption Process
- Planning Commission March 2025 – August 2025
 - City Council September 2025 – December 2025

Appendix A. Resources and Guidance

1. City of Tumwater

[2025 Comprehensive Plan Update | City of Tumwater, WA](#) contains links to guidance material and information about the update.

2. State Department of Commerce

A) General Guidance

The State Department of Commerce has provided guidance specific to the periodic update on their Periodic Update webpage.

<https://www.commerce.wa.gov/serving-communities/growth-management/periodic-update/>

www.commerce.wa.gov/serving-communities/growth-management/growth-management-topics

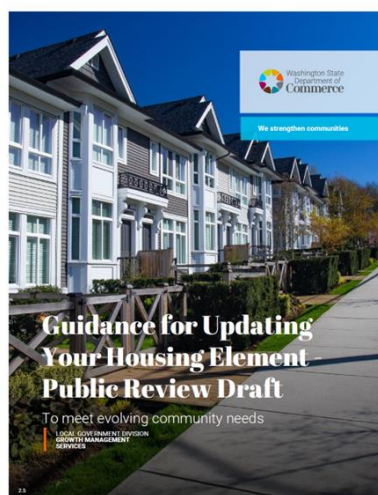
The State Department of Commerce has prepared a general webinar on the periodic update process.

[Periodic Update Workshop Kickoff](#)

B) Housing Guidance

The State Department of Commerce's Growth Management Act Housing Element webpage contains guidance on planning for housing under the Growth Management Act, including the new requirements established by House Bill 1220 (2021).

[Updating GMA Housing Elements - Washington State Department of Commerce](#)



The State Department of Commerce has prepared a number of webinars on how to address the new requirements.

[Guidance and Data for Updating Housing Elements: Implementing HB 1220](#)

[Guidance and Data for Updating Housing Elements: Land Capacity Analysis and Adequate Provisions](#)

[Updating your Housing Element: Racially Disparate Impacts Training](#)

[Talking Race for Planners Toolkit](#)

The State Department of Commerce maintains an Affordable Housing Planning Resource webpage containing a number of useful resources related to housing issues.

[Affordable Housing Planning Resources](#)

The State Department of Commerce recently released several materials related to missing middle housing and accessory dwelling units.

[Planning for Middle Housing](#)

3. Puget Sound Regional Council

The Puget Sound Regional Council as conducted a series of workshops on a variety of topics related to the periodic update.

www.psrc.org/our-work/passport-2044-comprehensive-plan-workshop-series

4. Municipal Research Services Center

The Municipal Research Services Center has a Comprehensive Planning webpage.

<https://mrsc.org/getdoc/d7964de5-4821-4c4d-8284-488ec30f8605/Comprehensive-Planning.aspx>

And prepared held a webinar on updating a Housing Element

[MRSC Webinar on Housing Elements](#)

5. Association of Washington Cities

The Association of Washington Cities has prepared a series of short five-to-eight-minute videos covering various a number of topics related to Comprehensive Plans from roles and responsibilities, budget, and economic development to implementation, and community engagement. Each video comes with a set of discussion questions.

<https://wacities.org/data-resources/gma-comp-plan-conversation-starters>

Appendix B. Current Housing Goals, Policies, and Actions

1. Introduction

Goals and policies describe how the City proposes to address identified needs. Goals are statements of desired outcomes or intended achievements. Policies are specific statements that guide actions and provide a framework for future decision-making. Actions are specific implementations of goals and policies.

Example from the current Housing Element:

GOAL H-1: To conserve and improve the existing city housing stock and quality of life of neighborhoods.

<u>Policy</u>	<u>Action</u>
H-1.1	Assist city neighborhoods in maintaining and rehabilitating the existing housing stock as decent, safe, sanitary, and affordable housing.
	H-1.1.1 Create a formal maintenance and rehabilitation program beyond the current City code enforcement procedures to support Policy H-1.1 in coordination with the City's work with the Regional Housing Council.

How key terms are used in goals, policies, and actions:

- "Shall" means implementation of the policy is mandatory and imparts a higher degree of substantive direction than "should".
- "Should" means implementation of the policy is expected but its completion is not mandatory.
- "May" means the actions described in the policy are either advisable or are allowed.
- "Ensure" means actions described in the policy are guaranteed.
- "Must" means implementation of the policy is an obligation.
- "Require" means implementation of the policy is compulsory.
- "Support" means to advocate for implementation of the policy.
- "Promote" means to help bring about implementation of the policy.
- "Encourage" means to foster or help implementation of the policy.
- "Consider" means to take into account.
- "Coordinate" means to bring into a common action, movement, or condition.
- "Implement" means to carry out or accomplish.
- "Integrate" means to form, coordinate, or blend into a functioning or unified whole.

- “Make” means to enact or establish.
- “Engage” means to do or take part in something.

2. Policy Strength Continuum

When developing goals and policies, it is important to understand the policy strength continuum. The Puget Sound Regional Council developed the following example.

<div> <div>Passive</div> <div>Policy Strength</div> <div>Active</div> </div>		
Statements of Inclination Conveys intent, but establishes no target or definition of success	Statements of Principle Describes clear targets or conditions of success	Statements of Impact Go further, describing specific situations where housing is a priority
Example The City shall encourage expeditious and efficient infill development.	Example The City shall endeavor to process completed development applications with 120 days.	Example Work with public and private developers to support housing for income groups under 80% AMI.

For an example of how policies can be written to be more active and how implementation strategies can be established for policies, include identifying who will be responsible for implementing the policy and the timeframes to do so, see Attachment J – Example - City of SeaTac Housing Element.

3. Other Questions to Consider

The Growth Management Act requirements related to addressing racially disparate impacts, displacement, and exclusion focus primarily on the update of the Housing Element. However, the Growth Management Act does require consideration of the effects of disinvestment and infrastructure availability for their contribution to racially disparate impacts (RCW 36.70A.070(2)(e)).

In addition, the Growth Management Act’s internal consistency requirements will lead to amendments to the Land Use, Lands for Public Purposes, and Utilities Element as well as the Transportation Plan, so they are consistent with the Housing Element.

The section “Step 3: Evaluate Policies”¹ of the State Department of Commerce’s Racially Disparate Impacts Guidance provides a recommended process for assessing goals and policies

¹ State Department of Commerce, Racially Disparate Impacts Guidance – Final (April 2023), pp. 33-41.

according to two lenses that both contribute to the policy impacts. The first lens focuses on actions the policies support or prohibit, and the second lens focuses on the narrative effect of the policy and if furthers harmful biases about groups of people and communities.

4. Current Housing Element

The Housing Element contains goals, policies, and actions meant to set forth a direction for how housing will be provided and maintained in the City based on its 20-year community vision. The goals, policies, and actions ensure coordination with the Comprehensive Plan Elements, Sustainable Thurston, and County-Wide Planning Policies.

The current Housing Elements goals, policies, and actions, found in Section 5.1 of the Housing Element include the following.

GOAL H-1: To conserve and improve the existing city housing stock and quality of life of neighborhoods.

<u>Policy</u>	<u>Action</u>
H-1.1	Assist city neighborhoods in maintaining and rehabilitating the existing housing stock as decent, safe, sanitary, and affordable housing. H-1.1.1 Create a formal maintenance and rehabilitation program beyond the current City code enforcement procedures to support Policy H-1.1 in coordination with the City’s work with the Regional Housing Council.
H-1.2	Encourage a range of housing, economic development, and community revitalization in the city.
H-1.3	Promote the quality of life of existing communities and implementation of community housing goals through the preparation of comprehensive plans and the development review process.
H-1.4	Provide assistance to improve community surroundings and infrastructure in residential areas.
H-1.5	Encourage and facilitate economic development as an important part of provision of housing by providing jobs. H-1.5.1 Continue implementation of economic development efforts to provide jobs in Tumwater.

GOAL H-2: To provide a sufficient number of single family dwelling units, multi-family dwelling units, manufactured homes, and group housing to provide an

affordable selection of housing to each economic segment of the Tumwater population.

<u>Policy</u>	<u>Action</u>
H-2.1	Provide sufficient, suitably zoned land for development of all housing types to accommodate the future needs for each type of housing, including single-family detached dwellings, accessory dwelling units, townhouses, duplexes, triplexes, fourplexes, multi-family dwellings, cottage housing, senior housing, roominghouses, group housing, and manufactured homes in manufactured home parks and on single lots.
H-2.2	Provide opportunities for a range of housing types to provide for all economic segments of Tumwater's population.
H-2.2.1	Monitor the Land Use Element and Zoning Code to ensure an adequate supply of suitably zoned land.

GOAL H-3: To provide adequate, affordable housing for residents of all income groups, including sufficient housing affordable to low and moderate-income groups.

<u>Policy</u>	<u>Action</u>
H-3.1	Encourage the development of innovative plans, codes, standards, and procedures in order to take advantage of new private and public sector approaches to housing provision.
H-3.1.1	The Zoning Code allows manufactured homes on single-family lots in all residential zones. It is the intent of the Housing Element to promote the designation of a sufficient supply of land for traditional mobile/manufactured home parks and to recognize that modular/manufactured housing on single family lots and in manufactured home parks is a viable form of housing construction.
H-3.1.2	Increase code enforcement efforts and build public private partnerships to encourage renovations of unfit structures for use as transitional or affordable housing.
H-3.2	Encourage provision of adequate building sites through appropriate land use planning and zoning codes, infrastructure supply, and overall regulatory climate.
H-3.3	Tumwater should assume its "fair share" of housing for low and moderate income groups, in cooperation with other jurisdictions in Thurston County.
H-3.3.1	Monitor land supply, census data, and housing policies to ensure Tumwater accommodates its fair share of housing for low and moderate income groups.

- H-3.3.2 Work with Tumwater School District, Housing Authority, and other agencies and organizations to pursue grant funding and implement transitional housing strategies for families with children.
- H-3.3.3 Establish a multi-family tax exemption program that gives financial incentive for developers to create multi-family structures in target areas and to set aside a percentage of units as low-income housing.
- H-3.4 Tumwater should work with the other jurisdictions in Thurston County as part of the Regional Housing Council to share decision making responsibilities related to homelessness and affordable housing in Thurston County to allow for collaboration in expanding affordable housing options and sharing the planning for, identification of, and resource allocation to activities and programs intended to support individuals experiencing homelessness in Thurston County.

GOAL H-4: To provide adequate opportunities for housing for all persons regardless of age, race, color, national origin, ancestry, sex, sexual orientation, familial status, marital status, ethnic background, source of income use of federal housing assistance, or other arbitrary factors.

Policy

Action

- H-4.1 Support the inclusion of living opportunities for families with children throughout the city.
- H-4.2 Support and encourage a variety of housing types and price ranges through appropriate policies and regulations.
 - H-4.2.1 Continue the requirement for reasonable maximum lot sizes in order to create smaller lots that are more affordable and that allow a more efficient use of City services.
 - H-4.2.2 Encourage homeowner associations to adopt Covenants, Conditions, and Restrictions (CCRs) consistent with this policy.

GOAL H-5: To supply sufficient, safe, suitable housing sites and housing supply to meet projected future housing needs for Tumwater over the next 20 years.

Policy

Action

- H-5.1 Ensure appropriate land use designations and Zoning Code designations to provide sufficient land for housing construction.
 - H-5.1.1 Monitor the Land Use Element and Zoning Code to ensure an adequate supply of suitably zoned vacant land. (2.1.1)
 - H-5.1.2 Continue joint planning with Thurston County to plan for future growth in Tumwater.

- H-5.2 Lands not suitable for development due to site constraints such as wetlands, steep slopes, geologically hazardous areas, etc., should be identified and considered when determining sufficient land for new housing in accordance with Tumwater's Conservation Plan.
- H-5.3 Encourage construction practices, which exceed minimum standards. Tumwater will support the use of alternative building designs and methods that exceed the minimum standards set by Tumwater.

GOAL H-6: To promote a selection of housing that is decent, safe, and sound, in close proximity to jobs and daily activities, and varies by location, type, design, and price.

<u>Policy</u>	<u>Action</u>
H-6.1	Protect residential areas from undesirable activities and uses through aggressive enforcement of adopted City codes.
H-6.2	Provide for a dynamic mix of residential land uses and zones in order to create a diverse mix of sites available for different housing types.
H-6.2.1	Continue to monitor the available land supply, census data, and City policies to ensure a diverse mix of land for residential housing stock.
H-6.2.2	Continue to implement innovative design techniques, such as zero lot line developments, architectural design standards, alley houses, and attached single-family housing. Zero lot line developments are residential real estate in which the structure comes up to or very near to the edge of the property. Zero-lot-line houses are built very close to the property line in order to create more usable space.
H-6.3	Support increasing housing opportunities along urban corridors and centers.
H-6.4	Encourage provision of affordable housing near public transit routes to promote efficient transportation networks.
H-6.4.1	Continue to involve Intercity Transit in Tumwater's development review process.
H-6.5	Tumwater will maintain current Building Code standards and will use the most up to date future Code editions.
H-6.6	Increase the variety of housing types outside of corridors and centers of appropriate intensities with supporting design guidelines to meet the needs of a changing population.

GOAL H-7: To ensure that housing is compatible in quality, design, and density with surrounding land uses, traffic patterns, public facilities, and environmentally sensitive areas.

<u>Policy</u>	<u>Action</u>
H-7.1	Support the stability of established residential neighborhoods through appropriate plans and codes.
	H-7.1.1 Continue to implement design standards for multi-family and attached single-family dwellings in order to ensure compatibility with existing neighborhoods.
H-7.2	Assure housing will be well maintained and safe.
H-7.3	Enhance the appearance of and maintain public spaces in residential areas.
H-7.4	Promote community involvement to achieve neighborhood improvement.

GOAL H-8: To support healthy residential neighborhoods which continue to reflect a high degree of pride in ownership or residency.

<u>Policy</u>	<u>Action</u>
H-8.1	Support the stability of established residential neighborhoods.
H-8.2	Assure housing will be well maintained and safe.
	H-8.2.1 Protect residential areas from undesirable activities and uses through aggressive enforcement of adopted City codes.
H-8.3	Enhance the appearance of and maintain public spaces in residential areas.
H-8.4	Promote community involvement to achieve neighborhood improvement.
	H-8.4.1 Encourage neighborhood meetings to discuss community issues as situations and concerns arise.
H-8.5	Encourage home ownership for Tumwater residents.

GOAL H-9: To encourage a variety of housing opportunities for those with special needs, particularly those with problems relating to age or disability.

<u>Policy</u>	<u>Action</u>
H-9.1	Require housing to meet the needs of those with special housing requirements without creating a concentration of such housing in any one area.
H-9.2	Assist social service organizations in their efforts to seek funds for construction and operation of emergency, transitional, and permanent housing.
H-9.3	Support and plan for assisted housing opportunities using federal, state, or local aid.
H-9.4	Encourage and support social and health service organizations, which offer support programs for those with special needs, particularly those programs that help people remain in the community.

H-9.5 Encourage alternative housing strategies for homeless youth, which may include Host Homes.

GOAL H-10: To provide housing that is compatible and harmonious with existing neighborhood character through use of innovative designs that enhance the appearance and quality of Tumwater's neighborhoods.

Policy

Action

H-10.1 Encourage innovation and variety in housing design and development. Tumwater will support efforts to build housing with unique individual character, which avoids monotonous neighborhood appearance.

H-10.2 Multi-family residential housing should be subject to design criteria that relate to density, structure bulk, size and design, landscaping, and neighborhood compatibility.

H-10.2.1 Continue to implement multi-family housing design standards.

GOAL H-11: To provide housing to accommodate Tumwater's housing needs in the urban growth area and make the most efficient use of infrastructure and services.

Policy

Action

H-11.1 Reference the Transportation Element and anticipated transportation impacts when making housing decisions affecting the location and density of housing.

H-11.2 Reference utility plans and the impact of housing decisions on capital improvements planning.

H-11.3 Encourage the construction of affordable housing, including cottage housing and accessory dwelling units, within a half mile or twenty minute walk of an urban center, corridor or neighborhood center with access to goods and services to provide access to daily household needs.

GOAL H-12: To encourage urban growth within the city limits with gradual phasing outward from the urban core.

Policy

Action

H-12.1 Encourage the construction of housing on vacant property within the city and the redevelopment of underdeveloped property within residential areas to minimize urban sprawl and associated public service costs.

H-12.1.1 Continue to review and revise, as necessary, City Development Standards deemed unnecessary and make development more expensive and/or difficult.

- H-12.1.2 Continue to support high-density zoning within specific areas of the city that have the infrastructure and services to support high-density housing.
- H-12.1.3 Continue to implement minimum density levels for all residential zoning districts to ensure efficient use of the urban growth area.
- H-12.1.4 Work cooperatively with Thurston County to provide for more efficient and orderly annexations to facilitate urban service delivery.

GOAL H-13: Ensure consistency with RCW 36.70A.070(2)(c) which requires sufficient land be available for all types of housing including manufactured housing.

<u>Policy</u>	<u>Action</u>
H-13.1	Maintain the manufactured home park district zoning in appropriate areas in order to prevent conversion of affordable housing to other uses without replacement.
H-13.1.1	Encourage manufactured housing park district zoning to locate near transit services.
H-13.2	When locating zones and designations for manufactured home parks, carefully consider the risks from natural hazards, such as flooding and liquefaction, and the impacts of those hazards on the future residents of those manufactured home parks, Tumwater’s emergency responders, and the city as a whole.

Appendix C. WAC 365-196-410 Housing Element

WAC 365-196-410

Housing element.

(1) Requirements. Counties and cities must develop a housing element ensuring vitality and character of established residential neighborhoods. The housing element must contain at least the following features:

(a) An inventory and analysis of existing and projected housing needs.

(b) A statement of the goals, policies, and objectives for the preservation, improvement, and development of housing, including single-family residences.

(c) Identification of sufficient land for housing including, but not limited to, government-assisted housing, housing for low-income families, manufactured housing, multifamily housing, group homes and foster care facilities.

(d) Adequate provisions for existing and projected housing needs of all economic segments of the community.

(2) Recommendations for meeting requirements. The housing element shows how a county or city will accommodate anticipated growth, provide a variety of housing types at a variety of densities, provide opportunities for affordable housing for all economic segments of the community, and ensure the vitality of established residential neighborhoods. The following components should appear in the housing element:

(a) Housing goals and policies.

(i) The goals and policies serve as a guide to the creation and adoption of development regulations and may also guide the exercise of discretion in the permitting process.

(ii) The housing goals and policies of counties and cities should be consistent with countywide planning policies and, where applicable, multicounty planning policies.

(iii) Housing goals and policies should address at least the following:

(A) Affordable housing;

(B) Preservation of neighborhood character; and

(C) Provision of a variety of housing types along with a variety of densities.

(iv) Housing goals and policies should be written to allow the evaluation of progress toward achieving the housing element's goals and policies.

(b) Housing inventory.

(i) The purpose of the required inventory is to gauge the availability of existing housing for all economic segments of the community.

(ii) The inventory should identify the amount of various types of housing that exist in a community. The act does not require that a housing inventory be in a specific form. Counties and cities should consider WAC 365-196-050 (3) and (4) when determining how to meet the housing inventory requirement and may rely on existing data.

(iii) The housing inventory may show the affordability of different types of housing. It may provide data about the median sales prices of homes and average rental prices.

(iv) The housing inventory may include information about other types of housing available within the jurisdiction such as:

(A) The number of beds available in group homes, nursing homes and/or assisted living facilities;

(B) The number of dwelling units available specifically for senior citizens;

(C) The number of government-assisted housing units for lower-income households.

(c) Housing needs analysis.

(i) The purpose of the needs analysis is to estimate the type and densities of future housing needed to serve all economic segments of the community. The housing needs analysis should compare the number of housing units identified in the housing inventory to the projected growth or other locally identified housing needs.

(ii) The definition of housing needs should be addressed in a regional context and may use existing data.

(iii) The analysis should be based on the most recent 20-year population allocation.

(iv) The analysis should analyze consistency with countywide planning policies, and where applicable, multicounty planning policies, related to housing for all economic segments of the population.

(d) Housing targets or capacity.

(i) The housing needs analysis should identify the number and types of new housing units needed to serve the projected growth and the income ranges within it. This should be used to designate sufficient land capacity suitable for development in the land use element.

(ii) Counties and cities may also use other considerations to identify housing needs, which may include:

(A) Workforce housing which is often defined as housing affordable to households earning between 80 to 120 percent of the median household income.

(B) Jobs-to-housing balance, which is the number of jobs in a city or county relative to the number of housing units.

(C) Reasonable measures to address inconsistencies found in buildable lands reports prepared under RCW 36.70A.215.

(D) Housing needed to address an observed pattern of a larger quantity of second homes in destination communities.

(iii) The targets established in the housing element will serve as benchmarks to evaluate progress and guide decisions regarding development regulations.

(e) Affordable housing. RCW 36.70A.070 requires counties and cities, in their housing element, to make adequate provisions for existing and projected needs for all economic segments of the community.

(i) Determining what housing units are affordable.

(A) In the case of dwelling units for sale, affordable housing has mortgages, amortization, taxes, insurance and condominium or association fees, if any, that consume no more than 30 percent of the owner's gross annual household income.

(B) In the case of dwelling units for rent, affordable housing has rent and utility costs, as defined by the county or city, that cost no more than 30 percent of the tenant's gross annual household income.

(C) Income ranges used when considering affordability. When planning for affordable housing, counties or cities should use income ranges consistent with the applicable countywide or multicounty planning policies. If no such terms exist, counties or cities should consider using the United States Department of Housing and Urban Development (HUD) definitions found in 24 C.F.R. 91.5, which are used to draft consolidated planning documents required by HUD. The following definitions are from 24 C.F.R. 91.5:

(I) Median income refers to median household income.

(II) Extremely low-income refers to a household whose income is at or below 30 percent of the median income, adjusted for household size, for the county where the housing unit is located.

(III) Low-income refers to a household whose income is between 30 percent and 50 percent of the median income, adjusted for household size, for the county where the housing unit is located.

(IV) Moderate-income refers to a household whose income is between 50 percent and 80 percent of the median income where the housing unit is located.

(V) Middle-income refers to a household whose income is between 80 percent and 95 percent of the median income for the area where the housing unit is located.

(ii) Affordable housing requires planning from a regional perspective. Countywide planning policies must address affordable housing and its distribution among counties and cities. A county's or city's obligation to plan for affordable housing within a regional context is determined by the applicable countywide planning policies. Counties and cities should review countywide affordable housing policies when developing the housing element to maintain consistency.

(iii) Counties and cities should consider the ability of the market to address housing needs for all economic segments of the population. Counties and cities may help to address affordable housing by identifying and removing any regulatory barriers limiting the availability of affordable housing.

(iv) Counties and cities may help to address affordable housing needs by increasing development capacity. In such an event, a county or city affordable housing section should:

(A) Identify certain land use designations within a geographic area where increased residential development may help achieve affordable housing policies and targets;

(B) As needed, identify policies and subsequent development regulations that may increase residential development capacity;

(C) Determine the number of additional housing units these policies and development regulations may generate; and

(D) Establish a target that represents the minimum amount of affordable housing units that it seeks to generate.

(f) Implementation plan.

(i) The housing element should identify strategies designed to help meet the needs identified for all economic segments of the population within the planning area. It should include, but not be limited to, the following:

(A) Consideration of the range of housing choices to be encouraged including, but not limited to, multifamily housing, mixed uses, manufactured houses, accessory dwelling units, and detached houses;

(B) Consideration of various lot sizes and densities, and of clustering and other design configurations;

(C) Identification of a sufficient amount of appropriately zoned land to accommodate the identified housing needs over the planning period; and

(D) Evaluation of the capacity of local public and private entities and the availability of financing to produce housing to meet the identified need.

(ii) The housing element should also address how the county or city will provide for group homes, foster care facilities, and facilities for other populations with special needs. The housing element should provide for an equitable distribution of these facilities among neighborhoods within the county or city.

(iii) The housing element should identify strategies designed to ensure the vitality and character of existing neighborhoods. It should show how growth and change will preserve or improve existing residential qualities. The housing element may not focus on one requirement (e.g., preserving existing housing) to the exclusion of the other requirements (e.g., affordable housing) in RCW 36.70A.070(2). It should explain how various needs are reconciled.

(iv) The housing element should include provisions to monitor the performance of its housing strategy. A monitoring program may include the following:

(A) The collection and analysis of information about the housing market;

(B) Data about the supply of developable residential building lots at various land-use densities and the supply of rental and for-sale housing at various price levels;

(C) A comparison of actual housing development to the targets, policies and goals contained in the housing element;

(D) Identification of thresholds at which steps should be taken to adjust and revise goals and policies; and

(E) A description of the types of adjustments and revisions that the county or city may consider.

[Statutory Authority: RCW 36.70A.050 and 36.70A.190. WSR 23-08-037, § 365-196-410, filed 3/29/23, effective 4/29/23; WSR 10-03-085, § 365-196-410, filed 1/19/10, effective 2/19/10.]

Appendix D. Housing Related Development Code Updates

1. State Required Development Code Updates

A) Accessory Dwelling Units

Accessory Dwelling Units (EHB 1337)		
Summary	Code to be Amended	Notes
Expand housing options by easing barriers to the construction and use of accessory dwelling units.	Sections throughout Title 18 Zoning, especially TMC 18.42.010 Accessory Dwelling Units	<p>Ensure accessory dwelling unit development regulations address the following state requirements:</p> <ul style="list-style-type: none"> • Impact fees for accessory dwelling units may not be greater than 50% of single-family homes. • Allow two accessory dwelling units per lot. • Maximum size of accessory dwelling units may be no less than 1,000 square feet. • No development or design standards for accessory dwelling units that are more restrictive than on the principal home. • Must allow conversion of existing building to an accessory dwelling unit even if nonconforming. <p>Actions to implement EHB 1337 are exempt from appeal under SEPA and to the Growth Management Hearings Board.</p> <p>MRSC Article: MRSC – Major Changes to Washington's Housing Laws</p> <p>Effective no later than six months after 2025 Comprehensive Plan update deadline (December 31, 2025), or EHB 1337 supersedes City code.</p>

B) Co-Living Housing

Co-Living Housing, Such as Rooming House Related Uses (ESHB 1998)		
Summary	Code to be Amended	Notes
Increase the supply and affordability of residential units affordable to people with an AMI of 50% or more.	Sections throughout Title 18 Zoning	<p>Co-living housing is a residential development with sleeping units that are independently rented and provide living and sleeping space, in which residents share kitchen facilities with residents of other units in the building.</p> <p>Address the following:</p>

		<ul style="list-style-type: none"> Allow co-living housing as a permitted use on any lot located within the City that allows at least six multifamily residential units, including on a lot zoned for mixed use development. <p>Effective no later than the 2025 Comprehensive Plan update deadline (December 31, 2025).</p>
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C) Condominiums and Smaller Residential Units

Condominiums and Smaller Residential Units (E2SSB 5258)		
Summary	Code to be Amended	Notes
Increase the supply and affordability of small residential units such as condominium units and townhouses.	Chapter 3.50 Impact Fees Title 17 Land Division	<p>Address the following:</p> <ul style="list-style-type: none"> Impact fee schedule must reflect the proportionate impact of new housing units, including multifamily and condominium units, based on the square footage, number of bedrooms, or trips generated, in the housing unit to produce a proportionally lower impact fee for smaller housing units. Amend short plat regulations procedures for unit lot subdivisions to allow division of a parent lot into separately owned unit lots (unit lot subdivision). Portions of the parent lot not subdivided for individual unit lots would be owned in common by the owners of the individual unit lots, or by a homeowners' association made up of the owners of the individual unit lots. <p>Impact fee requirements effective no later than six months after 2025 Comprehensive Plan update deadline (December 31, 2025),</p> <p>Unit lot subdivision requirements effective July 23, 2023.</p>

D) Design Review Standards

Design Review Standards (ESHB 1293)		
Summary	Code to be Amended	Notes
Apply only clear and objective design review	Chapter 18.43 Citywide Design Standards	Review all design standards to ensure they meet the bill's definition of 'clear and objective.'

standards to the exterior of new development.		<p>Ensure that the City's design review process is concurrent with the land use permit process and has no more than one public design review meeting.</p> <p>Effective no later than six months after 2025 Comprehensive Plan update deadline (December 31, 2025)</p>
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E) Manufactured Housing

Manufactured Housing (SB 5452)		
Summary	Code to be Amended	Notes
Update manufactured housing codes to meet state requirements.	Chapter 18.48 Designated Manufactured Homes – Manufactured Homes – New Manufactured Homes – Mobile Homes – Manufactured Home Parks	<p>Starting in 2019, manufactured housing is regulated the same as site-built housing (RCW 35.21.684 amended in 2019, RCW 35.63.160, RCW 35A.21.312 amended in 2019 and RCW 36.01.225 amended in 2019).</p> <p>The City may require that manufactured homes: (1) are new, (2) are set on a permanent foundation, and (3) comply with local design standards applicable to other homes in the neighborhood but may not discriminate against consumer choice in housing.</p>

F) Middle Housing

Middle Housing (E2SHB 1110)		
Summary	Code to be Amended	Notes
Increase middle housing in areas traditionally dedicated to single-family detached housing	Throughout Title 18 Zoning Title 17 Land Division	<p>Address the following:</p> <ul style="list-style-type: none"> At least two units per lot in residential zones except on lots less than 1,000 square foot), unless higher-density zoning applies. At least four units per lot in residential zones except lots less than 1,000 square foot, unless higher-density zoning applies, if at least one unit is affordable housing. Tumwater does not have any major transit stops that meet the bill's definition. <p>According to the legislation: <i>"Major transit stop" means:</i> <i>(a) A stop on a high-capacity transportation system funded or</i></p>

Middle Housing (E2SHB 1110)		
Summary	Code to be Amended	Notes
		<p><i>expanded under the provisions of chapter 81.104 RCW;</i> <i>(b) Commuter rail stops;</i> <i>(c) Stops on rail or fixed guideway systems; or</i> <i>(d) Stops on bus rapid transit routes.</i></p> <ul style="list-style-type: none"> • Note that the requirements for accessory dwelling units, parking, and transit availability are broader than what is in E2SHB 1110. • As an alternative to first two bullets above, meet their density requirements on 75% of City lots that are primarily dedicated to single-family. Also, meet criteria for the other 25%. • Meeting the two accessory dwelling unit per lot requirements of EHB 1337 may address some of these requirements. • Allow at least six of the nine types of middle housing in residential zones. • Allow zero lot line short plats. • Limit design review for middle housing to administrative process, and not apply any development standards that do not apply to single-family houses. • Limit parking requirements for middle housing to one parking space on lots less than 6,000 square feet and two spaces on lots greater than 6,000 square feet. There is a possibility to submit a transportation safety study to Commerce. • Actions on all the above bullets are exempt from appeal under SEPA. • There is a possibility for Commerce approval of 'substantially similar' plans and regulations to those required in this bill. • There is a possibility for Commerce to give a timeline extension if will result in displacement or overburdened infrastructure. The Capital Facilities Plan update can also be delayed by the City if an extension is granted. • Actions to remove parking requirements for infill development in an urban growth area categorically exempt from SEPA.

Middle Housing (E2SHB 1110)		
Summary	Code to be Amended	Notes
		<p>Common Interest Communities (e.g., condominium or homeowners' associations) cannot prohibit implementation of this bill.</p> <p>MRSC Article: MRSC – Major Changes to Washington's Housing Laws</p> <p>MRSC Article: MRSC – Missing Middle Housing</p> <p>MAKERS Article: How Washington's Middle Housing Legislation Applies in Your Community – MAKERS architecture and urban design</p> <p>Effective no later than six months after 2025 Comprehensive Plan update deadline (December 31, 2025).</p>

G) Parking for Affordable and Multifamily Housing Near Transit

Parking for Affordable and Multifamily Housing Near Transit (E2SHB 1923/SHB 2343)		
Summary	Code to be Amended	Notes
Update parking code to reflect recent state legislation	Chapter TMC 18.50 Parking	<p>(1) For housing units that are affordable to very low-income or extremely low-income individuals and that are located within one-quarter mile of a transit stop that receives transit service at least two times per hour for twelve or more hours per day, minimum residential parking requirements may be no greater than one parking space per bedroom or 0.75 space per unit.</p> <p>The City may establish a requirement for the provision of more than one parking space per bedroom or 0.75 space per unit if the jurisdiction has determined a particular housing unit to be in an area with a lack of access to street parking capacity, physical space impediments, or other reasons supported by evidence that would make on-street parking infeasible for the unit.</p> <p>This would affect such developments along the Intercity Transit 12 and 13 lines.</p>

Parking for Affordable and Multifamily Housing Near Transit (E2SHB 1923/SHB 2343)		
Summary	Code to be Amended	Notes
		<p>(2) For housing units that are specifically for seniors or people with disabilities, which are located within one-quarter mile of a transit stop that receives transit service at least four times per hour for twelve or more hours per day, the City may not impose minimum residential parking requirements for the residents of such housing units.</p> <p>The City may establish parking requirements for staff and visitors of such housing units and consider other special conditions.</p> <p>This would affect developments along the Intercity Transit 13 lines.</p> <p>(3) For market rate multifamily housing units that are located within one-quarter mile of a transit stop that receives transit service from at least one route that provides service at least four times per hour for twelve or more hours per day, minimum residential parking requirements may be no greater than one parking space per bedroom or 0.75 space per unit.</p> <p>The City may establish a requirement for the provision of more than one parking space per bedroom or 0.75 space per unit if it has determined a particular housing unit to be in an area with a lack of access to street parking capacity, physical space impediments, or other reasons supported by evidence that would make on-street parking infeasible for the unit.</p> <p>This would affect developments along the Intercity Transit 13 lines.</p>

H) Permit Review Process

Project Permit Review (2SSB 5290)		
Summary	Code to be Amended	Notes
Merge local permit review processes	Title 14 Development Code Administration	<p>There are new permit review timelines for project permit applications submitted to the City after January 1, 2025:</p> <ul style="list-style-type: none"> For projects that do not require public notice, the final decision must be issued within 65 days of the determination of completeness. For projects that do require public notice, the final decision must be issued within one hundred days of the determination of completeness. For project permits which require both notice and a public hearing, the final decision must be issued within 170 days of the determination of completeness. <p>Failure to adhere to the established permit review timelines would result in the City refunding an applicant's permit fees on a pro-rated basis — up to a 20% refund depending on the length of the delay.</p> <p>Address the following:</p> <ul style="list-style-type: none"> Review permits to decide what can be excluded from RCW 36.70B timelines. Exclude interior alterations from site plan review. Commerce will have new grant programs for permitting process improvements. Review Title 18 permit procedures for compliance with the bill's amendments to RCW 36.70B. <p>Update annual report on permit timelines as described in the bill (Commerce to develop report template).</p> <p>MRSC Article: MRSC – 2023 Legislative Updates to Modernize and Streamline Local Project Review</p> <p>Effective January 1, 2025, except second bullet is effective July 23, 2023.</p>

I) Religious Sponsored Housing Density Bonus

Religious Sponsored Housing Density Bonus (SB 1377)		
Summary	Code to be Amended	Notes
Provide an increased density bonus for affordable housing development (either single-family or multifamily) on property owned or controlled by a religious organization, provided certain conditions are met.	Title 18 Zoning	<p>The housing must be affordable for households earning less than 80% of the area median income and must remain affordable for at least 50 years—regardless of whether the religious organization continues to own the property.</p> <p>Supported by the Tumwater Housing Action Plan.</p>

J) Religious Sponsored Temporary Housing

Religious Sponsored Homeless Housing (ESHB 1754)		
Summary	Code to be Amended	Notes
Review existing regulations on outdoor encampments, safe parking efforts, indoor overnight shelters, and temporary small houses if on property owned or controlled by a religious organization	TMC 18.59.050 Homeless encampments	The legislation limits City requirements on outdoor encampments, safe parking efforts, indoor overnight shelters, and temporary small houses on property owned or controlled by a religious organization.

K) Residential Density Review

Review Residential Densities Citywide (E2SHB 1220)		
Summary	Code to be Amended	Notes
Review the minimum and maximum residential densities in all zone districts that allow residential uses to ensure there is adequate capacity for affordable housing for all income groups.	Title 18 Zoning	<p>Identified in the 2019 City Council Housing Affordability Work Plan – Housing Text Implementation and the Tumwater Housing Action Plan.</p> <p>Considered as a 2020 Annual Comprehensive Plan amendment. The City deferred action on the amendment to the 2025 Comprehensive Plan update.</p> <p>E2SHB 1220 contains extensive new requirements for removing barriers to providing affordable housing to all income groups in the City. The City must plan and allow for the development of new housing units affordable to all income groups.</p>

Review Residential Densities Citywide (E2SHB 1220)

Summary	Code to be Amended	Notes
		<p>Amendments to Comprehensive Plan land use designations text and map and the Zoning Map and Title 18 Zoning would occur simultaneously.</p> <p>Could include reducing the number of Comprehensive Plan land use designations to streamline rezone permit processes.</p>

L) SEPA Categorical Exemptions

SEPA (SSB 5818/2SSB 5412)

Summary	Code to be Amended	Notes
Authorize City adoption of SEPA categorical exemption for project actions that develop housing within a UGA.	Chapter 16.04 Environmental Policy	<p>Adoption of higher categorical exemptions for all housing in UGA. Must follow the specific process to do 'up-front' environmental analysis when adopting.</p> <p>MRSC Article: MRSC – New Legislation Related to Climate and the Natural Environment</p> <p>MRSC Article: MRSC – Major Changes to Washington's Housing Laws</p> <p>Effective July 23, 2023.</p>

M) Use of Existing Buildings for Residential Purposes

Existing Buildings for Residential Use (ESHB 1142)

Summary	Code to be Amended	Notes
Use of existing commercial, industrial, or institutional buildings for residential purposes.	<p>Title 15 Buildings and Construction</p> <p>Title 18 Zoning</p>	<p>Addresses the following:</p> <ul style="list-style-type: none"> • In zone districts that allow multifamily residential, allows internal units up to 50% of maximum zoning density. • Does not require more parking for internal units. • Does not impose permitting or development standards beyond those that apply to all residential uses in that zone district. • Makes design standards not applicable to residential conversions in existing buildings.

Existing Buildings for Residential Use (ESHB 1142)		
Summary	Code to be Amended	Notes
		<ul style="list-style-type: none"> Allows residential units in all areas of buildings except defined ground floor retail on 'major pedestrian corridors.' <p>For creation of units within an existing building, need to ensure that the following does not happen:</p> <ul style="list-style-type: none"> Require unchanged units meet new energy code. The State Building Code Council required to amend the Washington State Energy Code. Deny building permit due to existing nonconformities. Require a transportation concurrency study or environmental study. <p>An existing building is a building that has had a Certificate of Occupancy at least three years prior.</p> <p>Amendments to implement this bill are SEPA exempt.</p> <p>Effective no later than six months after 2025 Comprehensive Plan update deadline (December 31, 2025).</p>

2. City Sponsored Development Code Updates

A) Density Bonus Requirements

Density Bonus Requirements		
Summary	Code to be Amended	Notes
Update the City's density bonus requirements for permanently affordable housing and the transfer of development rights.	Title 18 Zoning	<p>Consider changing the City's current affordable housing requirement bonus to a 1 to 1 instead of 2 to 1.</p> <p>Remove transfer of development requirement to achieve highest residential densities.</p>



EXPANDED HOUSING CHECKLIST

Periodic Update Checklist for Fully-Planning Cities and Counties¹ with additional checklist items for housing element review.

This checklist provides the framework Commerce regional planners will use to review periodic update submissions. **This checklist is NOT required to be completed by each jurisdiction;** it is an additional tool to help local planners meet the intent of the statute.

- Jurisdictions may submit draft housing elements to [Laura Hodgson](#) for initial review prior to 60-day review. Jurisdictions in the PSRC region are encouraged to submit draft housing elements to Commerce when it is submitted to PSRC and/or King County, as the requirements from the state are slightly different from the local or regional requirements.
- **Housing element submissions should include a land capacity analysis (LCA) reflecting updated policies.** This LCA may be included as a supporting document such as a Housing Needs Assessment (HNA) or simply a separate land capacity analysis document. If the LCA is missing from the submission, it will be requested by Commerce staff.
- Regional planners will review draft comprehensive plans and development regulations for the items **IN BOLD CAPITALIZED TEXT BELOW EACH ITEM**. If these materials are not included in the housing submission, Commerce staff will request them. More information on these requirements are included in parenthesis if additional information is needed. (Land use element review items are included for reference to ensure consistency between elements.)
- Commerce will also be tracking that zoning changes are consistent with comprehensive plan changes and the LCA ([RCW 36.70A.115](#)). These zoning changes implement the policies in the comprehensive plan to plan for and accommodate housing affordable to all income brackets.
- **Questions?** Contact Laura Hodgson at Laura.Hodgson@commerce.wa.gov or 360-764-3143.

¹ The checklist items in this document are applicable to cities and counties, unless otherwise noted, but the headings in the checklist may be slightly different from the county checklist.

Section I: Comprehensive Plan Elements

Land Use Element

Consistent with countywide planning policies (CWPPs) and RCW 36.70A.070(1)

	Consistent? Yes/No	Changes needed?
<p>b. A future land use map showing land uses, city limits and UGA boundaries. RCW 36.70A.070(1) and RCW 36.70A.110(6), WAC 365-196-400(2)(d), WAC 365-196-405(2)(i)(ii)</p> <p>THE LAND USES MUST REFLECT PROJECTED GROWTH INCLUDING FUTURE HOUSING NEEDS.</p>	No	<p>Yes</p> <p>Update of Land Use Element after Land Capacity Analysis is completed by TRPC</p>
<p>d. A consistent population projection throughout the plan which should be consistent with the jurisdiction's allocation of projected countywide population and housing needs. RCW 36.70A.115, RCW 43.62.035 and WAC 365-196-405(f)</p> <p>TABLE OR OTHER DOCUMENTATION OF LOCAL ALLOCATION OF POPULATION AND HOUSING NEEDS BY INCOME BRACKET FROM THE COUNTYWIDE PROCESS.</p>	No	<p>Yes. Update using TRPC population forecast.</p> <p>Page 9 – Update Housing Trends and projections</p> <p>Page 38 – Update format of Population as table. Currently it's a written paragraph.</p> <p>Page 40 – Need to show housing by income and AMI.</p>
<p>e. Estimates of population densities and building intensities based on future land uses and housing needs. RCW 36.70A.070(1), WAC 365-196-405(2)(i)</p> <p>ESTIMATES SHOULD INCLUDE ASSUMED DENSITIES TO ACCOMMODATE HOUSING NEEDS. (See WAC 365-196-210(6), and Housing Element Book 2: Step C and footnote 30 on page 24.)</p>	No	<p>Yes.</p> <p>Update City-Wide Land Use Map and Chapter 2 of Land Use Element.</p>

Housing Element

In the 2021 legislative session, HB 1220 substantially amended the housing-related provisions of the Growth Management Act (GMA), RCW 36.70A.070(2). Local governments should review local comprehensive plan policies and countywide planning policies to be consistent with the updated requirements. Please refer to Commerce's housing webpages for further information about the new requirements:

Updating GMA Housing Elements and Planning for Housing.

	Consistent? Yes/No	Changes needed?
<p>a. Goals, policies and objectives for:</p> <ul style="list-style-type: none"> the preservation, improvement and development of housing, RCW 36.70A.070(2)(b), and moderate density housing options including, but not limited to, duplexes, triplexes, and townhomes, within an urban growth area boundary. RCW 36.70A.070(2)(b) amended in 2021, and WAC 365-196-410(2)(a) <p>ENSURE THERE ARE POLICY(IES) ON A VARIETY OF MODERATE DENSITY HOUSING TYPES, SUCH AS DUPLEXES, TRIPLEXES, AND TOWNHOMES IN URBAN GROWTH AREAS.</p>	<p>Yes.</p> <p>H-1, H-2 (2.1)</p>	<p>May want to consider stronger language supporting middle housing.</p>
<p>b. Consideration of housing locations in relation to employment locations. RCW 36.70A.070(2)(d) amended in 2021</p> <p>LAND USE MAP SHOULD SHOW HIGHER DENSITY HOUSING LOCATED NEAR EMPLOYMENT (COMMERCIAL) AND/OR ADJACENT TO HIGH QUALITY TRANSIT IF APPLICABLE. (Housing Element Book 2: see pages 67-68.)</p>	<p>Yes.</p> <p>H-6</p>	<p>May want to evaluate policy language with update to the Economic Development Plan.</p>
<p>c. Consideration of the role of accessory dwelling units (ADUs) in meeting housing needs. RCW 36.70A.070(2)(d) amended in 2021</p> <p>TO SHOW CONSIDERATION OF ADUS, DO ONE OR BOTH OF THE FOLLOWING:</p> <p>(1) THE HOUSING NEEDS ASSESSMENT OR HOUSING ELEMENT MUST INCLUDE TEXT AND/OR POLICIES THAT ADDRESSES THE POTENTIAL FOR ADUS TO MEET HOUSING NEEDS, OR</p> <p>(2) INCLUDE ADU CAPACITY IN LAND CAPACITY ANALYSIS. 20-year ADU capacity should not exceed 10% of eligible lots.</p> <p>(See Housing Element Book 2 - ADU narrative guidance: pages 68-69; ADU capacity: see Step 1.6 on pages 27-28.)</p>	<p>No.</p>	<p>Yes.</p> <p>Some policy support (H2.1, H-11.3), but could be expanded to specifically address ADUS as potential to meet housing needs.</p>

Housing Element

In the 2021 legislative session, HB 1220 substantially amended the housing-related provisions of the Growth Management Act (GMA), RCW 36.70A.070(2). Local governments should review local comprehensive plan policies and countywide planning policies to be consistent with the updated requirements. Please refer to Commerce's housing webpages for further information about the new requirements:

Updating GMA Housing Elements and Planning for Housing.

	Consistent? Yes/No	Changes needed?
<p>d. An inventory and analysis of existing and projected housing needs over the planning period, by income band, consistent with the jurisdiction's share of countywide housing need, as provided by Commerce. RCW 36.70A.070(2)(a) amended in 2021, WAC 365-196-410(2)(b) and (c)</p> <p>TABLE OR OTHER DOCUMENTATION OF LOCAL ALLOCATION OF HOUSING NEEDS BY INCOME BRACKET. (Housing Element Book 1: see #6 of "Minimum standards for identifying and allocating projected housing needs" on page 60.)</p>	No	<p>Yes.</p> <p>New State requirements.</p>
<p>e. Identification of capacity of land for housing including, but not limited to, government-assisted housing, housing for moderate, low, very low, and extremely low-income households, manufactured housing, multifamily housing, group homes, foster care facilities, emergency housing, emergency shelters, permanent supportive housing. RCW 36.70A.070(2)(c) amended in 2021, WAC 365-196-410(e) and (f)</p> <p>STATEMENT SHOWING THERE IS SUFFICIENT CAPACITY OF LAND FOR ALL INCOME HOUSING NEEDS, INCLUDING A TABLE SHOWING THE BREAKDOWN OF CAPACITY IN ZONES WHICH ADDS UP TO HOUSING NEEDS FOR ALL INCOME BRACKETS. (Supporting documentation of land capacity analysis is encouraged.) (Housing Element Book 2: see bottom table of Exhibit 17 on page 40 and Exhibit 20 on page 48.)</p> <p>ANY LIMITATIONS ON SUPPORTIVE HOUSING TYPES (EMERGENCY HOUSING (EH), EMERGENCY SHELTER (ES), PERMANENT SUPPORTIVE HOUSING (PSH), AND TRANSITIONAL HOUSING (TH)) MUST ALLOW THE SITING OF A SUFFICIENT NUMBER OF UNITS AND BEDS NECESSARY TO MEET PROJECTED NEEDS. (Housing Element Book 2: see pages 41-48.)</p> <p>THE ZONING MAP MUST BE CONSISTENT WITH AND IMPLEMENT THE LAND USE MAP AND LAND CAPACITY FINDINGS. (See RCW 36.70A.115(1), WAC 365-196-800)</p>	No.	<p>Yes.</p> <p>New State requirements</p>

	Consistent? Yes/No	Changes needed?
<p>f. Adequate provisions for existing and projected housing needs for all economic segments of the community. RCW 36.70A.070(2)(d) amended in 2021, WAC 365-196-010(g)(ii), WAC 365-196-300(f), WAC 365-196-410 and see Commerce’s Housing Action Plan (HAP) guidance: Guidance for Developing a Housing Action Plan</p> <p>INCLUDE A LIST OF BARRIERS TO AFFORDABLE HOUSING NEEDS, INCLUDING BARRIERS TO EMERGENCY HOUSING AND PERMANENT SUPPORTIVE HOUSING. (Housing Element Book 2: see page 50 and Appendix B.)</p> <p>INCLUDE AN ACTION PLAN TO REMOVE BARRIERS TO AFFORDABLE HOUSING. (Housing Element Book 2: see page 61 and Appendix B.)</p> <p>Note: Identification of barriers to affordable housing and actions to remove barriers do not need to be in table format, but both items need to be present in the housing element.</p>	No.	Yes. New State requirements
<p>g. Identify local policies and regulations that result in racially disparate impacts, displacement, and exclusion in housing, including:</p> <ul style="list-style-type: none"> • Zoning that may have a discriminatory effect; • Disinvestment; and • Infrastructure availability <p>RCW 36.70A.070(e) new in 2021</p> <p>INCLUDE A STATEMENT OF WHETHER DATA SHOWS IF THERE ARE DISPARATE IMPACTS. NOTE: COMMERCE HAS DATA AVAILABLE FOR ALL JURISDICTIONS ON OUR EZVIEW SITE. (Housing Element Book 3: see pages 19-20.)</p> <p>REVIEW OF HOUSING ELEMENT POLICIES AND REGULATIONS THAT HAVE LED TO THESE IMPACTS. This may be in the housing element, housing needs assessment or the staff report. (Housing Element Book 3: see pages 33-36; this specific evaluation framework is not required.)</p>	No.	Yes. New State requirements

	Consistent? Yes/No	Changes needed?
<p>h. Establish policies and regulations to address and begin to undo racially disparate impacts, displacement, and exclusion in housing caused by local policies, plans, and actions. RCW 36.70A.070(2)(f) new in 2021</p> <p>INCLUDE POLICIES TO ADDRESS THESE IMPACTS, OR THAT ADDRESS DEVELOPMENT OF MORE AFFORDABLE HOUSING, PRESERVATION OF EXISTING AFFORDABLE HOUSING, AND PROTECTION OF EXISTING HOUSEHOLDS. (Policies: Housing Element Book 3, see pages 36-39 and Appendix C of Housing Element Book 2; Regulations: Housing Element Book 3, pages 43-44.)</p>	No.	<p>Yes.</p> <p>New State requirements</p>
<p>i. Identification of areas that may be at higher risk of displacement from market forces that occur with changes to zoning development regulations and capital investments. RCW 36.70A.070(2)(g) new in 2021</p> <p>DISCUSSION AND/OR MAP OF AREAS THAT MAY BE AT RISK OF DISPLACEMENT. (COMMERCE AND PSRC HAVE MAPS AVAILABLE, AND INCLUSION OF ONE WOULD MEET THIS REQUIREMENT.) (Housing Element Book 3; see pages 27-31.)</p> <p>Establish anti-displacement policies, with consideration given to the preservation of historical and cultural communities as well as investments in low, very low, extremely low, and moderate-income housing; equitable development initiatives; inclusionary zoning; community planning requirements; tenant protections; land disposition policies; and consideration of land that may be used for affordable housing. RCW 36.70A.070(2)(h) new in 2021</p> <p>SEE H ABOVE.</p>	No.	<p>Yes.</p> <p>New State requirements.</p> <p>Working on Displacement Study with the Cities of Olympia and Lacey and Thurston County.</p>

Consistency is required by the GMA

	Consistent? Yes/No	Changes needed?
<p>b. All plan elements must be consistent with each other. RCW 36.70A.070 (preamble) and WAC 365-196-500</p> <p>ENSURE CAPITAL FACILITIES, TRANSPORTATION AND UTILITIES ELEMENTS INCLUDE IMPROVEMENTS TO SUPPORT ADDED HOUSING DENSITY AND CONSIDER UNDERSERVED AREAS. LIKELY CONSIDERATIONS WILL INCLUDE SYSTEM IMPROVEMENTS AND PRIORITIZING AND FUNDING THIS WORK. (Housing Element Book 2: see LCA Step 1.3 “Identify gaps in utility infrastructure and services” on page 22, and “Identify related infrastructure and service needs” on page 77.)</p>	No.	Yes.

Public Participation

<p>a. Plan ensures public participation in the comprehensive planning process. RCW 36.70A.020(11), .035, and .140, WAC 365-196-600(3) provide possible public participation choices.</p> <p>THE PUBLIC PARTICIPATION PLAN SHOULD SHOW EFFORTS TO ENGAGE VULNERABLE POPULATIONS, OVERBURDEDED COMMUNITIES, AND THOSE WHO MAY HAVE BEEN DISPARATELY IMPACTED BY HOUSING POLICIES. (Housing Element Book 3: see pages 15-19.)</p>	No.	<p>Yes.</p> <p>Community Engagement Plan will guide process and be revised throughout the process</p>
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Section II: Development Regulations

Must be consistent with and implement the comprehensive plan. [RCW 36.70A.040](#), [WAC 365-196-800](#) and [810](#)

Zoning Code

	Consistent? Yes/No	Changes needed?
<p>a. Zoning designations are consistent and implement land use designations that accommodate future housing needs by income bracket as allocated through the countywide planning process. (RCW 36.70A.070(2)(c) - Amended in 2021 with HB 1220)</p> <p>If subject to middle housing requirements in RCW 36.70A.635, see material on Commerce's Middle Housing webpage.</p> <p>ZONING MAP AND TEXT ALLOW FOR THE HOUSING TYPES AND DENSITIES IN THE LAND CAPACITY ANALYSIS.</p> <p>THESE ZONING CHANGES MUST BE COMPLETE BY THE END OF THE PERIODIC UPDATE PERIOD.</p>	No.	Yes.
<p>b. [FOR CITIES] Permanent supportive housing or transitional housing must be allowed where residences and hotels are allowed. RCW 36.70A.390 New in 2021, (HB 1220 sections 3-5)</p> <p>“permanent supportive housing” is defined in RCW 36.70A.030; “transitional housing” is defined in RCW 84.36.043(2)(c)</p> <p>[FOR CITIES AND COUNTIES] ANY LIMITATIONS ON PERMANENT SUPPORTIVE HOUSING AND TRANSITIONAL HOUSING MUST BE CONNECTED TO PUBLIC HEALTH AND SAFETY AND ALLOW THE SITING OF A SUFFICIENT NUMBER OF UNITS AND BEDS NECESSARY TO MEET PROJECTED NEEDS. (Housing Element Book 2: see pages 41-48.)</p>	Yes.	Addressed by Ordinance No. 02021-019, approved in 2022.
<p>c. [FOR CITIES] Indoor emergency shelters and indoor emergency housing shall be allowed in any zones in which hotels are allowed, except in cities that have adopted an ordinance authorizing indoor emergency shelters and indoor emergency housing in a majority of zones within one-mile of transit. Indoor emergency housing must be allowed in areas with hotels. RCW 35A.21.430 amended in 2021, RCW 35.21.683, amended in 2021, (HB 1220 sections 3-5)</p> <p>“emergency housing” is defined in RCW 84.36.043(2)(b)</p> <p>[FOR CITIES AND COUNTIES] ANY LIMITATIONS ON EMERGENCY HOUSING AND EMERGENCY SHELTER MUST BE CONNECTED TO PUBLIC HEALTH AND SAFETY AND ALLOW THE SITING OF A SUFFICIENT NUMBER OF UNITS AND BEDS NECESSARY TO MEET PROJECTED NEEDS. (Housing Element Book 2: see pages 41-48.)</p>	Yes.	Addressed by Ordinance No. 02021-019, approved in 2022

CHAPTER 1:

Introduction

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1.A. Administrative

1.A.1. Purpose

The general purpose of these Citywide Design Guidelines (Guidelines) is to implement the City's Comprehensive Plan vision. More specifically, the purposes of these Guidelines are to:

- Provide clear objectives for those embarking on the planning and design of development projects within Tumwater;
- Ensure attractive, functional development;
- Promote social and economic vitality;
- Foster safety and comfort through design;
- Promote compact, walkable development patterns;
- Promote original and high quality design;
- Enhance the character and function of Tumwater's streets;
- Promote building and site design that fits into the context of established neighborhoods;
- Promote sustainable design principles;
- Promote design that enhances the "sense of place" for neighborhoods;
- Increase the awareness of design considerations amongst the Tumwater community; and
- Maintain and enhance property values through appropriate aesthetic and functional design considerations.

1.A.2. Administrative Procedures

The City of Tumwater Community Development Director (Director) or designee will administer the Tumwater Citywide Design Guidelines (Guidelines), lead the review process, and ensure that new development meets their intent. The review of a development project application with respect to the Guidelines will be the same as, and concurrent with, project review with respect to the zoning provisions. The Director may modify the mandatory requirements of this chapter upon a showing by the applicant that the modified requirement will equally or better meet the intent of the design guideline to be modified. The Director may waive compliance with selected parts of these guidelines where it has been determined infeasible to apply them.

1.A.3. Applicability

a. The Guidelines apply to:

- (1) All new commercial, mixed use, residential, industrial, and institutional development not already addressed by the design guidelines for the Brewery District, Capitol Boulevard Corridor and Tumwater Town Center;

- (2) Additions to existing buildings that increase gross floor area by 1,000 square feet or more or increase gross floor area by 50 percent or more require conformance for the new portion of the structure and the area of the site that must be modified as a result of the expansion (this could include walkways, driveways, parking, signage, etc). The Director may waive compliance with selected parts of these guidelines where it is infeasible to apply them to these situations. However, the design should make the existing structure less non-conforming. For example, expansions to an existing building would not be required to move all existing parking behind the existing building. However, reconfiguring the existing parking to include trees, vegetative strips and pathways (see 2.D.1.2. and 2.D.2.1), and providing screening between the parking and street (see 2.D.2.2.) would be less non-conforming and consistent with the intent of these guidelines, and
- (3) Exterior modifications of existing structures such as façade changes, windows, awnings, signage, etc, shall comply with the design guidelines. The Director may waive selected parts of these guidelines where such changes would jeopardize the structural integrity of the existing structure or significantly conflict with the existing architecture.

b. The Guidelines are organized into the following chapters:

- Chapter 2. Commercial, mixed use, and multifamily
- Chapter 3. Industrial
- Chapter 4. Institutional
- Chapter 5. Cottage housing
- Chapter 6. Single family
- Chapter 7. Definitions

A development must comply with the chapter that addresses its land use type. For instance, a multifamily development must comply with Chapter 2, and an industrial development must comply with Chapter 3. If a development has multiple uses, it must comply with all chapters addressing its uses.

c. Exemptions

The following projects are exempted from the provisions of these Guidelines:

- (1) Projects within subareas that have their own guidelines (e.g., CBC and BD zones);
- (2) Construction underground, which will not leave any permanent structure that extends above the surface after completion;
- (3) Utilities in the public right-of-way;
- (4) Repair and maintenance work on buildings, landscaping (including relatively minor replacement of plants other than trees), or grounds (including parking lots), which does not significantly alter the appearance or function of the building, landscaping, or grounds (e.g., window replacement);
- (5) Interior remodeling work;

- (6) Temporary uses and structures as defined by the TMC; and
 - (7) Routine siding, roof maintenance and repair that does not modify the building structure.
 - (8) Properties being developed in the Historic Commercial (HC) zone district.
- d. Relation to other Tumwater Municipal Code (TMC) sections. These guidelines augment other provisions in the TMC. For example, requirements for construction of sidewalks are addressed in TMC 12.12. These guidelines do not automatically supersede other TMC provisions. In the case of apparent conflict between these Citywide Guidelines and other TMC provisions or adjoining special subdistricts (Brewery District, Capitol Boulevard Corridor and Tumwater Town Center), the Director shall determine the applicability of these guidelines based on the objectives of public health, safety, and welfare, direction from the Comprehensive Plan, and the guidelines' intent.

1.A.4. How the Guidelines are Applied

Most sections include the following elements:

- a. Intent statements, which are overarching objectives and should be used to assist with discretionary decision-making,
- b. Standards use words such as "shall," "must," and "is/are required," signifying required actions,
- c. The use of the word "should" means that the provision is required unless there is a compelling reason to the contrary,
- d. The use of words such as "is/are recommended," signifying voluntary measures, and
- e. Exceptions, which allow for flexibility to accommodate site-specific issues while still requiring the design to meet the intent of the design standards/guidelines.

1.A.5. Coordination with Transportation

Transportation system improvements and these design guidelines are intended to work in concert to improve Tumwater's public space for walking, biking, taking transit, driving, social gathering, and aesthetic appeal. In particular, to support the goals of these design guidelines, City planning and transportation staff collaborated to identify the following neighborhood center/gateway locations to be considered for on street parking (refer to the Street Designations Maps):

- Map #1 – Tumwater Hill
- Map #2 – Cleveland Ave
- Map #3 – Lamberts Corner: (Black Lake)
- Map #4 – Trospen Rd and Littlerock Rd
- Map #5 – 70th Ave SW and Kirsop Rd SW

Map #6 – Littlerock Rd at Israel Road

Map #7 – Littlerock Road at Tumwater Middle School and BPA Easement

Map #8 – Town Center

Map #9 – Henderson Blvd SE and Tumwater Blvd SE

Map #10 – Littlerock Rd at Black Hills High School

1.A.6. Organization of the Citywide Guidelines

These guidelines are organized into sections roughly arranged in the sequence of decisions made during the design process. That is, they consider first the larger site layout parameters that determine the size and configuration of the major project elements such as buildings, parking, and circulation. The second section addresses the site design features such as pathways and landscaping that further refine the site layout. The third section covers building design elements that are usually addressed after the larger site elements and building footprints have been determined.

CHAPTER 2:

Commercial, Mixed Use, and Multifamily

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2.A. Applicability

This chapter applies to commercial, mixed-use, and multifamily development. Also see **Chapter 1 Section A Applicability**.

2.B. Site Planning

2.B.1. Dimensional Standards

Table 2.B.1-1 Dimensional standards:

Standard	Requirement
Multi-Family - Minimum Open Space	150 square feet of on-site open space per multi-family dwelling unit
Non-Residential – Minimum Open Space	Open space equal to at least 1% of the ground floor non-residential building footprint plus 1% of the “site area.”
Pathways thru Parking	At least every four rows or at least every 180 feet
Landscaping in Common Parking Areas	Lots with 20 or more parking stalls require one tree for every 10 parking stalls and planting areas of 20 square feet per parking stall
Garages	Within 10 feet of sidewalk edge, must include screening

2.B.2. Relationship to Street Front

INTENT:

- To create an active, safe pedestrian environment throughout Tumwater, and especially in key, designated areas.
- To design sites and orient buildings to enhance the property’s visibility, attractiveness, and interaction with its adjoining streetscape.
- To establish a visual identity for Tumwater’s neighborhood centers.
- To create a hierarchy of streets and block fronts.

SUMMARY AND APPLICABILITY

The maps in **Appendix A: Street Designations** designate streets as Pedestrian-Oriented Streets (blue lines) and Signature Roads (purple lines). This section summarizes the purpose and guidelines for these street designations.

Pedestrian-Oriented Streets

Pedestrian-Oriented Streets are intended to be the most vibrant and activated areas in the city. Storefronts or other active ground floors enclose the street to create the sense of an outdoor room. These are also often designated at street corners to anchor neighborhoods with human-scale development.

Special street front guidelines apply to Pedestrian-Oriented Streets, as stated in **Guidelines 2.B.2.1 through 2.B.2.7 below**. Properties on Pedestrian-Oriented Streets must adhere to the basic citywide design guidelines, the **Section 2.B.2 Pedestrian-Oriented Streets** street front guidelines, and the following guidelines with special provisions for Pedestrian-Oriented Streets:

- **2.C.2.1 Pedestrian-Oriented Open Space** (where buildings are set back from the right-of-way),
- **2.E.4.1 Pedestrian-Oriented Facades**,
- **2.E.5.1 Buildings Corners**, and
- **2.E.6.1 Building Design Details**.

In addition, **2.E.3.1 Scale of Large Buildings**, **2.E.7.1.e Building Materials**, and **2.E.9.1.h Principal Building Entrances** have heightened requirements for Pedestrian-Oriented Streets.

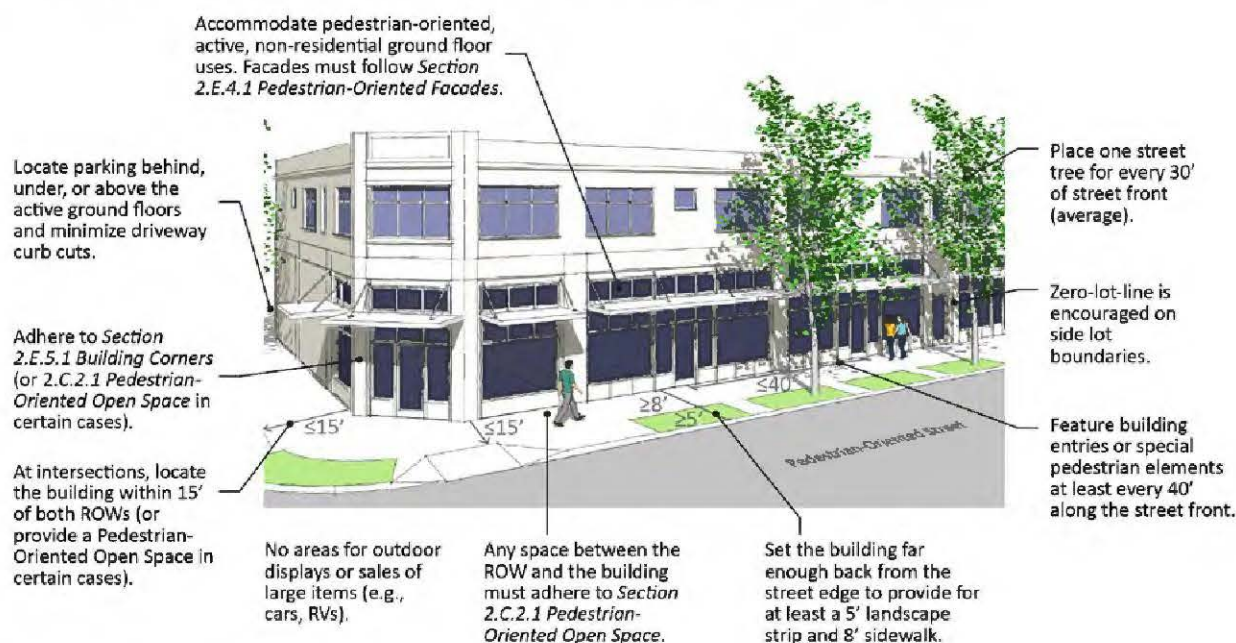


Figure 2.B.2-1. Pedestrian-Oriented Street requirements summary

Signature Roads

This designation supports a diversity of development edges that contribute to the visual character of the street, enhance the pedestrian environment, and connect to the lively corners at the Pedestrian-Oriented Streets. In residential areas, it ensures that residential units have a relationship to the street, making the street comfortable and safe for pedestrians and residents. In commercial and mixed-use areas, it maintains an attractive development edge relatively close to the right-of-way.

Special street front guidelines apply to Signature Roads, as stated in the **2.B.2.1** through **2.B.2.7** standards below. These allow slightly more flexibility than a Pedestrian-Oriented Street while being more specific than the basic guidelines. Properties on Signature Roads must adhere to the basic citywide design guidelines, the Section **2.B.2** Signature Roads street front standards, and the special provisions for Signature Roads in **2.E.5.1 Building Corners**. In addition, **2.E.3.1 Scale of Large Buildings** has heightened requirements for Signature Roads.

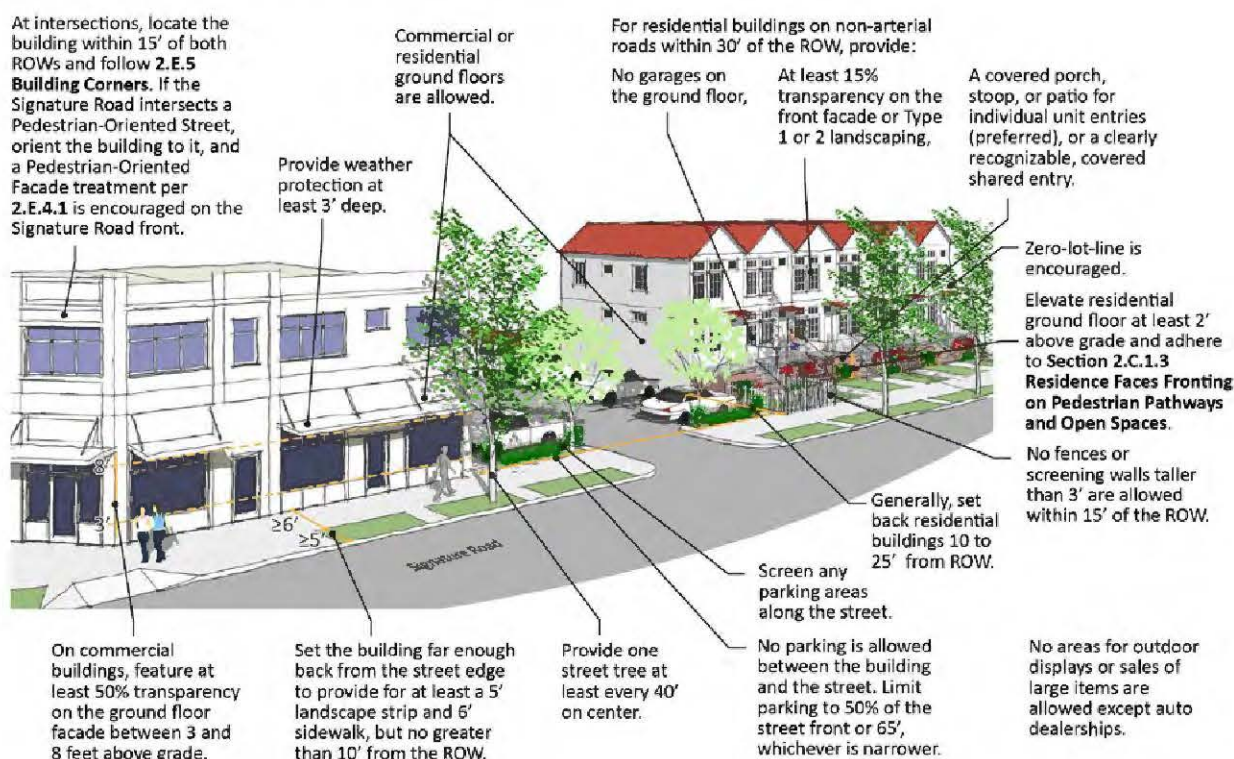


Figure 2.B.2-2. Signature Road requirements summary

STANDARDS/GUIDELINES:

2.B.2.1. Ground floor uses

- On **Pedestrian-Oriented Streets**, active ground floors with pedestrian-oriented non-residential uses are required. Ground floors may include retail, restaurants, office, innovation spaces (e.g., “makers spaces” and small business incubators), galleries, sports clubs, hotel lobbies, and other commercial uses.

- b. On **Signature Roads**, ground floors may be commercial or residential.

2.B.2.2. Appearance

- a. On **Pedestrian-Oriented Streets**, development must adhere to the following:
 - (1) Ground floors must feature:
 - i. Pedestrian-Oriented Facades per **Section 2.E.4.1** along the street,
 - ii. Building or storefront entries, small open spaces, or special features approved by the Director at least every 40 feet along the street front may suffice instead of entries per the Director's determination, and
 - iii. Areas between the street right-of-way and the front building façade must be a Pedestrian-Oriented Open Space per **Section 2.C.2.1**.
 - (2) Areas for outdoor displays or sales of large items (e.g., cars, RVs) are prohibited. Outdoor displays that are returned to the building's interior (e.g., sidewalk displays) are acceptable.
 - (3) Unpainted chain link fences are prohibited. Also see TMC 18.46 fence standards.
- b. On **Signature Roads**, development must adhere to the following:
 - (1) **Commercial** building facades facing the Road(s) and located within 15 feet of the ROW must feature:
 - i. At least 50% transparency on the ground floor façade between 3 and 8 feet above grade, and
 - ii. Weather protection at least 4 feet deep.
 - (2) **Residential** buildings on **non-arterials** located within 30 feet of the ROW must feature (note, the following are in addition to the guidelines that all residential buildings follow, such as **2.C.1.3 Residence Faces Fronting on Pedestrian Pathways and Open Spaces**):
 - i. No garages or storage space along the front façade on the ground floor,
 - ii. At least 15% transparency on the front façade or Type 1 or Type 2 landscaping per TMC 18.47.040,
 - iii. A covered porch, stoop, or patio for individual unit entries (preferred), or a clearly recognizable, covered shared entry.
 - (3) Areas for outdoor displays or sales of large items are prohibited, except auto dealerships and similar facilities are allowed.
 - (4) No fences or screening walls taller than 3 feet are allowed within 15 feet of the ROW. Also see TMC 18.46 fence standards.
 - (5) Unpainted chain link fences are prohibited in front yards.

2.B.2.3. Parking orientation

- a. On **Pedestrian-Oriented Streets**, all parking must be located behind, underneath, or above active ground floors and accessible via an alley or shared driveway (if available) to minimize curb cuts on the Pedestrian-Oriented Street.
- b. On **Signature Roads**, all parking must be located beside, behind, underneath, or above the ground floor use facing the street (i.e., no parking is allowed between the building and the street). Parking is limited to 50% of the street front or 65 feet, whichever is narrower. Any parking areas along the street must be screened (see **Section 2.D.2.2**).
- c. On all other streets and roads, minimizing large parking lots between the building front and the street is encouraged but not required.
- d. On-site parking may be supplemented with on-street parking along the development frontage, where consistent with the City's Transportation Plan and authorized by the Public Works Director.

2.B.2.4. Corners

- a. On **Pedestrian-Oriented Streets** at a street and/or trail intersection, a building must be located within 15 feet of both ROWs and follow **Section 2.E.5 Building Corners**. Alternatively, a Pedestrian-Oriented Open Space (see **Section 2.C.2.1**) may be provided on one corner of the intersection unless the Director determines that additional corners are appropriate for public space.
- b. On **Signature Roads** at a street and/or trail intersection, a building must be located within 15 feet of both ROWs and follow the **2.E.5 Building Corners** standards. If the Signature Road intersects a Pedestrian-Oriented Street or trail, the building must orient toward the Pedestrian-Oriented Street or trail, and additional **Pedestrian-Oriented Façade (2.E.4.1)** treatment is encouraged on the Signature Road front.

2.B.2.5. Space between building and street edge

Note, also see TMC Title 18 for setback requirements.

- a. On **Pedestrian-Oriented Streets**, development setbacks are as follows:
 - (1) Front minimum: Enough to allow for 13-foot for a sidewalk and planting area (i.e., space between building façade and edge of street). (See **2.B.1.6 Streetscape** below for more detail.)
 - (2) Side: Zero-lot-line is encouraged.
- b. On **Signature Roads**, development setbacks are as follows:
 - (1) **Commercial and mixed use** buildings requirements:
 - i. Front maximum: 10 feet from the right-of-way.
 - ii. Front minimum: Enough to allow for -11-foot for a sidewalk and planting area (i.e., space between building façade and edge of street). (See **2.B.1.6 Streetscape** below for more detail.)

- (2) **Residential** building requirements:
 - i. Front maximum: 25 feet (10 to 15 feet is preferred)
 - ii. Front minimum: 10 feet (unless Director approves a design that accomplishes the public to private transition goals in a narrower or no setback (e.g., with a recessed entry and ground floor windows above eye level)). Note, porches and stoops may protrude into the setback.
 - iii. Side: Zero-lot-line is encouraged in multifamily zones.
- (3) **Exceptions:** Departures from maximum setbacks may be allowed to preserve existing large trees.

2.B.2.6. Streetscape

- a. On **Pedestrian-Oriented Streets**, development must adhere to the following streetscape standards:
 - (1) Landscape strip between sidewalk and street:
 - i. Minimum 5 feet unless the Director determines that trees in grates meet the intent of buffering pedestrians from the street and enclosing the street with trees. The Director will identify the street edge if there is none existing or if there is a planned street improvement.
 - ii. The planting strip must include at least one street tree for every 30 feet of street front (average) and ground cover or shrubs conforming to standards in **Section 2.C.3.2.**
 - (2) Sidewalk: Minimum 8 feet clear walking space. If a building more than 3 stories tall abuts the sidewalk, there must be either an additional 3 foot vegetative strip between the sidewalk and the building or the sidewalk width increased 3 additional feet.
- b. On **Signature Roads**, development must adhere to the following streetscape standards:
 - (1) Landscape strip between sidewalk and street:
 - i. Minimum 5 feet unless the Director determines that trees in grates meet the intent of buffering pedestrians from the street and enclosing the street with trees. The Director will identify the street edge if there is none existing or if there is a planned street improvement.
 - ii. Street trees provided at least every 40 feet (average) on center
 - (2) Sidewalk: Minimum 6 feet clear walking space. If a building more than 3 stories tall abuts the sidewalk, there must be either an additional 3 foot vegetative strip between the sidewalk and the building or the sidewalk width increased 3 additional feet.

2.B.2.7. Public to private transition

- a. On **Signature Roads**, residential ground floors with individual unit entries (in addition to adhering to **Section 2.C.1.3 Residence Faces Fronting on Pedestrian Pathways and Open**

Spaces) must be raised at least 2 feet above the sidewalk grade and basement unit floors must be at least 2 feet below the sidewalk grade unless the Director determines it infeasible.

2.B.3. Pedestrian Circulation – Site Planning

INTENT:

- To improve the pedestrian environment by making it easier, safer, and more comfortable to walk between businesses and residences, on street sidewalks, to transit stops, and through parking areas.
- To provide pedestrian facilities such as sidewalks, crosswalks, and bus shelters connecting to all modes of transportation.
- To provide convenient pedestrian circulation connecting all on-site activities to adjacent pedestrian routes and streets.
- To provide access to transit and services.

STANDARDS/GUIDELINES:

2.B.3.1. Pedestrian circulation in non-residential and mixed-use projects

Provide safe, convenient and universally accessible pedestrian circulation for all users. Specifically:

- Where feasible, provide pedestrian access onto the site from all streets on which the use is located.
- Buildings must include universally accessible, convenient, clearly identified pedestrian entries.
- Building entrances must be oriented to and visible from a



Figure 2.B.3.1-1. Provide pedestrian access to the site from the street

public ROW unless the entrance is oriented to a publicly accessible open space. In either case, a clear pedestrian route must connect the public right-of-way and primary building entrances.

- d. For developments with multiple buildings, provide for pedestrian circulation between all buildings and conform to guidelines in **Section 2.C.1**.
- e. New commercial developments must provide direct pedestrian access to adjacent properties if the Director determines it is feasible and desirable. The intent of this requirement is to allow for pedestrian access between adjacent commercial developments. Direct pedestrian access to an abutting residential, industrial, or other zone is not required unless the Director determines it benefits both uses.



Figure 2.B.3.1-2 Internal and external pedestrian connections are important.

- f. Direct pedestrian access shall be provided to adjacent publicly accessible parks, open space, and trails, and transit, rideshare and bicycle storage facilities.
- g. New developments shall provide for the opportunity for future pedestrian connections to adjacent properties through the use of pathway stub-outs, building configuration, and parking area layout. Remodels of existing facilities are encouraged to provide these opportunities, where feasible.
- h. Shared pedestrian access, if provided in close proximity to the street, is allowed. One scenario where this would likely be used is where two buildings are built abutting each other and their entrances are directly next to each other at the lot line. The pedestrian

access between the two could be a shared inset building entrance area that both businesses can use while still having individual doors to each structure.

See also **Section 2.C Pedestrian Access, Amenities, and Open Space Design** and **2.B.4** below.

2.B.3.2. Pedestrian circulation in residential development

- a. Pathways between dwelling units and the street are required. Such pathways between the street and buildings fronting on the street should be in a straight line. Exceptions may be allowed by the Director where steep slopes prevent a direct connection or where an indirect route would enhance the design and/or use of a common open space.



Figure 2.B.3.2-1. Direct pathways between the street and dwelling units are required.

- b. The pedestrian circulation system shall connect all main entrances on the site. For townhouses or other residential units fronting the street, the sidewalk may be used to meet this standard. For multifamily developments, pedestrian connections to other areas of the site, such as parking areas, recreational areas, common outdoor areas, and any pedestrian amenities shall be required.
- c. Direct pedestrian access shall be provided to adjacent publicly accessible parks, open space, and trails, and transit, rideshare and bicycle storage facilities.
- d. External stairways or elevated walkways which provide pedestrian access to dwelling units located above the ground floor are prohibited. The director may allow exceptions for external stairways or walkways located in or facing interior courtyard areas provided they do not compromise visual access from dwelling units into the courtyard. This is not intended to prohibit skywalks or pedestrian bridges between buildings.



Figure 2.B.3.2-2. Elevated external walkways such as this are not allowed.

2.B.3.3. Adequate sidewalks and landscape along street

Pedestrian-Oriented Streets and Signature Roads must adhere to **2.B.1.6 Streetscape**.

Development along other streets must provide for frontage improvements consistent with the City's Transportation Plan.

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2.B.4. Vehicular Access and Circulation

INTENT:

- To provide better connectivity between sites for more efficient circulation and to ease congestion.
- To minimize cut-through traffic in residential neighborhoods.
- To provide safe and convenient vehicular access routes through large areas by connecting public and/or private roadways and access-ways.
- To enhance the visual character of interior access roads.
- To minimize conflicts with pedestrian circulation and activity.
- To enhance the safety and function of public streets.
- To provide access management on congested streets; i.e., to reduce turning movements that increase congestion and reduce safety.
- To support transit services.

STANDARDS/GUIDELINES:

See also **Section 2.D. Parking Design** and **Guideline 2.B.1.3 Parking Orientation** for standards related to parking lot location.

2.B.4.1. Inter-site Connectivity

The provision of through vehicle access connections between commercially or non-residentially zoned properties is required except in rare instances where the Director determines it is infeasible or undesirable. Such access may be in the form of a dedicated or private alley, connected or shared parking lots, shared driveways, or similar features. The intent of this guideline is to provide greater connectivity to facilitate future access to all properties and provide better vehicular circulation. This guideline is not required if the Director determines that such a vehicle connection would significantly hamper safe pedestrian movement.



Figure 2.B.4.1-1. Joint parking with shared access (orange arrows) has been an important asset for Lake City Way businesses.

2.B.4.2. Internal Roadways and Vehicular Circulation

- a. Provide street trees and sidewalks on all internal access streets (i.e., through vehicle access connections on sites with any dimension 400 feet or greater) to increase their function and appearance. In **non-residential** zones, sidewalks on internal streets must have at least 8 feet of clear walking width with planting strips between the sidewalk and street edge at least 4 feet wide and 1 street tree for every 30 feet of street frontage. Sidewalks are required on both sides of the street unless alternative continuous pedestrian access is available for all buildings. If on-street parking is provided and rainwater drainage treated elsewhere, then the planting strip may be in the form of tree pits within the pavement but there must be at least 50 square feet of planting area or permeable pavement per tree to support root functions. The Director may require wider sidewalks in situations with high pedestrian volumes. In **residential** zones, sidewalks on internal streets must have at least 5 feet of clear walking width with at least 4-foot wide planting strips between the sidewalk and the street edge and one street tree for every 30 feet of street frontage.

See **Section 2.F.1** regarding lighting.



Figure 2.B.4.2-1. Two internal road examples. Juanita Village's internal roadways (left) are one model for circulation on large sites. Note the on-street parking, crosswalks, wide sidewalks, street trees, signage, and pedestrian lighting. The example on the right features a narrower road section with pedestrian amenities and crossing.

- b. Include traffic calming measures such as small traffic circles, raised crosswalks and curb extensions (sidewalk bulbs) to reduce vehicle speed and increase safety.
- c. Primary vehicular access to corner lots shall be located sufficiently distant from the intersections to minimize traffic conflicts.
- d. The Director may require modification of proposed vehicle access points and internal circulation in order to minimize the potential for cut-through traffic in residential neighborhoods. Specifically, access connecting nearby roads may be required.



Figure 2.B.4.2-2 pedestrian-oriented access streets are usually needed to provide good circulation to and through large sites.

2.B.4.3. Drive-Through Facilities

Where allowed, drive through facilities (e.g., drive-up windows) must comply with the standards in TMC 18.43.075.

2.B.5. Lots with Multiple Buildings or with a Total Area Greater than 2 Acres

INTENT:

- To create integrated development plans and phasing strategies.
- To reduce negative impacts to adjacent properties.
- To enhance pedestrian and vehicular circulation.
- To encourage transit use.
- To provide usable open space.
- To create focal points for pedestrian activity for developments.
- To enhance the visual character of the community.

STANDARDS/GUIDELINES:

2.B.5.1. Unified Site Plans

Development at sites with two or more buildings or properties larger than 2 acres in area shall demonstrate that the project is based on a unified site plan that meets the following criteria:

- a. Incorporates open space and landscaping as a unifying element.
- b. Provides pedestrian paths or walkways connecting all businesses and the entries of multiple buildings.
- c. Provides for safe, efficient internal vehicular circulation that does not isolate the buildings.
- d. Integrates any required open space as a central or unifying element.
- e. Takes advantage of special on-site or nearby features.



Figure 2.B.5.1-1 An example of a site plan illustrating requirements of Guideline 2.B.4.1.

- f. To achieve direct, safe and comfortable pedestrian connections, building entrances must not be focused around a central parking area but be connected by a pathway system and/or open space(s), unless the Director determines this infeasible or undesirable (e.g., on small sites with 40 or less parking stalls).
- g. A development may provide a major public entry serving several shops rather than providing a separate storefront entry for all shops. If the development employs the combined-entry option, then it must be at least 15 feet wide, with special entry features such as weather protection and pedestrian lighting.
- h. See also **Guideline 2.B.8.1 Non-Residential Open Space** requirements.

2.B.6. Service Areas and Mechanical Equipment

INTENT:

- To minimize adverse visual, olfactory, or auditory impacts of mechanical equipment, utility cabinets and service areas at ground and roof levels.
- To provide adequate, durable, well-maintained, and accessible service and equipment areas.
- To protect residential uses and adjacent properties from impacts due to location and utilization of service areas.

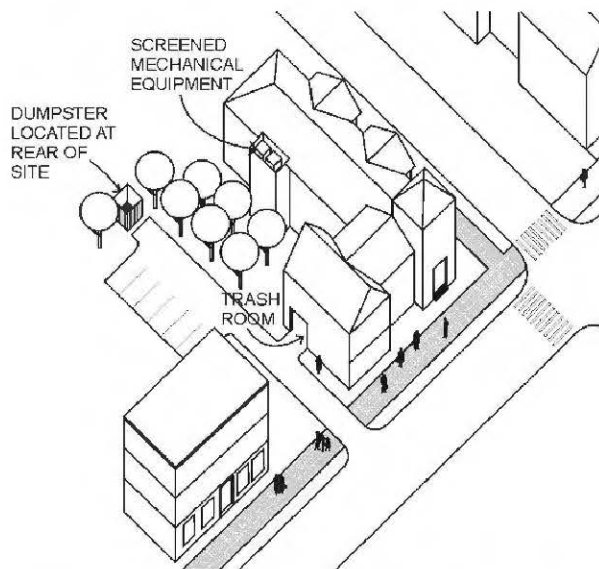


Figure 2.B.6.1-1. Locate service elements to reduce impacts on the residential and pedestrian environment, and provide appropriate enclosure.

STANDARDS/GUIDELINES:

2.B.6.1. Service Areas, Utilities, and Mechanical Equipment

Reduce impacts of refuse containers and storage areas through the following implementation measures:

- a. Service areas (loading docks, trash dumpsters, compactors, recycling areas, electrical panels, and mechanical equipment areas) shall be located to avoid negative visual, auditory (noise), olfactory, or physical impacts on the street environment and adjacent residentially zoned properties. The City may require evidence that such elements will not significantly impact neighboring properties or public areas. (For example, the City may require noise damping specifications for fans near residential zones.) Service areas shall be sited for alley access if available.
- b. Exterior loading areas for commercial uses shall not be located within 20 feet of a single family residentially zoned property, unless the Director finds such a restriction does not allow feasible development. In such cases, the areas and drives will be separated from the residential lot by a masonry wall at least 8 feet high. Internal service areas may be located across the street from a single family residential zone.
- c. Service areas must not be visible from the sidewalk and adjacent properties. Where the City finds that the only option for locating a service area is either visible from a public right-of-way or space or from an adjacent property, the area must be screened with either landscape or structural screening measures provided in Section 2.B.5.2.
- d. Ground-mounted mechanical equipment must be located and screened to minimize visual and noise impacts to pedestrians on streets and adjoining properties
- e. Roof-mounted mechanical equipment must be located and screened so the equipment is not visible from the ground level of adjacent streets or properties within 20 feet of the structure. Match the color of roof mounted equipment with the exposed color of the roof to minimize visual impacts when equipment is visible from higher elevations nearby. If the adjacent street or properties are topographically higher than the lot ground level so that complete screening is not feasible, equipment location and screening should be used to hide the equipment to the maximum extent practical.

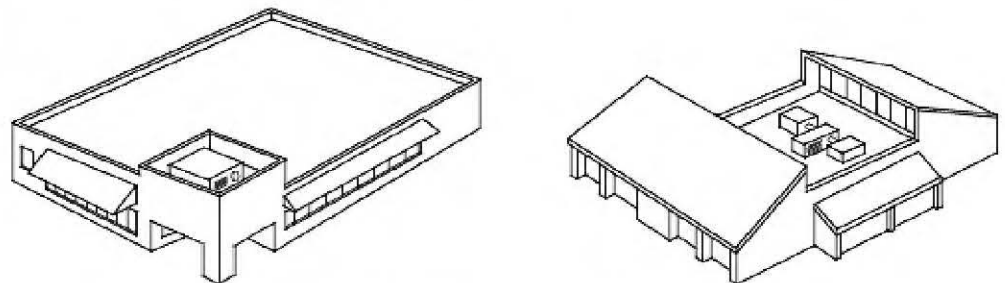


Figure 2.B.6.1-2. Examples of how to screen roof-mounted mechanical equipment.

- f. Locate and screen utility meters, electrical conduit, and other service and utilities apparatus so they are not visible from adjoining properties and nearby streets.

Other provisions of Section 2.B.5 notwithstanding, service areas used by residents shall be located to avoid entrapment areas and other conditions where personal security is a

problem. The Director may require pedestrian-scaled lighting or other measures to enhance security.

While exterior service areas must be screened, screening requirements may be reduced by the Director at access points for service areas inside buildings.

In addition to the required screening, art work such as paint schemes or coverings that help to blend the equipment into the background may also be utilized.

- g. Locate and/or shield noise producing mechanical equipment such as fans, heat pumps, etc to meet State law provisions (WAC 173-60).
- h. All service connections and on-site utilities including wires and pipes must be located underground. Meters may be attached to buildings. Project proponents are required to coordinate with the local electric utility provider to locate electrical service facilities in the least obtrusive way.



Figure 2.B.6.1-3. Place utility meters in less visible locations. Note that this example is acceptable on a service alley but not near a street or residential walkway.

2.B.6.2. Screening of Service Areas and Mechanical Equipment

Where screening of service areas is called for, adhere to the following:

- a. A structural enclosure shall be constructed of masonry, heavy-gauge metal, or decay-resistant composite wood and have a roof. The walls must be sufficient to provide full screening from the affected roadway or use. The enclosure may use overlapping walls to screen dumpsters and other materials (see photos). Gates shall be made of heavy-gauge, site-obscuring material.
- b. Collection points shall be located and configured so that the enclosure gate swing does not obstruct pedestrian or vehicle traffic, or does not require that a hauling truck project into any public right-of-way.
- c. The service area shall be paved.

- d. Weather protection of recyclables, trash, and compost/yard waste shall be ensured by using weather-proof containers or by providing a roof over the storage area.
- e. In addition to the required screening, art work such as paint schemes or coverings that help to blend the equipment into the background may also be utilized.

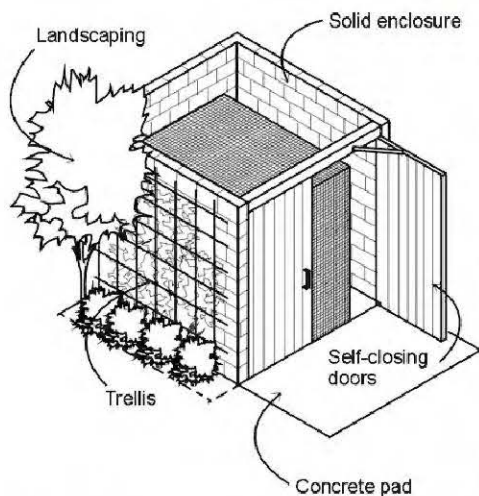


Figure 2.B.6.2-1. Examples of acceptable dumpster enclosures.

2.B.7. Stormwater Facility Planning

INTENT:

- To comply with stormwater management requirements as outlined in the Tumwater Drainage Manual and the City's NPDES permit, which requires Low Impact Development measures to be applied unless it is documented to be infeasible.
- To integrate low impact development stormwater management/water quality systems into the site design as an amenity.
- To reduce the economic burden of stormwater management systems on developments.
- To encourage creative use and cost-effective stormwater management solutions for new development.

STANDARDS/GUIDELINES:

2.B.7.1. Compliance with City Stormwater Manual.

Adhere to the City of Tumwater Stormwater Management (SWM) standards in TMC 13.12.020. The following guidelines are intended to supplement the SWM regulations.

2.B.7.2. Integration of Stormwater Facilities into Site Design

Where feasible, integrate biofiltration swales, rain gardens, stormwater planters, and other low impact development stormwater management measures into the overall site design. Manage stormwater as close to its origin as possible by utilizing small scale, distributed hydrologic controls. Locate them so they don't impede pedestrian circulation. Examples of filtration methods are listed below:

- a. Incorporate the biofiltration system, including low-impact development (LID) features, as part of the landscape features of the development. If the biofiltration system is incorporated into the landscaping of the site's open space, then, upon approval of the Director, the stormwater facility may be counted as part of the required open space or landscaping.
- b. Maximize retention of native forest cover and vegetation and restore disturbed vegetation to intercept, evaporate and transpire precipitation.
- c. Preserve permeable, native soil, and enhance disturbed soil to store and infiltrate stormwater.
- d. Reduce hard surfaces, total impervious surface areas and increase retention of native vegetation.



Figure 2.B.7.1-1 A preferred method of handling stormwater is through retention systems, such as rain gardens, incorporated as site amenities. Other low-impact development techniques are encouraged, and in many cases, required.

- e. Locate biofiltration swales, ponds, or other approved biofiltration systems as part of a landscape screen.
- f. Where topography is favorable, locate the biofiltration swale, wet pond, or other approved biofiltration system within the paved parking or service area to, and integrate it into the required internal parking area landscaping. Consider use of permeable pavements and asphalts to reduce impervious areas.
- g. Use native, drought tolerant plants and/or appropriate plant species as approved by the Director.
- h. Include the stormwater facility as an amenity.



Figure 2.B.7.1-2: Example flow control system incorporated into the site design as an amenity, High Point West, Seattle

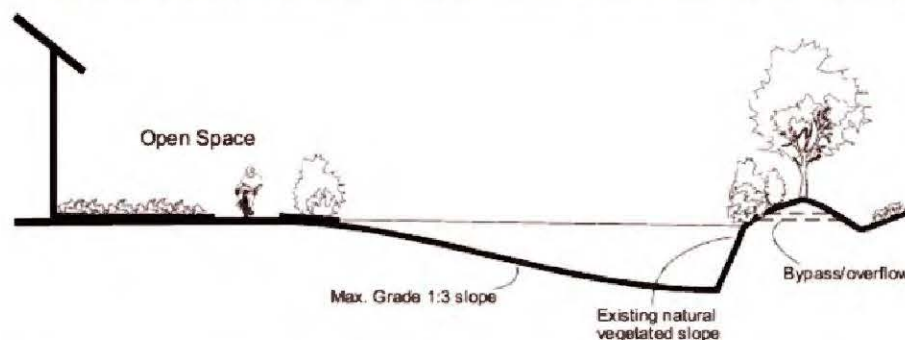


Figure 2.B.6.1-3. Examples of stormwater facilities treated as amenities.

2.B.8. Multifamily Open Space

INTENT:

- To create useable space that is suitable for leisure or recreational activities for residents.
- To create open space that contributes to the residential setting.

STANDARDS/GUIDELINES:

2.B.8.1. Amount of Required Residential Open Space

All multifamily residential development must provide 150 square feet of on-site open space per dwelling unit. Acceptable types of open space include:

- Common Open Space.** Where accessible to all residents, common outdoor open space may count for up to one hundred percent of the required open space. "Common outdoor open space" includes landscaped courtyards or decks, entrance plazas, gardens with pathways, children's play areas, pools, water features, accessible areas used for storm

water retention or other multipurpose recreational and/or green spaces. Special requirements for common open spaces include the following:

- (1) Required setback areas shall not count toward the open space requirement.
- (2) Space shall have a minimum dimension of fifteen feet to provide functional leisure or recreational activity.
- (3) Space shall feature paths or walkable lawns, landscaping, seating, lighting, play structures, sports courts, or other pedestrian amenities to make the area more functional and enjoyable for a range of users.
- (4) Common space shall be separated from ground level windows, streets, service areas and parking lots with landscaping, low-level fencing, and/or other treatments as approved by the city that enhance safety and privacy for both the common open space and dwelling units.
- (5) The space should be oriented to receive sunlight, face east, west or preferably south, when possible.

The space must be accessible from the dwelling units and, as appropriate, from public streets and sidewalks. The space must be oriented to encourage activity from local residents.





Figure 2.B.8.1-1. Good examples of common open space, including street level courtyards (pictures on top and right), a children's play area (lower left), and a pedestrian corridor (top and upper left).

- b. **Balconies.** Individual balconies or patios may be used for up to fifty percent of the required open space. To qualify as open space, balconies or patios must be at least thirty-five square feet, with no dimension less than five feet.
- c. **Rooftop Decks and Terraces.** Decks and terraces may be used to meet up to fifty percent of the required open space, provided the following conditions are met:
 - (1) Space must be accessible to all dwelling units and ADA compliant.
 - (2) Space must provide amenities such as seating areas, landscaping, and/or other features that encourage use as determined by the city.
 - (3) Space must feature surfacing which enables residents to use the open space.
 - (4) Space must incorporate features that provide for the safety of residents, such as enclosures and appropriate lighting levels.
- d. On-site indoor recreation areas may be used to meet up to twenty-five percent of the required open space provided the following conditions are met.
 - (1) Space must be accessible (ADA) and walkable to all dwelling units.
 - (2) The space is designed for and includes equipment for a recreational use (e.g., exercise, group functions, etc.).
- e. Natural areas, wetlands, and buffers with mature vegetation may count for up to 50% of the required open space.

2.B.9. Non-Residential Open Space

INTENT:

- To enhance the development character and attractiveness of non-residential development.
- To increase pedestrian activity and amenity for shoppers
- To mitigate the impacts of large commercial development, which can be auto-oriented, anti-pedestrian, and incompatible with the desired, mixed-use character of the mixed use zones.

STANDARDS/GUIDELINES:

2.B.9.1. Non-Residential Open Space Requirements

New developments with non-residential uses on sites with a total site area greater than 1 acre must provide open space equal to at least 1% of the ground floor non-residential building footprint plus 1% of the “site area.” The open space may be in the form of Pedestrian-Oriented Open Space (**Guideline 2.C.2.1**), garden, play area or other open space feature that serves both as a visual amenity and a place for human activity. Portions of sidewalks that are wider than 12’ and which meet the standards of Pedestrian-Oriented Open Space may be counted toward this requirement. For this specific guideline, “Site area” includes all land needed for the non-residential portion of the project including parking, service areas, access and required landscaping. The intent of this guideline is to provide for some outdoor space for activities or amenities that enhance the commercial activities, such as outdoor eating areas, display areas, seating, etc.



Figure 2.B.9.1-1. Well designed non-residential open space can be an important business attraction or employee amenity.

2.B.10. Site Planning for Security

INTENT:

- To increase personal safety and property security.

STANDARDS/GUIDELINES:

2.B.10.1. Prohibitions

In site development planning, avoid:

- Entrapment areas, where a person could become trapped with no exit route. Provide two means of egress from all outdoor spaces. Ensure entrapment conditions are avoided in the design of rooftop decks.
- Areas that are dark or not visible from a public space or right-of-way.
- Vegetation and fences that restrict visibility into occupiable open space, pathways and building entries.

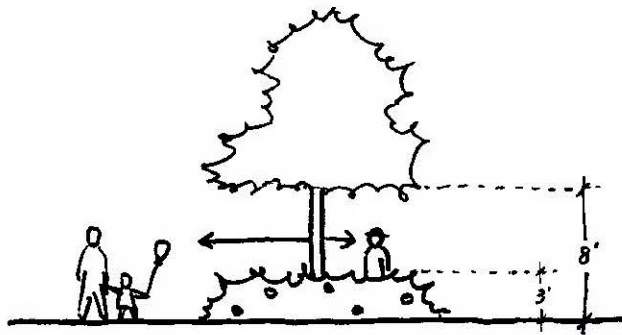


Figure 2.B.10.1-1. Keep landscaping open between 3 feet and 8 feet above grade where there is the need for visibility.

- Buildings, vegetation, or other objects (e.g., a storage enclosure) that block visibility into a space or provide places to hide.
- Screens or landscaping that blocks motorists' views of pedestrians crossing streets, driveways, and vehicular circulation areas.
- Where visibility is necessary to avoid creating an unsecure area to reduce the potential for pedestrian/vehicle collisions, do not plant vegetation that will obstruct views between 3 feet and 8 feet above the ground. (See **Figure 2.B.10.1-1.**)



Figure 2.B.10.1-2. Fences that prevent visibility from public ROW and open spaces can decrease security.

2.B.10.2. Desirable Elements

In the planning of the site and design of buildings and site elements, to the extent feasible provide for:

- a. “Passive surveillance,” the ability of people occupying buildings and public spaces to view all parts of accessible spaces.
- b. Security and pedestrian lighting per **Guideline 2.F.1.1.**

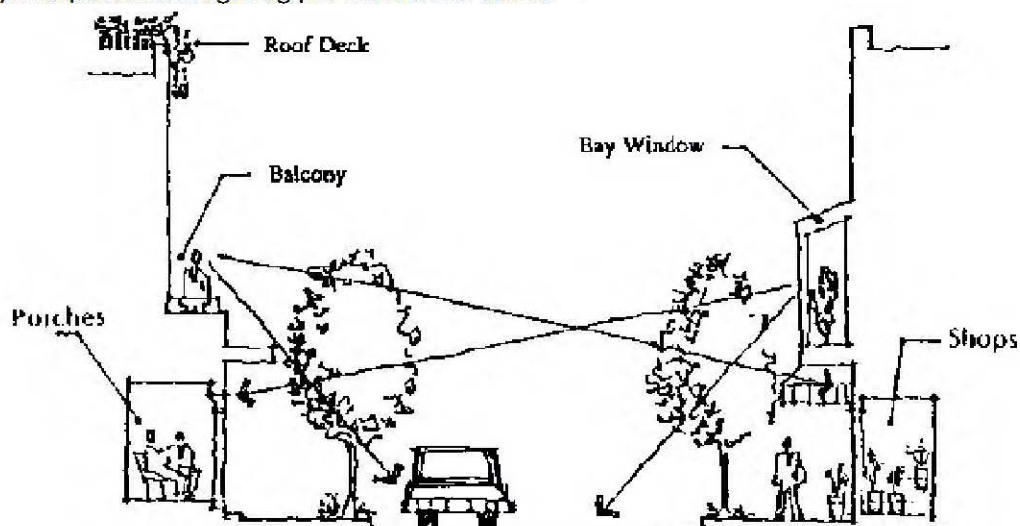


Figure 2.B.10.2-1. Passive surveillance or the ability of people in buildings or traveling along roadways to see outdoor spaces, increases security.

- c. Appropriate natural access control, that is, features that delineate where the general public should not enter without an invitation. For example, a low fence or hedge can indicate that people should not enter a yard or open space except through a gate or opening. Access control should not limit visibility or passive surveillance.
- d. Defining territory. This means clearly indicating through site planning and design measures what parts of the site are open to the public and what parts are not. For example, in commercial development, pedestrian-oriented elements and walkways

indicate that the public is welcome but fenced areas with a gate do not. Also, well maintained sites indicate that someone cares for the site and tends to discourage crime.



Figure 2.B.10.2-2. This residential complex incorporates passive surveillance, territorial definition, and good visibility and lighting to provide a more secure pathway and open space.

2.B.11. Special Guidelines for Ground-Related Residences

INTENT

- To ensure that townhouse developments enhance the character of the street.
- To reduce the impact of garages and driveways on the pedestrian environment.
- To reduce the apparent bulk and scale of townhouse buildings.
- To promote infill development compatible and complementary to the surrounding neighborhood.
- To promote attractive, safe and functional design that addresses the needs of future residents and is properly integrated into the surrounding neighborhood environment.

STANDARDS/GUIDELINES

2.B.11.1. Townhouse Street Fronts

The following applies to all ground-related units such as townhouses and zero-lot-line residences.



Figure 2.B.11.1-1. Desirable townhouse example. Units front on the street. Garages are off the alley.

- a. **Street access.** Townhouses and other ground-related residences fronting a street must all have individual ground-related entries accessible from the street. Configurations where enclosed rear yards back up to a street are prohibited. The Director may allow exceptions to these rules depending on the nature of the site and where design treatments have been included to enhance the character of the street.
- b. **Pedestrian entries.** New developments must emphasize individual pedestrian entrances over private garages to the extent possible by using the following three measures:
 - (1) Provide a porch, at least 6 feet wide by 4 feet deep, or other architectural weather protection that provides cover for a person entering the unit and a transitional space between outside and inside the dwelling.
 - (2) Provide a planted area in front of each pedestrian entry of at least twenty square feet in area, with no dimension less than four feet. Provide a combination of shrubs or groundcover and a street tree.
 - (3) Set the garage door (if applicable) at least 5 feet further from the street than the building entrance.
- c. **Garage configuration.** For any townhouse configuration where the primary pedestrian access is off the same facade as vehicular access, developments shall incorporate single-width parking configurations for at least fifty percent of the units. This will minimize the impact of garage doors on the pedestrian environment. The director may grant departures to this provision provided design treatments effectively minimize the impacts of garage doors on the pedestrian environment.



Figure 2.B.11.1-2. Good and bad examples of garage/entry configurations. The left example features a landscaped area and a trellis to highlight the entry. In the middle image, the balconies and landscaped areas de-emphasize the garage. In the bottom image, the lack of landscaping is a glaring omission.

2.B.11.2. Driveways on private internal streets

Where townhouse units are served by private internal streets, developments are encouraged to limit the depth of driveways between the streets and the garage wall to de-emphasize vehicular access. Driveway depths of five to ten feet are appropriate to allow the maneuverability and provide space to include the required landscaping and entry elements for each unit. The shallow width also discourages residents from parking cars in their driveways. By default, this encourages residents to keep their vehicles in their garage. Additional surface parking spots should be scattered around the development to provide space for guests.



Figure 2.B.11.2-1. A good example of a landscaped alley.

2.C. Pedestrian Access, Amenities, and Open Space Design

2.C.1. Internal Pedestrian Paths and Circulation

INTENT:

- To provide safe and direct pedestrian access that accommodates all pedestrians, minimizes conflicts between pedestrians and vehicular traffic, and provides pedestrian connections to neighborhoods.
- To accommodate non-competitive/non-commuter bicycle riders who use bicycles on short trips for exercise, recreation and convenience.
- To provide attractive internal pedestrian routes that promote walking and enhance the character of the area.

STANDARDS/GUIDELINES:

2.C.1.1. Pedestrian Circulation – General Design

Figure 2.C.1.1-1. An example of an attractive pedestrian connection through a multi-family development.



- a. For safety and access, landscaping shall not block visibility to and from a path, especially where it approaches a roadway or driveway.
- b. Internal Pedestrian pathways (i.e. sidewalks and paths) shall be separated from structures at least 3 feet for landscaping except where the adjacent building features a pedestrian-oriented façade per **Section 2.E.4**. The Director may consider other treatments to provide attractive pathways. Examples include sculptural, mosaic, bas-relief artwork, or other decorative treatments that meet the guidelines intent. (Figure 2.C.1.1-1 provides one example.)

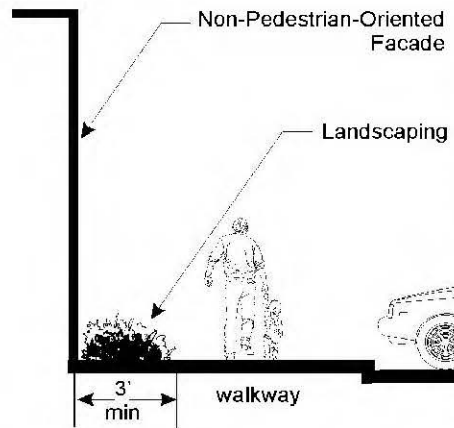


Figure 2.C.1.1-2 Provide landscaping between walkways and structures



Figure 2.C.1.1-3. Wall treatment to provide interest along a walkway

- c. For interior pathways, the applicant must demonstrate to the Director's satisfaction that the proposed pathway is of sufficient width to accommodate the anticipated number of users. For example, a 10- to 12-foot wide sidewalk can accommodate two couples passing one another. An 8-foot wide sidewalk will accommodate three persons walking abreast, while a 6-foot wide sidewalk will allow two individuals to pass comfortably. Along a commercial façade with ground floor entries, the pathway must provide for at least an 8 feet wide clear walking path. In residential areas, pathways must provide for at least a minimum of 5 feet clear walking path. If the pathway is between a façade with a primary building entry and a parking lot see **Guideline 2.C.1.2** below.
- d. Pathways must be American with Disabilities Act (ADA) compliant.

2.C.1.2. Pedestrian Circulation where Facades Face Parking Areas

In commercial settings where a building's main entrance faces onto a parking area rather than the street, provide wide pathways adjacent to the façades of retail and mixed-use buildings. Pathways along the front façade of mixed-use and retail buildings 100 feet or more in length (measured along the façade) that are not located adjacent to a street must be at least 12 feet wide to allow for 8 feet minimum unobstructed width and landscaping and include the following:

- a. Trees, as approved by the Director, must be placed at an average of 30 feet on-center and placed in grates. Breaks in the tree coverage will be allowed near major building entries to enhance visibility. However, no less than 1 tree per 60 lineal feet of building façade must be provided.



Figure 2.C.1.2-1. Example of a successful pedestrian sidewalk between parking lot and storefront.

- b. Planting strips may be used between any vehicle access or parking area and the pathway, provided that the required trees are included and the pathway is at least 8 feet in width, the combined pathway and planting strip is at least 12 feet in width, and pedestrian paths provide access (i.e., cross the planting strip) between parking areas and the sidewalk at least every 20 feet. (See **Figure 2.C.1.2-1.**)
- c. Lighting must conform to **Section 2.F.1 Site Lighting.**

2.C.1.3. Residence Faces Fronting on Pedestrian Pathways and Open Spaces

The objective of this guideline is to ensure compatibility between publicly accessible spaces (e.g., sidewalks, paths, trails, parks, and common open spaces) and abutting residences. A delineated public to private transition provides privacy and security for residents, recreational opportunities for open space users, and attractive and safe public areas and residences. The guidelines apply to buildings facing public and private pathways but not necessarily to pathways to service areas.



Figure 2.C.1.3-1. A combination of low fences or landscaping and porches, stoops, or patios define the transition from public to private space.

- a. For residences with ground floor living spaces facing the publicly accessible space the building must feature at least one (and is encouraged to feature multiple) of the public/private space transition elements described below:
 - (1) **Deck or porch option.** Provide at least a 60 square foot porch or deck raised at least 1 foot above grade. The porch or deck must be at least 6 feet wide, measured perpendicular to the house face. (The deck may be recessed into the house floor plan so that deck does not extend from the house face a full 6 feet.) A low fence, rail, or planting 2 feet to 4 feet high is encouraged. A porch roof or

weather protection is optional.

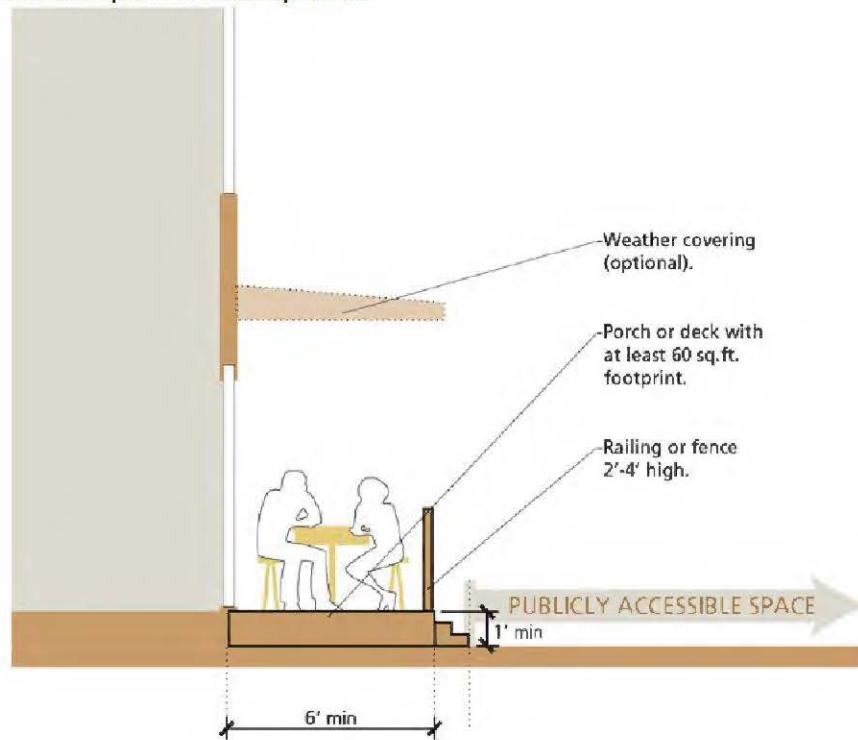


Figure 2.C.1.3-2. Deck or porch option for residence/publicly accessible space transition



Figure 2.C.1.3-3. The porches and landscaping elements provide a graceful and inviting transition from the public space to the private realm.

- (2) **Private open space option.** Provide at least a 10 foot wide private open space along the face of the residence. The space may be paved or landscaped. A fence, planting, or other landscape feature 2 to 4 feet high shall be provided.

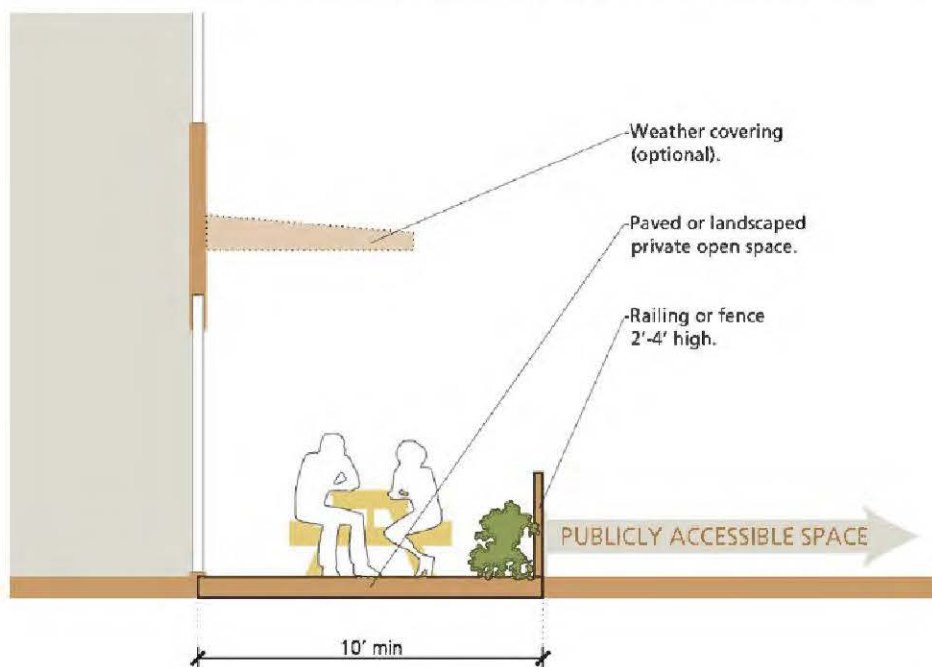


Figure 2.C.1.3-4. Private open space option for residence/publicly accessible space transition



Figure 2.C.1.3-5. Example of private back yards facing common open space in High Point, Seattle. Short fences delineate the transition from the semi-public open space to the semi-private back yard.

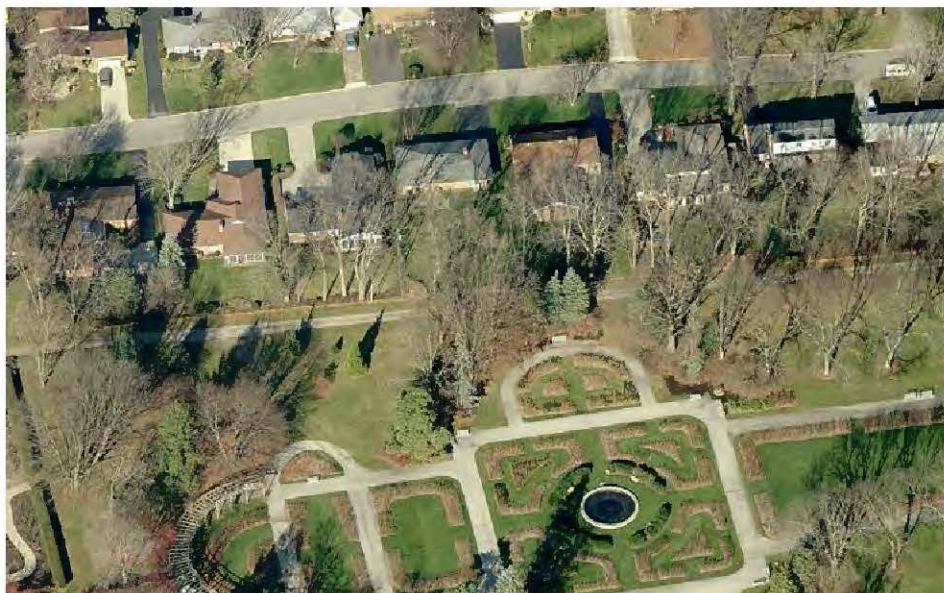


Figure 2.C.1.3-6. Private back yards are distinguished from the public park with plantings and short fences at this Columbus, OH park.

- (3) **Raised ground floor.** Raise the ground floor 2 to 8 feet above the pathway grade. If basement units with access from the pathway are provided, lower basement units at least 2 feet below the pathway grade. If this option is used, at least 50% of the units must be ADA accessible.



Figure 2.C.1.3-7. Raising the ground floor of residential units a few feet above grade adds privacy because pedestrians walking on the adjacent sidewalk cannot look directly into the living spaces. A small porch or stoop provides an intimate transition between public and private realms.

- (4) **Landscaped area.** For multifamily buildings with shared entries, an option is to provide a landscaped area at least 10 feet wide along the face of the building. The plantings must reach 3 feet high within three years after planting. If the residence's ground floor is at least 3 feet above the pathway grade, then the landscaped area may be reduced to 4 feet wide. This landscaped area option is not appropriate for individual ground-related units unless combined with one or more of the measures above.



Figure 2.C.1.3-8. Raised ground floor, porches, and landscaping signify the transition from public to private space, Rainier Vista, Seattle (image: Google Earth).

- (5) **Other** transition design measure(s) that adequately protects the privacy and comfort of the residential unit and the attractiveness and usefulness of the pathway at least as effectively as option 1 through 4 above, as determined by the Director.
- b. For residences that do not have ground floor living spaces facing the publicly accessible space, there should be at least a 5 foot planting strip along the base of the building with shrubs and small trees planted to form a continuous screen, at least 6' tall (three years after planting) along the building façade. The residence must have upper story windows or a balcony facing the open space, and there must be no "blank walls" facing the open space on any floor, except the ground floor when screened with the plantings as noted above.

The landscaped area may be counted as open space except in the case of the multi-functional common open space as required in **Guideline 2.B.7.1.a**.

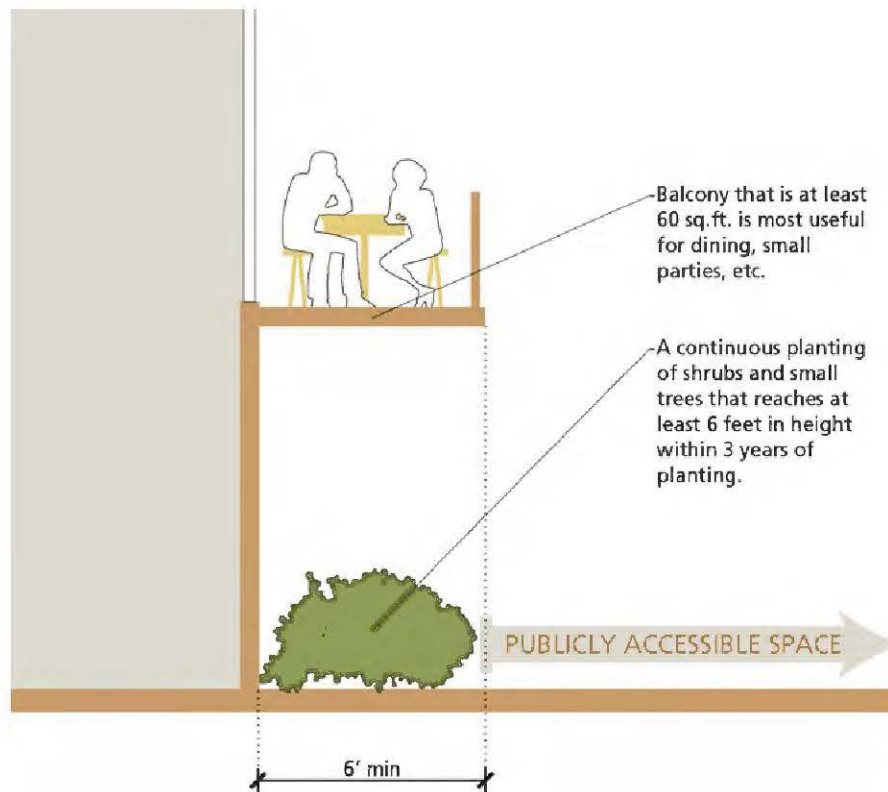


Figure 2.C.1.3-9. Planting requirements for residences without a ground floor living space fronting a publicly accessible space

2.C.2. Pedestrian-Oriented Open Space

INTENT:

- To provide a variety of pedestrian areas to accommodate customers on Pedestrian-Oriented Streets.
- To provide safe, attractive, and usable open spaces that promote pedestrian activity and recreation.

STANDARDS/GUIDELINES:

2.C.2.1. Pedestrian-Oriented Open Space

Where Pedestrian-Oriented Open Space is provided, including, but not limited to, areas required in these guidelines (see **Guidelines 2.B.1.1, 2.B.8.1, 2.E.2.1 and 2.E.9.1**) or in Title 18 TMC, design the open space according to the following criteria. If sidewalks are wider than the required minimum width, the additional sidewalk width may be counted as Pedestrian-Oriented Open Space.

- a. Required Pedestrian-Oriented Open Space features:

- (1) Visual and pedestrian access (including ADA compliant access) into the site from a street, private access road, or non-vehicular courtyard.
- (2) Visual access from some dwelling units and/or commercial areas (i.e., maximize “eyes on the open space”).
- (3) Paved walking surfaces of either concrete or approved unit paving.
- (4) Lighting must conform to **Section 2.F.1 Site Lighting**.
- (5) Spaces must be located in or adjacent to areas with significant pedestrian traffic to provide interest and security, such as adjacent to or visible from a building entry.
- (6) At least 2 feet of seating area (a bench or ledge at least 16 inches deep and appropriate seating height) or one individual seat per 60 square feet of plaza area or open space.
- (7) Landscaping components that add visual interest and do not act as a visual barrier. This could include planting beds, potted plants, or both.

b. Desirable Pedestrian-Oriented Open Space features:

- (1) Pedestrian amenities, such as a water feature, site furniture, artwork, drinking fountains, kiosks, or other similar features.
- (2) Adjacent buildings with transparent window and doors covering 75 percent of the façade between 2 feet and 8 feet above the ground level.
- (3) Solar access at least during noon and afternoon hours during winter, and appropriate shade during summer.
- (4) Pedestrian weather protection, alcoves, seating, or other features along building edges to allow for outdoor seating areas and a planted buffer.

c. A Pedestrian-Oriented Open Space must not have:

- (1) Asphalt or gravel pavement.
- (2) Adjacent parking areas or service areas (e.g., trash areas) that are not separated with landscaping, as described in **2.D.2.2**.
- (3) Adjacent chain-link fences.
- (4) Adjacent "blank walls" without "blank wall treatment."
- (5) Outdoor storage that does not contribute to the pedestrian-oriented environment.
- (6) Vehicle travel through the area.

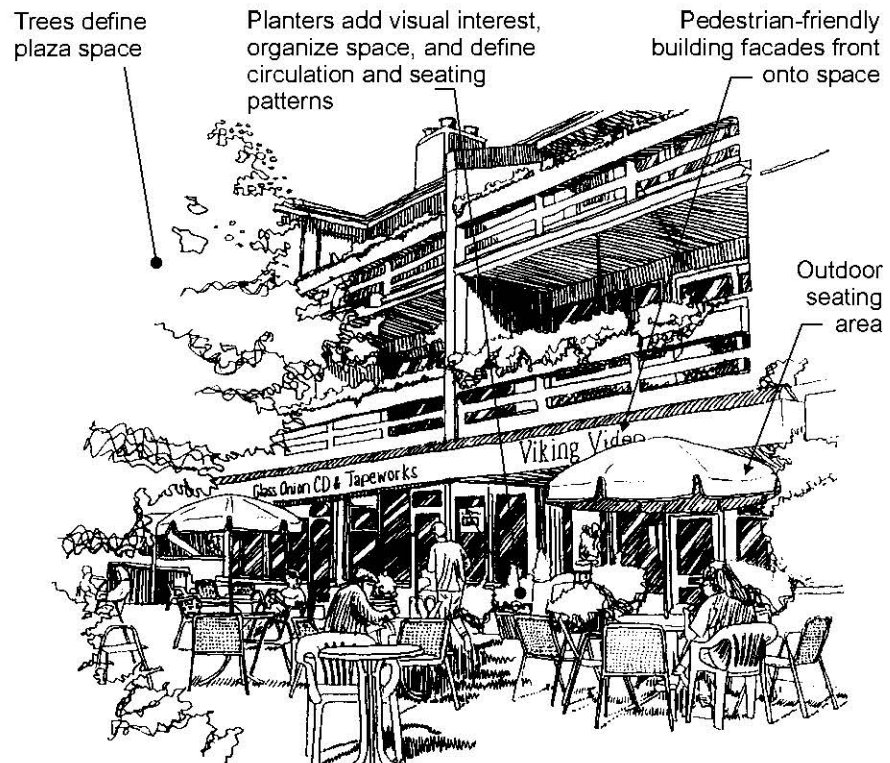


Figure 2.C.2.1-1. Example of a small Pedestrian-Oriented Open Space.

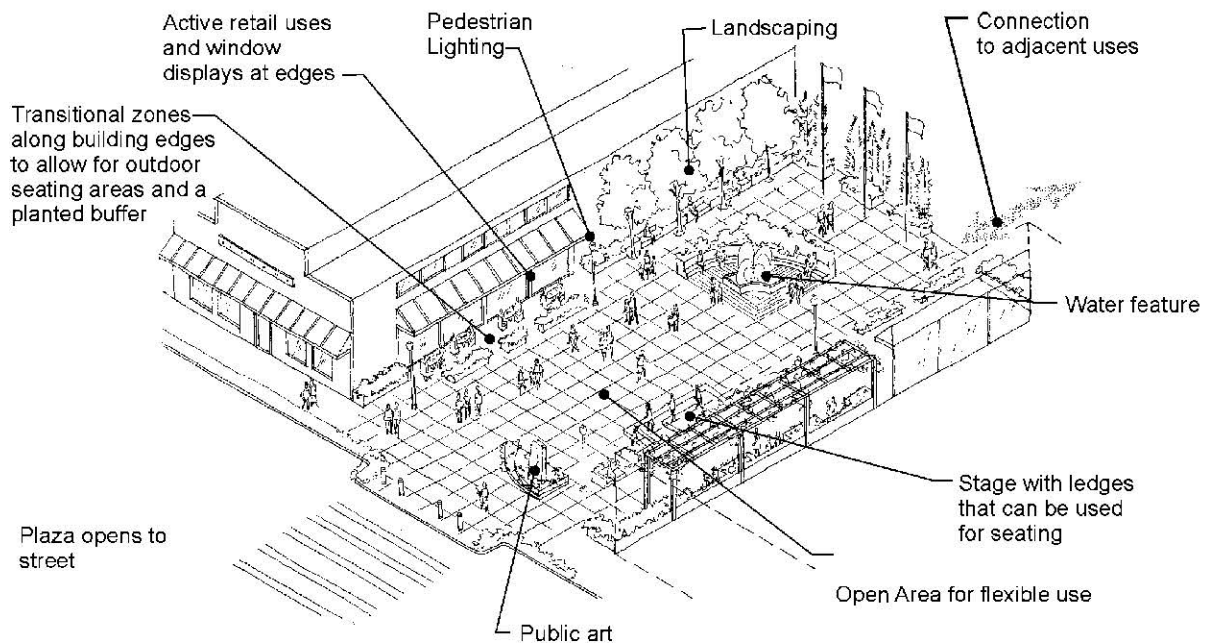


Figure 2.C.2.1-2. Example of a large Pedestrian-Oriented Open Space.

2.C.3. Site Landscaping

INTENT:

- To encourage the abundant use of landscaping in site and development design to improve site aesthetics, enhance the pedestrian experience, and increase environmental quality.
- To reduce surface water runoff by percolating water through landscaped areas.
- To maintain and improve privacy for residential zones.
- To enhance buildings and open spaces.
- To make adjacent uses more compatible
- To provide visual relief from roadways, parking areas, and the built environment.

STANDARDS/GUIDELINES:

2.C.3.1. Reference to TMC 18.47

The landscaping standards of TMC 18.47 shall apply. These standards are intended to supplement those standards.

2.C.3.2. Landscaping – General standards for all landscape areas

All new landscape areas proposed for a development shall be subject to the following provisions:

- a. Berms shall not exceed a slope of two horizontal feet to one vertical foot (2:1).
- b. Group plants having similar water use characteristics.
- c. Plant selection shall consider adaptability to sun exposure, soil conditions, and the topography of the planting area. Preservation of existing vegetation is encouraged.
- d. Install no plants included in the Thurston County Noxious Weed list.
- e. All plants shall conform to American Association of Nurserymen (AAN) grades and standards as published in the “American Standard for Nursery Stock” manual; provided that existing healthy vegetation used to augment new plantings shall not be required to meet the standards of this manual.
- f. Street trees and trees internal to the development shall conform to the standards in the Tumwater Comprehensive Street Tree Plan and Title X tree protection ordinance.
- g. When the width of any landscape strip is 20 feet or greater, the required trees shall be staggered in two or more rows.
- h. Shrubs shall be dwarf varieties unless demonstrated that other varieties can thrive if maintained at 42 inches. Shrubs shall also be as follows:
 - (1) At least an AAN container Class No. 2 size at time of planting in Type II, III and parking area landscaping;
 - (2) At least 24 inches in height at the time of planting for Type I landscaping; and
- i. Shrubs shall be perennials.

- j. Groundcovers shall be planted and spaced to result in total coverage of the majority of the required landscape area within three years.
- k. All fences shall be placed on the inward side of any required perimeter landscaping along the street frontage. That is, place the required landscaping to face the public street or open space. Exception: Where the fence separates a public street from a required common open space, the Director will determine which side the landscaping is to be installed.
- l. Required street landscaping may be placed within City of Tumwater street rights-of-way subject to the permission of the City of Tumwater director of public works.
- m. Required street landscaping may be placed within Washington State rights-of-way subject to permission of the Washington State Department of Transportation.
- n. New landscape material provided for vegetation restoration or mitigation requirements and within areas of undisturbed vegetation or within the protected area of significant trees shall give preference to utilizing western Washington native plant species.
- o. Per TMC 18.47.020, required landscaping must comply with intersection sight obstruction requirements (Chapter 4 of the Tumwater Land Development Guide Manual).

2.C.3.3. Landscaping – Plan design, design review, and installation

A landscape plan must be submitted to the Director that complies with TMC 18.47 and the standards contained in **Section 2.C.3** of these standards. Where conflicts occur, these standards control.

2.C.3.4. Maintenance

- a. All landscaping shall be maintained for the life of the project, including water conservation practices for turf grass such as annual aeration and dethatching, top dressing and over seeding;
- b. All landscape materials shall be properly pruned trimmed as necessary to maintain a healthy growing condition or to prevent primary limb failure;
- c. With the exception of dead, diseased or damaged trees specifically retained to provide wildlife habitat, other dead, diseased, damaged, topped, or stolen plantings shall be replaced within three months or during the next planting season if the loss does not occur in a planting season; and
- d. Landscape areas shall be kept free of trash, mulched, and weeded.

2.C.3.5. Landscape character

- a. Tumwater's signature landscape setting is characterized by large, mature conifer and oak trees surrounded by relatively flat expanses of grass or low vegetation, such as at the civic campus around City Hall and the Fred Meyer and Costco vicinity on Littlerock Road. The community has indicated that this landscape is very important to the city's visual quality and design identity so that maintaining existing mature evergreen trees and including

existing and new evergreens in site development is an important objective. The Director may require that development proposals be modified to conserve healthy evergreen trees. When appropriate, the Director may also relax other standards such as setbacks and geometric requirements in order to promote the retention of mature trees.

The applicant shall meet setback and root protection requirements as deemed necessary by the Director to maintain the tree's health.



Figure 2.C.3.5-1. Informal clusters of mature conifer trees are a signature element of Tumwater's landscape and are well-suited to the area's glacial soils.

- b. Where possible, minimize the disturbance of native vegetation and soils. Native soil retention may be incorporated into low impact development (LID) measures for stormwater management.
- c. Unless there is a compelling reason to the contrary, concentrate ornamental vegetation near pedestrian areas and building entries where it can be most appreciated.
- d. As a general observation, Tumwater's landscape design character emphasizes naturalistic, informal layouts that are similar to early 20th century parks designed by the Olmsted Brothers.
- e. Other design features associated with landscaped open space should emphasize pedestrian scale and qualities generally consistent with the features noted in **Section 2.C.2.1 Pedestrian-Oriented Open Space**.

2.D. Parking Area Design

2.D.1. Parking Area Design

INTENT:

- To provide safe and convenient pedestrian paths from the street sidewalk through parking areas to building entries in order to encourage pleasant walking experiences between businesses.
- To provide an inviting, pleasant pedestrian circulation system that integrates with parking and serves as access to nearby businesses.

STANDARDS/GUIDELINES:

Parking areas must comply with TMC 18.50 and the landscaping standards for parking areas in TMC 18.47. In addition to these requirements, parking areas must comply with the following standards.

2.D.1.1. Parking along street fronts

The following guidelines apply to parking lots adjacent to all other streets not designated as Pedestrian-Oriented Streets or Signature Roads:

- Minimization of large parking lots between the building front is encouraged.
- On-site parking may be supplemented with on street parking along the development frontage, where consistent with other City policies and regulations and authorized by the Public Works Director.

2.D.1.2. Pathways through Parking Areas

Developments must provide specially marked or paved walkways through parking areas. Generally, walkways must be provided at least every four rows or at least every 180 feet. Where possible, align the pathways to connect with major building entries or other sidewalks, pathways, and destinations. The walkway must be at least wide enough for two shopping carts to pass one another. Generally this requires an unobstructed clear width excluding vehicle overhang of at least 4 feet for grocery stores but may be larger for big-box or building product stores. This will depend on the size of the shopping cart.



Figure 2.D.1.1-1 Parking area pathway examples. Note that clear pathway width must account for vehicle overhang.

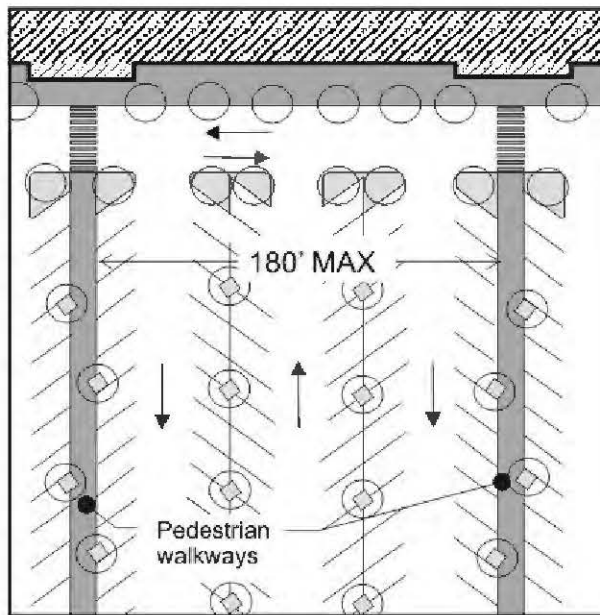


Figure 2.D.1.1-2 Example parking area pathway configuration.

2.D.2. Parking Area Landscaping

INTENT:

- To reduce the visual presence of parking on the City's streets, public space and adjacent development.
- To increase tree canopy cover for environmental and aesthetic benefits.
- To improve water quality and improve stormwater management.

STANDARDS/GUIDELINES:

2.D.2.1. Interior Parking Area Landscaping

Parking area landscaping shall be provided within surface parking areas with 20 or more parking stalls for the purpose of providing shade, diminishing the visual impacts of large paved areas, and providing stormwater management. Permeable asphalt, concrete and pavers, and island and planter strips designed to work as rain gardens for stormwater management, with sloped grading and curb cuts are encouraged. Surface parking areas shall be as follows:

- a. Developments with common parking areas with more than 20 stalls shall provide planting areas at the rate of 20 square feet per parking stall.
- b. Trees shall be provided and distributed throughout the parking area at a rate of one tree for every 10 parking stalls. Existing trees may be counted to satisfy this requirement. Mature conifer trees over 24 inches in caliper may count as 2 trees.
- c. The maximum distance between any parking stall and landscaping shall be no more than 100 feet.
- d. Permanent curbs or structural barriers shall be provided to protect the plantings from vehicle overhang and curb cuts shall be provided in these barriers to allow surface water to flow into landscaped areas.
- e. Parking area landscaping shall consist of:
 - (1) Canopy-type deciduous trees, coniferous trees, broadleaf evergreen trees, evergreen shrubs, perennials, and groundcovers planted in islands or strips.
 - (2) Shrubs planted at a rate of one per 20 square feet of landscaped area and maintained at a height of no more than 42 inches.
 - (3) Plantings contained in planting islands or strips having an area of at least 100 square feet and with a narrow dimension of no less than five feet.
 - (4) Groundcover pursuant to **Section 2.C.3.2.**
- f. Landscaping shall be maintained at heights for safe visibility between vehicles and pedestrians.

2.D.2.2. Parking Area Screening

Parking area screening shall be provided between the sidewalk and parking areas, with either a or b as follows:

- a. Any of the alternatives identified in TMC 18.47.D, or those listed in “b” below.
- b. Provide a planting bed, at least 5 feet wide, that incorporates a low wall (approximately 3 feet tall) and/or trellis. The planting bed shall be in front of the wall, provide irrigation and feature the following plantings:
 - (1) A mix of deciduous and evergreen trees generally interspersed throughout the landscape strip and spaced to create a continuous canopy. Alternatively, a trellis and shrubs, as in Figure 2.D.2.2-1, may be substituted for the trees.
 - (2) Unless the trellis option is chosen, trees provided at the rate of one per 25 linear feet of landscape strip and spaced no more than 30 feet apart on center.
 - (3) Shrubs provided at the rate of one per 20 square feet of landscape strip and spaced no more than 8 feet apart on center.
 - (4) Perennials per **Section 2.C.3.2.**
 - (5) Groundcover per **Section 2.C.3.2.**

The wall shall be constructed of brick, stone, decorative concrete or concrete block, or other permanent material that provides visual interest and helps to define the street edge as determined by the Director. (See Figure 2.D.2.2-1 for an example). The wall and bed must be relatively continuous but may feature breaks at key points for pedestrian access.



Figure 2.D.2.2-1 Parking area planting buffer with low wall and trellis.

2.D.2.3. Standards for Auto Dealerships and Other Large Product Sales and Permanent Outdoor Display

The intent of guidelines for auto dealerships and other large product sales such as boats and mobile homes is to:

- Allow businesses to display products to travelers along the roadway.
- Allow businesses to maintain a corporate or product brand identity (e.g.: car manufacturer).
- Ensure that streets are attractive for pedestrians and motorists.
- Provide easy access to and from the site while maintaining pedestrian, bicycle and vehicle safety.

This shall be accomplished through the following guidelines:

- a. Outdoor display areas fronting a street must feature an edge separation between the display area and the public right-of-way that includes one or more of the following treatments:
 - (1) A raised display area with a wall of rockery that provides a visual separation and visibility to the product from the street.
 - (2) A low masonry wall or rockery at least 18" high. Walls must be of concrete with an architectural finish or masonry such as brick or stone work or architecturally treated concrete masonry units.
 - (3) A continuous hedge or landscaped berm at least 18" high.
 - (4) A railing or metal fence (not chain link) approved by the Director.
 - (5) Other measures to provide a distinct visual and physical separation between the sidewalk and the display area.



Figure 2.D.2.3-1 The appearance of auto display areas is largely determined by the edge condition at the sidewalk.



Figure 2.D.2.3-2 Auto display areas can be enhanced by a slight grade change.



Figure 2.D.2.3-3 An attractive auto display area with a low wall and slight grade change. Note the architectural treatment of the masonry wall.

- b. No untreated blank walls or unscreened service areas shall be located along any public street frontage.
- c. The area fronting an arterial must feature one or a combination of the following:
 - Pedestrian-Oriented Open Space or landscaping.
 - The business's show room or office.
 - Product display area.
- d. Buildings located within 15 feet of the principal street right-of-way must feature transparency (window or glass area) on at least 50 percent of the ground floor façade facing any public street between 2 feet and 8 feet above the grade. Businesses are encouraged to locate show rooms close to the ROW and to incorporate identity (e.g: auto make or brand) or distinctive elements into the showroom architecture.



Figure 2.D.2.3-4 Auto showrooms may feature distinctive architecture that exemplifies the quality of their products

- e. Provide sidewalks, street trees, and planting strips as required by the TMC. The Director may approve street tree species that allow visibility into the site (e.g., columnar trees or trees that can be trimmed up).
- f. Building entries must have a direct pedestrian pathway to the public sidewalk.
- g. Outdoor display areas are not considered parking areas.

2.E. Building Design

2.E.1. Building Design - Character

GENERAL NOTES:

- Many of these building design guidelines call for a building to feature one or more elements from a menu of items. In these cases, a single element, feature, or detail may satisfy multiple objectives. For example, a specially designed or fabricated covered entry with attractive detailing might be counted toward requirements for human scale, building corners, and building details.
- The terms “decorative” and “ornamental” are not necessarily meant to mean “characterized by traditional patterns, nonstructural elements, or applied markings.” Elements may be considered “decorative,” “ornamental,” or “special” if they extend beyond the typical level of quality, use materials or forms in an unusual way, or show special architectural consideration. The Director shall determine what elements are “ornamental,” “decorative,” or “special.”

INTENT:

- To provide building design that has a high level of design quality and creates comfortable human environments.
- To incorporate design treatments which add interest and reduce the scale of large buildings.
- To encourage building design that is within the historic character of Tumwater but responsive to site conditions.
- To encourage functional, durable, and environmentally responsible buildings.
- To enhance Tumwater's design identity.

GUIDELINES:**2.E.1.1. Architectural Character**

Tumwater's architectural character and design identity predominantly reflects the middle-class heritage with the residential vernacular corresponding to major periods of growth in the 1930's, 1950's, 1970's, and 2000's. Although a historic community with a long-history in Washington, there are a small number of 19th century houses and structures and no defined historic downtown. The existing architectural character is framed by the historically influenced styled non-residential buildings including the brewery, civic campus and new government office buildings. These buildings all feature traditional materials, generally brick and stucco, and traditional forms such as gable roofs, multiple windows (rather than large expanses of glass), arches, towers, and enhanced entries. There are also some prominent Art Deco era structures in Tumwater, notably the Capitol Boulevard Bridge and the original WSDOT buildings that could serve as a stylistic reference. Historically, Highway 99 through the City had a unique architectural style that flourished from the 1930's to 1970's. Only a few examples remain, including the former Jakes Auto Sales and the South Pacific Restaurant. On the other hand, as a growing community, Tumwater will need to encourage new building types and technologies as the city evolves over time. And, the other important design characteristic noted by public participants in the preparation of these design guidelines is the signature landscape palette consisting of large conifer trees surrounded by low lying and native vegetation or ornamental landscaping near pedestrian-oriented areas and building entries. There was also desire to see indigenous materials, such as basalt stone and timber, integrated into designs. These observations are the basis for the following guidelines.

- a. The architectural design of new development must reflect and add to Tumwater's design character in one or more of the three ways described below.
 - (1) Incorporate distinctive and substantial landscaping to enhance the building's setting. In this approach, the landscaping or site features must be the predominant visual element and the building forms and character be relatively subdued. Retention of a substantial number of large trees, especially native trees such as conifers, is one means to accomplish the objectives of this approach. Another might be to install landscape features that are more than required by **Section 2.C.2** and include Pedestrian-Oriented Open Space to the extent that those elements and human activity become the dominant visual features.

Extensive landscaping and subdued forms will likely be the most appropriate approach for industrial buildings.



Figure 2.E.1.1-1. A successful application of approach 1: substantial landscaping.

- (2) Reflect the traditional style of architecture by featuring gabled roofs, traditionally scaled and vertically oriented windows, use of brick (at least on the ground floor) covered entries with porches or other weather protection, break-up of large building facades, and rectilinear or circular forms. This approach is typified by brewery, civic campus and new government office buildings. Buildings that reflect Art Deco styling with flat surfaces, linear detailing and building elements, and geometric forms may also be appropriate. Similarly, on the Capitol Blvd. Corridor, designs that build on the historic Highway 99 architecture may be appropriate for certain uses which can build on that history.



Figure 2.E.1.1-2. The DOT building on Capitol Boulevard and Tumwater Bridge Totems exemplify Art Deco architecture from the early to mid-1900s.



Figure 2.E.1.1-3. An application of approach 2: Traditional forms and materials. Note that this example does not meet Guideline 2.C.1.2 Pedestrian Circulation where facades face parking lots.

- (3) Feature contemporary forms and architectural treatments that respond to the uniqueness of the site and building use. If this approach is used, the building materials must be of demonstrably high quality, the design exhibit a high level of application of the guidelines in **Section 2.E**, and indigenous materials used as primary materials or accents. Standardized buildings such as gas stations, commercial stores, chain restaurants and other buildings that are not specifically designed for the site do not qualify for this approach.



Figure 2.E.1.1-4. A successful application of approach 3: Contemporary forms and treatments. This example relates to its surroundings by using materials and colors compatible with adjacent buildings, breaking down the building's massing consistent with surrounding single story buildings, including a pedestrian street front to respond to its "main street" location, and fronting on wide, comfortable sidewalks.

- b. At least one of the three approaches described above must be achieved. The Director will determine whether or not the proposal meets the objectives.

2.E.1.2. Corporate identity building elements

Corporate signature elements, such as decorated roofs and exterior colors and treatments, that do not meet these guidelines are not acceptable. The Director may require revisions to the building design if (s)he determines that the corporate element is inconsistent with the intent of these guidelines or detracts from Tumwater's general character.

Yard ornaments or sculptures that are part of a business identity, logo, mascot, or brand are not acceptable except as allowed under Chapter 18.44 Signs. The Director will determine if such an ornament or sculpture is considered a sign.

The ornaments or sculptures must provide a high degree of craftsmanship and resistant to deterioration or weathering. No more than 1 yard ornament or sculpture (site feature) is allowed per 50' of street frontage, unless approved by the Director on the basis of following criteria:

- a. The site features also serve as furniture or pedestrian amenity,
- b. The site features are unique to the site (not a standardized or manufactured element available for purchase.)
- c. The design of the features is integrated into the site, either through consistent landscaping around the elements or through a character or materials that reflect the primary structure.



Figure 2.E.1.2-1 This development does not meet the requirements of Guideline 2.E.1.2 because the building color and yard ornaments are part of a business "brand."

2.E.2. Human Scale Elements

INTENT:

- To encourage the use of building components that relate to the size of the human body.
- To add visual interest to buildings.

STANDARDS/GUIDELINES:

2.E.2.1. Human Scale Elements

“Human scale” addresses the relationship between a building and the human body. Generally, buildings attain a good human scale when they feature elements or characteristics that are sized to fit human activities, such as doors, porches, and balconies.

- Incorporate a minimum of four human scale building elements into new buildings and structures.

Human scale measures include:

- (1) Balconies or decks in upper stories, at least one balcony or deck per upper floor on the façades facing streets, provided they are integrated into the architecture of the building.
- (2) Bay windows or other window treatments that extend out from the building face;
- (3) At least 100 square feet of Pedestrian-Oriented Open Space, as described in **Section 2.C.2**, for each 100 lineal feet of building façade;
- (4) First floor individual windows, generally less than 32 square feet per pane and separated from the windows by at least a 6” molding;
- (5) A porch or covered entry;
- (6) Spatially defining building elements, such as a trellis, overhang, canopy, or other element, that defines space that can be occupied by people;
- (7) Upper story setbacks, provided one or more of the upper stories are set back from the face of the building at least 6 feet;
- (8) Placement of smaller building elements near the entry on pedestrian-oriented street fronts of large buildings (Figure 2.E.2.1-2 illustrates how human scale can be achieved using elements such as multiple canopies, an extended café area, and upper deck);
- (9) Landscaping components that meet these guidelines;
- (10) Public art that incorporates elements of a normal human scale (e.g.: life size sculpture);
- (11) Pedestrian scale lighting with mounting heights less than 15’; and
- (12) Other elements that the Director determines meet the intent of these guidelines.

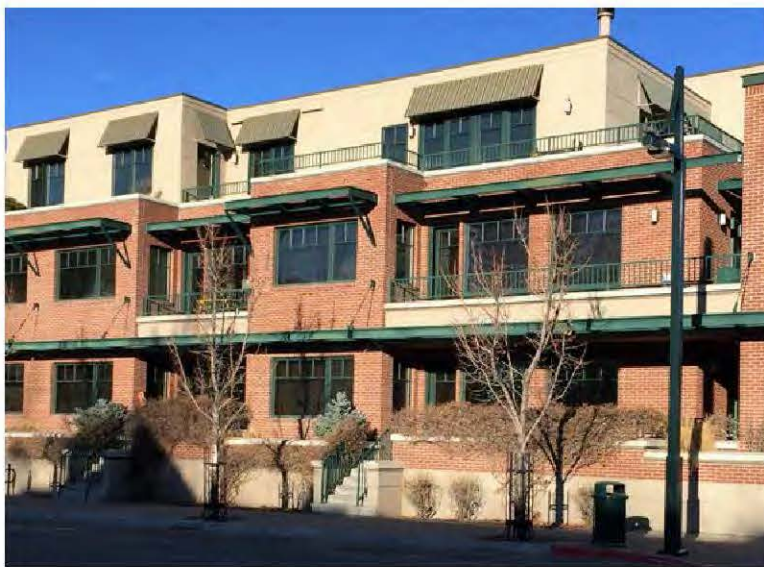


Figure 2.E.2.1-1. Examples of balconies that have been integrated into the architecture of the building.

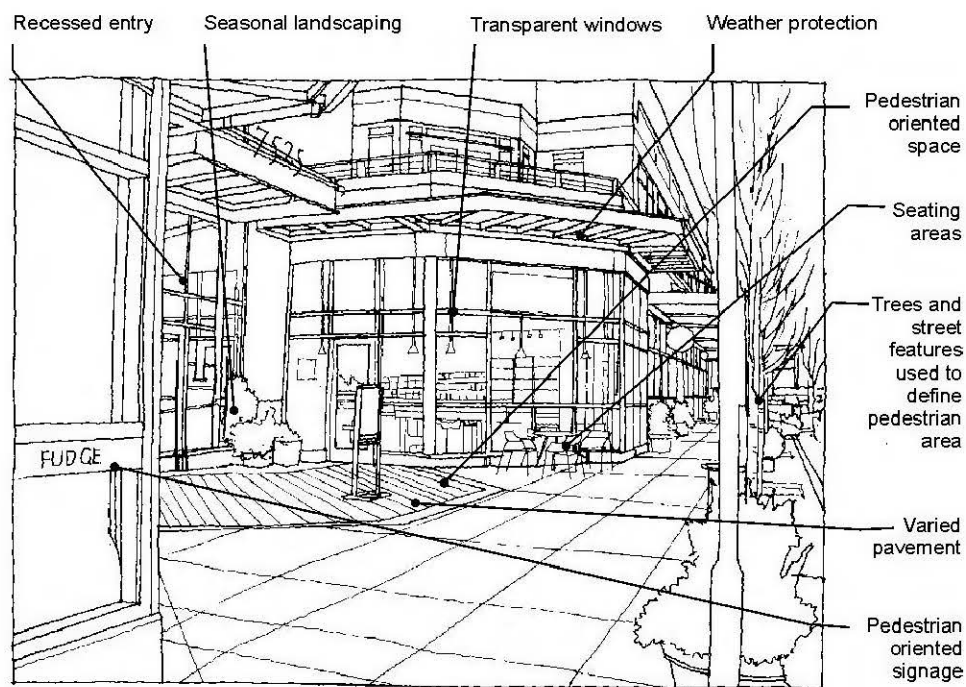


Figure 2.E.2.1-2. Illustrating a variety of human scale components on a building



Figure 2.E.2.1-3 This mixed-use building incorporates decks, upper level setbacks, trellises, and landscaping to meet human scale guidelines.

2.E.3. Architectural Scale

INTENT:

- To encourage architectural scale of development that is compatible with nearby areas.
- To add visual interest to buildings.

Note:

- **Architectural scale** is the perceived height and bulk of a building relative to that of neighboring buildings. A building has “good architectural scale” if its visual size is relatively similar to its neighbors.
- **Modulation** is a stepping back or projecting forward of portions of a building face, within specified intervals of building width and depth, as a means of breaking up the apparent bulk of a structure’s continuous exterior walls.
- **Articulation** is visually breaking up a building façade into intervals by including repetitive features, such as broken rooflines, chimneys, entrances, distinctive window patterns, street trees, and modulation.

STANDARDS/GUIDELINES:

2.E.3.1. Scale of Large Buildings

All new buildings over three stories or over 5,000 square feet in gross building footprint or with facades longer than 100 feet measured horizontally along the street front shall provide at least three modulation and/or articulation features as described below along any façade that is visible from a street, residential zone or pedestrian pathway. The “articulation interval” at which the repetitive element repeats should not be greater than 60 feet.

- a. Horizontal building modulation. The depth of the modulation must be at least 2 feet when tied to a change in the roofline and at least 5 feet in other situations. Balconies may be used to qualify for this option, provided they have a floor area of at least 40 square feet, are integrated with the architecture of the building, and project at least 2 feet from the building façade.



Figure 2.E.3.1-1. Mixed-use building with modulation to increase its interest and human scale.

- b. Vertical building modulation. Minimum depth and width of modulation is 18 inches and 4 feet (respectively) if tied to a change in color or building material and/or roofline modulation as defined below. Otherwise, minimum depth of modulation is 10 feet and minimum width for each modulation is 15 feet. Balconies may not be used to meet this modulation option unless they are recessed or projected from the façade and integrated with the building's architecture as determined by the Director. For example, "cave" balconies or balconies that appear to be "tacked on" to the façade will not qualify for this option.
- c. Modulated roof line. Buildings may qualify for this option by modulating the roof line of all façades visible from a street, park, or pedestrian pathway consistent with the following standards:
 - (1) For flat roofs or façades with a horizontal fascia or parapet, change the roofline so that no un-modulated segment of roof exceeds 60 feet. Minimum vertical dimension of roof line modulation is the greater of 2 feet or 0.1 multiplied by the wall height (finish grade to top of wall);
 - (2) For gable, hipped, or shed roofs, a slope of at least 3 feet vertical to 12 feet horizontal; or
 - (3) Other roof forms such as arched, vaulted, dormer, or saw-toothed may satisfy this design standard if the individual segments of the roof with no change in slope or discontinuity are less than 60 feet in width (measured horizontally).
- d. Repeating distinctive window patterns at intervals less than the articulation interval.
- e. Providing a porch, patio, deck, or covered entry for each articulation interval.

- f. Changing the roofline by alternating dormers, stepped roofs, gables, or changing roof textures on certain features such as metal roofs on towers and dormers to reinforce the modulation or articulation interval.
- g. Changing materials with a change in building plane.
- h. Providing lighting fixtures, trellises, trees, or other landscape feature within each interval.



Figure 2.E.3.1-2. Example of a well articulated building. Note how the awnings, window divisions, pilasters columns and cornice line all serve to divide up the façade into smaller segments without disrupting the unity of the overall design.

The Director may increase or decrease the 60-foot interval for modulation and articulation to better match surrounding structures or to implement an adopted subarea plan.



Figure 2.E.3.1-3. This development uses a variety of roof forms and heights and variations in roof textures by using metal hip roofs, different weather protection features, changing building materials and colors, and a modest amount of horizontal building modulation to reduce the overall architectural scale into smaller "storefront" components.



Figure 2.E.3.1-4. Industrial buildings can achieve an appropriate architectural scale through façade modulation and articulation, emphasis on the entrance, window patterns and landscaping.

2.E.4. Pedestrian-Oriented Facades and Weather Protection

INTENT:

- To create a safe, attractive, welcoming pedestrian environment.
- To enhance retail activity.

STANDARDS/GUIDELINES:

2.E.4.1. Pedestrian-Oriented Facades

Where Pedestrian-Oriented Facades are required (see **Guideline 2.B.1.2.a.(1)i**), the building shall meet the following:

- Transparent window areas or window displays or a combination of sculptural, mosaic, or bas-relief artwork and transparent window areas or window displays over at least 75 percent of the ground floor façade between 2 feet and 8 feet above grade. Transparent windows counting toward this requirement must remain transparent for the life of the building. The windows may look into the building's interior or be configured as merchandise display windows. The building must be designed so that the windows satisfying the requirement for Pedestrian-Oriented Facades do not look into service or storage areas or other unsightly rooms.

Exception: Temporary window painting is allowed.

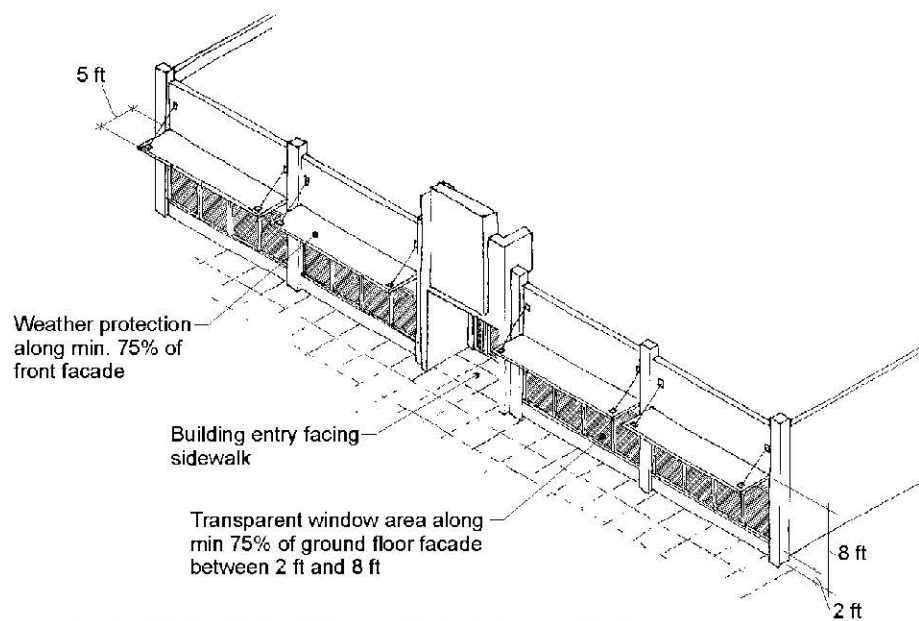


Figure 2.E.4.1-1. An example of a pedestrian-oriented façade.

- b. A primary building entry facing the street front. (See **Section 2.E.9** for entry enhancement requirements.)
- c. Weather protection at least 5 feet wide over at least 75 percent of the front facade.

2.E.4.2. Pedestrian Weather Protection

Provide pedestrian weather protection in public spaces such as transit stops, building entries, and along display windows, specifically:

- a. Weather protection at least 5 feet deep is required over the entries of each primary building, individual business, and individual residence. This may include a recessed entry, canopy, porch, marquee, or building overhang.



Figure 2.E.4.2-1. Provide weather protection over building entries.

- b. Canopies, awnings, or other similar weather protection features shall not be higher than 15 feet above the ground elevation at the highest point or lower than 8 feet at the lowest point.

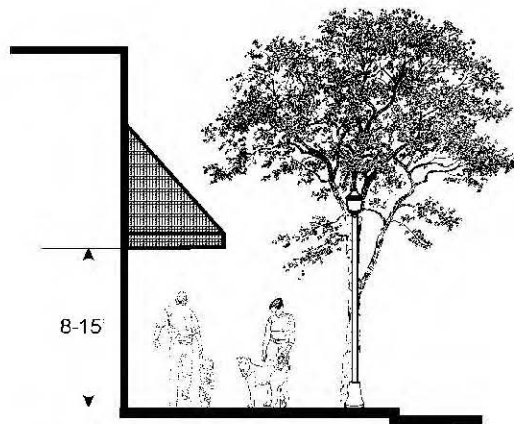


Figure 2.E.4.2-2. Height standards for weather protection features.

- c. The color, material, and configuration of the pedestrian coverings shall be as approved by the Director. To encourage design elements that convey the historical theme of Tumwater, pitched or mansard metal roofs, decorative brick facades, and ornamental towers with

pitched roofs and decorative cornices are examples of design elements that reflect the history of Tumwater. Several of these elements are incorporated into the designs of State office buildings along the southern end of Capitol Boulevard. Coverings with visible corrugated metal or corrugated fiberglass are not permitted unless approved by the Director. Fabric and rigid metal awnings are acceptable if they meet the applicable standards. All lettering, color and graphics on pedestrian coverings must conform to the TMC 18.44 and these guidelines.

- d. Multi-tenant retail buildings are encouraged to use a variety of weather protection features to emphasize individual storefronts and reduce the architectural scale of the building. Figure 2.E.4.2-3 provides unacceptable and better examples.



Figure 2.E.4.2-3. The continuous canopy on top is monotonous and deemphasizes individual storefronts. The bottom example provides a variety of weather protection features and represents a more desirable example.

2.E.5. Building Corners

INTENT:

- To create visual interest and increased activity at public street corners especially where they include Pedestrian-Oriented Streets or Signature Roads.

STANDARDS/GUIDELINES:

2.E.5.1. Building Corners

Architecturally accentuate building corners at street intersections. All new buildings located at intersections with Pedestrian-Oriented Streets or Signature Roads shall employ three or more of the following design elements or treatments to the building corner facing the intersection:

- A corner entrance to courtyard, building lobby, atrium, or pedestrian pathway.
- A significant corner bay window or turret.
- Roof deck or balconies on upper stories.
- Building core setback "notch" or curved façade surfaces.
- Sculpture or artwork, either bas-relief, figurative, or distinctive use of materials as part of the building.
- Change of materials.
- Corner windows.
- Special lighting.
- Significant feature such as a clock or flag pole.
- Special treatment of the pedestrian weather protection canopy at the corner of the building.
- Other similar treatment or element approved by the Director.

Figure 2.E.5.1-1. To emphasize its street corner location, this building uses a cropped corner, change in building materials, decorative façade elements, and a modulated roofline.



2.E.6. Building Design Details

INTENT:

- To ensure that buildings have design interest at all observable distances, especially individual elements (e.g., texture of materials, quality of finishes, small building elements, and artwork) viewed from closer than 60 feet.
- To enhance the character and identity of new development.
- To enhance the pedestrian environment.
- To encourage creativity in the design of storefronts.

STANDARDS/GUIDELINES:

2.E.6.1. Design Details

All new buildings and individual storefronts shall include on the façades at least three of the following design features:

- a. Distinctive rooflines, such as an ornamental molding, entablature, frieze, or other roofline device visible from the ground level. If the roofline decoration is in the form of a linear molding or board, then the molding or board must be at least 8" wide.
- b. Special treatment of windows and doors, other than standard metal molding/framing details, around all ground floor windows and doors, decorative glazing, or door designs.
- c. Decorative light fixtures with a diffuse, visible light source or unusual fixture that meet the outdoor lighting standards in TMC 18.40.035 Exterior illumination.
- d. Decorative building materials, such as decorative masonry, shingle, brick, or stone.
- e. Individualized patterns or continuous wood details, such as fancy butt shingles (a shingle with the butt end machined in some pattern, typically to form geometric designs), decorative moldings, brackets, trim or lattice work, ceramic tile, stone, glass block, carrera glass, or similar materials.

The applicant must submit architectural drawings and material samples for approval.

- f. Use of a landscaping treatment as part of the building's design, such as planters or wall trellises.



Figure 2.E.6.1-1. The use of different building materials, window treatments, and roofline overhang, trellis, lights and exposed structural members adds to the visual interest of this building. The outdoor space and plantings also increase the project's visual interest and add human scale.

- g. Decorative or special railings, grill work, or landscape guards.
- h. Landscaped trellises, canopies, or weather protection.
- i. Decorative artwork, which may be freestanding or attached to the building and may be in the form of mosaic mural, bas-relief sculpture, light sculpture, water sculpture, fountain, free standing sculpture, art in pavement, or other similar artwork. Painted murals or graphics on signs or awnings do not qualify.
- j. Sculptural or hand-crafted signs such as those with solid raised letters.
- k. Special building elements, such as pilasters, entablatures, wainscots, canopies, or marquees that exhibit nonstandard designs.
- l. Other similar features or treatment that satisfies the Intent of the Guidelines as approved by the Director.



Figure 2.E.6.1-2. The multifamily building provides a number of details that enhance the pedestrian environment, including decorative railing, different siding treatments, window trim, balconies, eave detailing, lights, and opportunities for individual landscaping.

2.E.6.2. Residential Window Details

The facades of residential buildings and residential portions of mixed use buildings facing the street shall employ techniques to recess or project individual windows above the ground floor at least two inches from the façade or incorporate window trim at least four inches in width that features color that contrasts with the base building color. Exceptions will be considered by the Director where buildings employ other distinctive window or façade treatment that adds visual interest to the building.



Figure 2.E.6.2-1 Acceptable (left and center examples) and unacceptable (right example) window treatments.

2.E.7. Materials

INTENT:

- To encourage the use of a variety of high-quality compatible materials that will upgrade Tumwater's visual image.

STANDARDS/GUIDELINES:

2.E.7.1. Materials

The following are allowed only with special detailing, as described below:

- a. Metal siding. When used as a siding material over more than 25 percent of a building's façade visible from a public street, pathway, or park, metal siding must:
 - (1) Have a matte finish in a neutral or earth tone such as buff, gray, beige, tan, cream, white, or a dulled color, such as barn-red, blue-gray, burgundy, ocher, or other color specifically approved by the Director.
 - (2) Include two or more of the following elements:
 - i. Visible window and door trim painted or finished in a complementary color.
 - ii. Color and edge trim that cover exposed edges of the sheet metal panels.
 - iii. A base of masonry, stone, or other approved permanent material extending up to at least 2 feet above grade that is durable and satisfies the Intent of the Guidelines. (The intent is to provide more durable materials near grade level.)
 - iv. Other detail/color combinations for metal siding approved by the Director, provided design quality and permanence meet the intent of this section.
- b. Concrete block walls. Concrete block construction used over 25 percent of a building façade visible from a public roadway, pathway, or park must be architecturally treated in one or more of the following ways:
 - (1) Use of textured blocks with surfaces such as split face or grooved.
 - (2) Use of other masonry types, such as brick, glass block, or tile in conjunction with concrete blocks.
 - (3) Use of decorative coursing to break up blank wall areas.
 - (4) Use of matching colored mortar where color is an element of architectural treatment for any of the options above.
 - (5) Other treatment approved by the Director.
- c. Requirements for stucco, stucco-like, and similar troweled finishes:
 - (1) To avoid deterioration, the finish material must be trimmed and/or sheltered from extreme weather by roof overhangs or other methods.

- (2) The finish material may only be used in conjunction with other approved building materials.
- d. Any material that is subject to damage and deterioration from human contact or landscape elements is prohibited within 2 vertical feet of the sidewalk or ground level or in areas that are especially subject to vandalism such as areas with low visibility. In these areas, a more durable finish material such as brick, concrete, or concrete block should be used.



Figure 2.E.7.1-1. This storefront effectively combines stucco-like material and concrete block with wood trim and metal detailing.

- e. Use of flat sheet materials such as fiber cement panels (e.g., HardiePanel) is not allowed on ground floor facades facing Pedestrian-Oriented Streets. This is because the panels do not provide human scale surfaces or textures or refined details.



Figure 2.E.7.1-2. Fiber cement panels and similar materials are allowed when providing human scale details like this vertical siding.

f. Prohibited materials:

- (1) Mirrored glass.
- (2) Corrugated fiberglass.
- (3) Chain link fencing within 50 feet of a building's public entrance (except for temporary purposes such as a construction site).
- (4) Crushed colored rock or tumbled glass.
- (5) Any sheet materials, such as wood or metal siding, with exposed edges or unfinished edges, or made of nondurable materials.
- (6) Any spray-on materials (e.g.: shot-crete) not specifically approved by the Director.
- (7) Non-durable materials subject to deterioration if exposed to weather such as most plastic and synthetic materials or materials that are particularly vulnerable to vandalism. Project applicants wishing to use synthetic materials must submit samples and product description information to the Director for approval. The Director will not accept such materials unless its durability and appropriateness is demonstrated.

2.E.8. Blank Walls

INTENT:

- To reduce the visual impact of large, undifferentiated walls.
- To reduce the apparent size of large walls through the use of various architectural and landscaping treatments.
- To enhance the character and identity of Tumwater's commercial areas.
- To ensure that all visible sides of buildings provide visual interest.

STANDARDS/GUIDELINES:

2.E.8.1. Blank Walls

All blank walls (see Definitions in **Section 2.G**) except backs of buildings/service areas and places not easily visible from pedestrian places shall be treated in one or more of the following measures:

- a. Install a vertical trellis in front of the wall with climbing vines or plant materials. For large blank wall areas, the trellis must be used in conjunction with other treatments described below;
- b. Provide a landscaped planting bed or a raised planter bed in front of the wall of sufficient size to support. Plant materials that will obscure or screen at least 50 percent of the wall's surface within 4 years;
- c. Provide artwork (mosaic, mural, sculpture, relief, etc.) over at least 50 percent of the blank wall surface;

- d. Other method as approved by the Director. For example, landscaping or other treatments may not be necessary on a wall that employs high quality building materials (such as brick) and provides desirable visual interest.
- e. Special architectural lighting, subject to **Section 2.F.1** and TMC, may be used to highlight a successful treatment if such lighting complies with **Section 2.F** below.

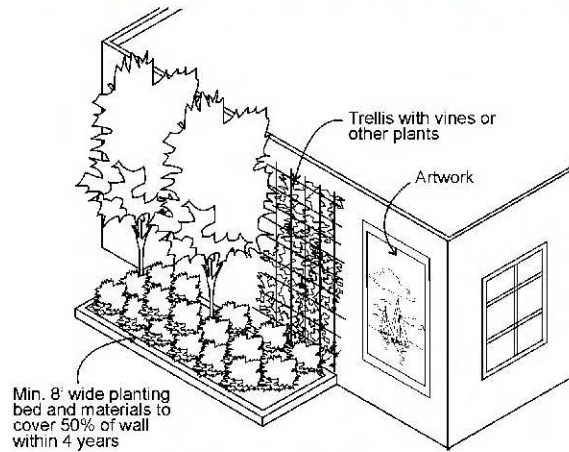


Figure 2.E.8.1-1. Blank wall treatments.



Figure 2.E.8.1-2. Terraced planting beds, artwork and landscaping can effectively treat a blank wall.

2.E.9. Building Entrances

INTENT:

- To ensure that buildings and businesses are inviting and accessible.
- To encourage pedestrian activity.
- To highlight and accentuate the entrance.

STANDARDS/GUIDELINES:

2.E.9.1. Principal Building Entrances

The principal building entrances (i.e., the building entrance used by commercial customers, residents, or visitors) of all buildings shall feature all of the following improvements:

- a. Pedestrian covering. Building entrances must be covered by at least 50 square feet of pedestrian weather protection. Entries may satisfy this requirement by being set back into the building façade.
- b. Lighting. Lighting shall conform to **Section 2.F.1.**
- c. Building or business name. Entries must be identified with respect to building and/or business.
- d. Visibility. Building entrances must be visible from the roadway and major public pedestrian pathway.
- e. Transparency. Entries must feature glass doors, windows, or glazing (window area) near the door so that the visitor and occupant can view people opening the door from the other side (not required for entries leading directly to a single residential dwelling).
- f. Security. To the extent feasible, entries must be visible from areas with high pedestrian activity or where residents can view the entry (passive surveillance).
- g. Address number.
- h. Architectural or artwork enhancements. Building entrances must be enhanced by one or more of the following measures. Entrances on Pedestrian-Oriented Streets must feature two of the following measures.
 - (1) Special or ornamental doors, windows, or other architectural elements.
 - (2) Special paving or materials (e.g., decorative tile work).
 - (3) Special architectural lighting subject to **Section 2.F.1** and TMC.
 - (4) Landscaping.
 - (5) Artwork.
 - (6) Adjacent Pedestrian-Oriented Open Space.
 - (7) Other enhancements approved by the Director.



Figure 2.E.9.1-1 Entrances enhanced by details and materials, complex architectural elements, site features and lettering

2.E.9.2. Secondary Public Access for Commercial Buildings

Although these Guidelines require businesses on Pedestrian-Oriented Streets to front on streets rather than parking areas, a large number of customers use the “secondary” entry off of a parking area. Such businesses that have secondary public access shall comply with the following measures to enhance secondary public access (applies only to entries used by the public):

- a. Weather protection at least 3 feet deep is required over each secondary entry.
- b. A sign may be applied to the awning provided that the sign complies with other regulations and guidelines.
- c. Lighting shall conform to Section **2.F.1 Site Lighting**.
- d. One or more of the design elements noted in **Guideline 2.E.9.1.h** above must be incorporated within or adjacent to the secondary entry.



Figure 2.E.9.2-1. Example of secondary public access. Note the planters, window sign, and awning.

2.E.10. Parking Garage Design

INTENT:

- To minimize negative visual impacts of parking garages.

STANDARDS/GUIDELINES:

2.E.10.1. Parking Garage Design

- Parking garages must be designed to obscure the view of parked cars at the ground level.
- Where the garage wall is built within 10 feet of the sidewalk edge, the façade shall incorporate a combination of artwork, grillwork, special building material or treatment/design, and/or other treatments as approved by the City that enhance the pedestrian environment. Small setbacks with terraced landscaping elements can be particularly effective in softening the appearance of a parking garage.
- Upper-level parking garages must use articulation treatments that break up the massing of the garage and add visual interest.
- Alternatively, for parking garages screened from public roadways by a building (i.e.: a building located between the garage and the public street)(a) and (b) above do not apply.

See Figures 2.E.10.1-1 through 2.E.10.1-3 on the following page for example parking garage treatments.



Figure 2.E.10.1-1. The side of this parking garage includes decorative grillwork, and a raised brick planter to enhance the pedestrian environment.



Figure 2.E.10.1-2. This building uses openings on its second level parking area to resemble windows.

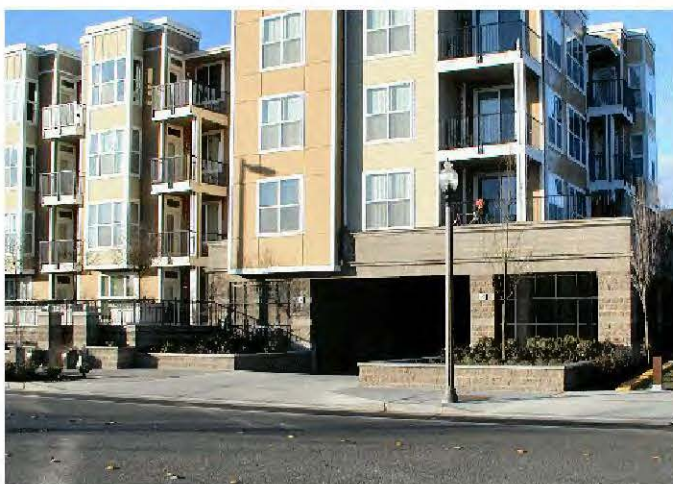


Figure 2.E.10.1-3. Design parking garages to obscure the view of parked cars. Note the landscaping that separates the garage from pedestrians.

2.F. Lighting

2.F.1. Site Lighting

INTENT:

- To encourage the use of lighting as an integral design component to enhance buildings, landscaping, or other site features.
- To increase night sky visibility and to reduce the general illumination of the sky.
- To reduce horizontal light glare and vertical light trespass from a development onto adjacent parcels and natural features.

- To use lighting in conjunction with other security methods to increase site safety.
- To prevent the use of lighting for advertising purposes.

STANDARDS/GUIDELINES:

2.F.1.1. Site Lighting Levels

- All publicly accessible areas shall be lighted with levels as follows:
 - (1) Low or non-pedestrian and vehicular traffic areas – minimum 0.2 foot-candles, maximum 4 foot-candles;
 - (2) Moderate or high volume pedestrian areas and building entries – minimum 1 foot-candle, maximum 5 foot-candles, preferred average 2 foot-candles;
 - (3) Public parking lots – minimum 1 foot-candle, maximum 4 foot-candles; and
 - (4) Gas station pump area – maximum 5 foot-candles.
- Lighting shall be provided at consistent levels, with an average lighting level to minimum lighting level uniformity ratio no less than 3:1, to create gradual transitions between varying levels of lighting and between lit areas and unlit areas. Highly contrasting pools of light and dark areas shall be avoided.
- Pedestrian lighting shall have a maximum height of 15 feet.

Exception: For commercial and industrial uses where outdoor storage of goods and products is the primary method of display of such good and products, site lighting levels shall comply with TMC 18.40.035.

2.F.1.2. Light Quality and Shielding

- Parking area lighting fixtures shall be fully shielded; dark sky rated and mounted no more than 20 feet above the ground, with lower fixtures preferable so as to maintain a human scale.
- Exterior lighting must comply with TMC 18.40.35: Exterior Illumination

Exception: For commercial and industrial uses where outdoor storage of goods and products is the primary method of display of such good and products, site lighting height shall comply with TMC 18.50.

2.F.1.3. Architectural Lighting

- Steady, non-flashing lighting of building features, artwork, and special landscape elements may be allowed, subject to the findings of the Director that the light causes no significant adverse impact.

CHAPTER 5:

Cottage Housing

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5.A. Administrative

5.A.1. Applicability

This chapter applies to cottage housing uses. Cottage housing refers to clusters of small detached dwelling units arranged around a common open space. Cottage housing development shall be permitted in the following zones, consistent with the development standards in this chapter:

- A. Single Family Low Density Residential (SFL 4-7 dwellings per acre).
- B. Single Family Medium Density Residential (SFM 6-9 dwellings per acre).
- C. Multi-Family Medium Density Residential (MFM 9-15 dwellings per acre).
- D. Mixed Use (MU).

Also see **Chapter 1 Section A. Applicability.**



Figure 5 A.1-1. Cottage housing examples.

5.A.2. Intent

1. To provide an opportunity for small, detached housing types clustered around a common open space;
2. To ensure that cottage developments contribute to the overall character of residential areas;
3. To provide for centrally located and functional common open space that fosters a sense of community;
4. To provide for semi-private area around individual cottages to enable diversity in landscape design and foster a sense of ownership;
5. To minimize visual impacts of parking areas on the street and adjacent properties and the visual setting for the development; and

6. To promote conservation of resources by providing for clusters of small dwelling units on a property.
7. Provide the opportunity for more affordable housing units.
8. Provide energy efficient dwelling units.
9. Provide more opportunity for infill development.
10. Provide incentives for green building certified and low-impact development.

5.A.3. Lot Configuration

Cottages may be configured as condominiums or fee-simple lots provided they meet the standards herein.

5.B. Density and Dimensional Standards

5.B.1. Dimensional Standards

Table 5B.1-1 Dimensional standards for cottages:

Standard	Requirement
Maximum floor area, excluding porches, garages, areas accessible only by ladders, or accessory structures	1,200 SF
Maximum footprint	1,000 SF
Minimum common space (See subsection C.4 below for more info)	300 SF/unit
Minimum private open space (See subsection C.5 below for more info)	200 SF/unit
Maximum height for cottages	26 ft. (all parts of the roof above 18 ft. shall be pitched with a minimum roof slope of 6:12)
Maximum height for cottages accessory structures	18 ft.
Setbacks (to exterior property lines)	See TMC 18.42.040
Minimum distance between structures (Including accessory structures)	10 ft.
Minimum parking spaces per cottage:	See TMC 18.50
Balconies	Minimum depth 4 ft
Porches	Minimum depth 4 ft
Patios and Decks	Minimum depth 6 ft
For a balcony or porch to qualify as open space	Minimum dimensions 8 ft X 8 ft

5.C. Site Design Standards

5.C.1. Residence Orientation

Cottage housing developments shall generally be oriented in a “cluster” or group of residences around a common open space or landscaped pathway, or along a publically accessible street to encourage a sense of community among the residents. Clusters must contain a minimum of 4 and a maximum of 12 cottages. A development site may contain more than one cottage housing cluster.

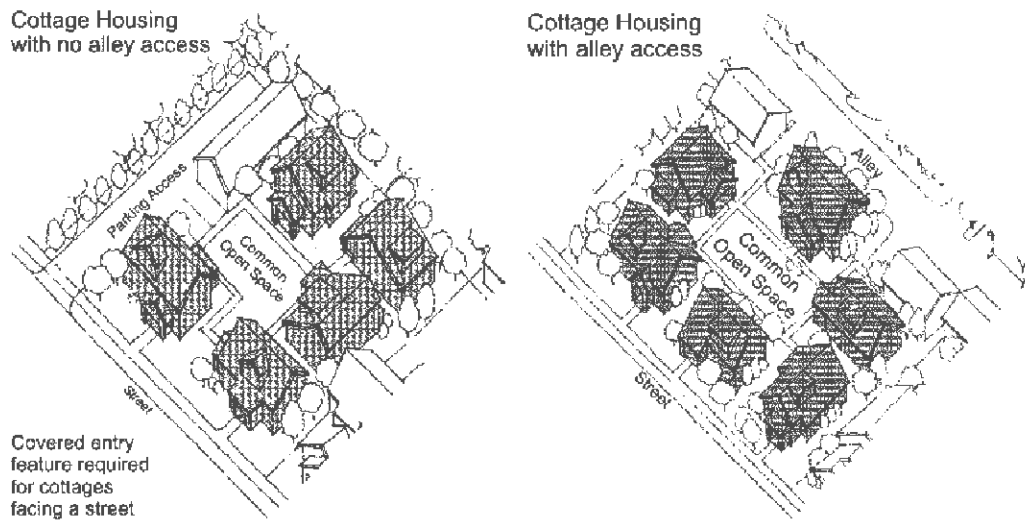


Figure 5 C.1-1. Typical cottage housing layouts.

5.C.2. Parking and Driveway Location and Design

1. Parking shall be located on the same property as the cottage development;
2. Where lots abut an alley, the garage or off-street parking area shall take access from the alley unless the Director finds that there is a compelling reason to the contrary;



Figure 5.C.2-1. Vehicle access from an alley is preferred

3. Parking areas shall be located to the side or rear of cottage clusters and not between a street and cottages, except where the parking is from an alley. Parking is prohibited in the front and interior setback areas;
4. Parking and vehicular areas shall be screened from public street and adjacent residential uses by landscaping conforming to TMC 18.50. The director may consider alternative landscaping techniques provided they effectively mitigate views into the parking area from the street or adjacent residential uses and enhance the visual setting for the development;
5. Parking shall be located in clusters of not more than 10 to 12 adjoining uncovered spaces (except where adjacent to an alley). The Director may consider alternate configurations provided they improve the visual setting for development;



Figure 5.C.2-2. Vehicle access from a shared drive

6. Garages may be attached to individual cottages provided all other standards herein are met and the footprint of the ground floor, including garage, does not exceed 1,000 square feet. Such garages shall be located away from the common open spaces; and
7. No more than one driveway per cottage cluster shall be permitted, except where clusters front onto an alley or more than one street.

5.C.3. Pedestrian Circulation

1. Pathways between dwelling units and the street are required. Such pathways between the street and buildings fronting on the street should be in a straight line. Exceptions may be allowed by the Director where steep slopes prevent a direct connection or where an indirect route would enhance the design and/or use of a common open space.



Figure 5.C.3-1. Direct pathways between the street and dwelling units are required.

2. The pedestrian circulation system shall connect all main entrances on the site. For townhouses or other residential units fronting the street, the sidewalk may be used to meet this standard.
3. Direct pedestrian access shall be provided to adjacent publicly accessible parks, open space, and trails, and transit, rideshare and bicycle storage facilities.

Figure 5.C.3-2. An example of an attractive pedestrian connection through a cottage housing development.



4. For safety and access, landscaping shall not block visibility to and from a path, especially where it approaches a roadway or driveway.
5. Pedestrian walks shall be separated from structures at least 3 feet for landscaping.
6. Public pathways must be at least 4' wide and meet American with Disabilities Act (ADA) standards.

5.C.4. Common Open Space Requirements

1. Open space shall abut at least 50 percent of the cottages in a cottage housing development;
2. Open space shall have cottages abutting on at least 2 sides;
3. Cottages shall be oriented around and have the main entry from the common open space or the most important path or street;
4. Cottages shall be within 60 feet walking distance of the common open space;
5. Open space shall include at least 1 courtyard, plaza, garden, or other central open space, with access to all units. The minimum dimensions of this open space are 15 feet by 20 feet, and
6. There shall be at least 300 square feet of common open space per unit.

5.C.5. Required Private Open Space

All residential units must include at least 200 square feet of private open space adjacent to the residence that usable and conducive open space for passive human activities such as dining, resting, sun bathing, gardening or picnicking. The open space may consist of a porch, balcony, garden, patio, roof

deck or similar feature. The smallest dimension of the open space (deck, patio, etc.) must not be less than 6 feet. Above grade balconies must be at least 4 feet wide in the smallest dimension.



Figure 5.C.5-1. Common open space may accommodate a variety of uses and feature a variety of landscape elements and characters.

5.C.6. Stormwater Facility Planning

1. Compliance with City Stormwater Manual. Adhere to the City of Tumwater Stormwater Management (SWM) standards in TMC 13.12.020. The following guidelines are intended to supplement the SWM regulations.
2. Integration of Stormwater Facilities into Site Design. Where feasible, integrate biofiltration swales, rain gardens, stormwater planters, and other low impact development stormwater management measures into the overall site design. Manage stormwater as close to its origin as possible by utilizing small scale, distributed hydrologic controls. Locate them so they don't impede pedestrian circulation. Examples of filtration methods are listed below:
 - a. Incorporate the biofiltration system, including low-impact development (LID) features, as part of the landscape features of the development. If the biofiltration system is incorporated into the landscaping of the site's open space, then, upon approval of the Director, the stormwater facility may be counted as part of the required open space or landscaping.

- b. Maximize retention of native forest cover and vegetation and restore disturbed vegetation to intercept, evaporate and transpire precipitation.



Figure 5.C.6-1. A preferred method of handling stormwater is through retention systems, such as rain gardens, incorporated as site amenities. Other low-impact development techniques are encouraged, and in many cases, required.

- c. Preserve permeable, native soil, and enhance disturbed soil to store and infiltrate stormwater.
- d. Reduce hard surfaces, total impervious surface areas and increase retention of native vegetation.
- e. Locate biofiltration swales, ponds, or other approved biofiltration systems as part of a landscape screen.
- f. Where topography is favorable, locate the biofiltration swale, wet pond, or other approved biofiltration system within the paved parking or service area to, and integrate it into the required internal parking area landscaping. Consider use of permeable pavements and asphalts to reduce impervious areas.
- g. Use native, drought tolerant plants and/or appropriate plant species as approved by the Director.
- h. Include the stormwater facility as an amenity.



Figure 5.C.6-2. Example flow control system incorporated into the site design as an amenity, High Point West, Seattle

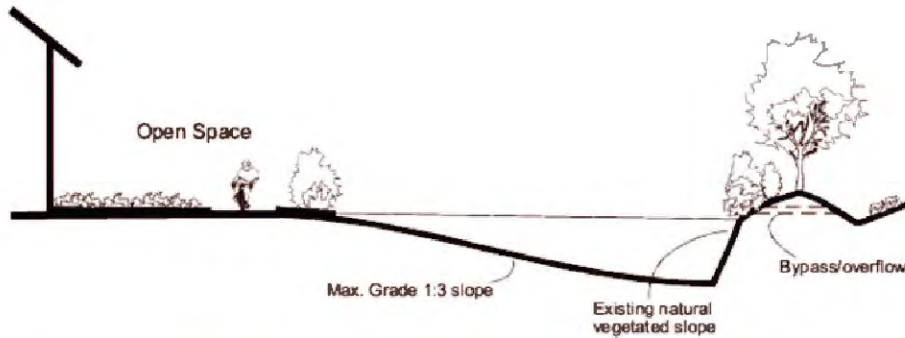


Figure 5.C.6-3. Grading to allow stormwater facilities to be treated as an amenity.

5.C.7. Landscape Design and Materials

1. Reference to TMC 18.47. The landscaping standards of TMC 18.47 shall apply. These standards are intended to supplement those standards.
2. Landscaping – General Standards for All Landscape Areas. All new landscape areas proposed for a development shall be subject to the following provisions:
 - a. Berms shall not exceed a slope of two horizontal feet to one vertical foot (2:1).
 - b. Group plants having similar water use characteristics.
 - c. Plant selection shall consider adaptability to sun exposure, soil conditions, and the topography of the planting area. Preservation of existing vegetation is encouraged.
 - d. Install no plants included in the Thurston County Noxious Weed list.
 - e. All plants shall conform to American Association of Nurserymen (AAN) grades and standards as published in the “American Standard for Nursery Stock” manual; provided that existing healthy vegetation used to augment new plantings shall not be required to meet the standards of this manual.
 - f. Street trees and trees internal to the development shall conform to the standards in the Tumwater Comprehensive Street Tree Plan and Title 16.08 Protection of Trees and Vegetation.

- g. New landscape material provided for vegetation restoration or mitigation requirements and within areas of undisturbed vegetation or within the protected area of significant trees shall give preference to utilizing western Washington native plant species.
 - h. Shrubs shall be dwarf varieties unless demonstrated that other varieties can thrive if maintained at 42 inches. Shrubs shall also be as follows:
 - (1) At least an AAN container Class No. 2 size at time of planting in Type II, III and parking area landscaping;
 - (2) At least 24 inches in height at the time of planting for Type I landscaping; and
 - i. Shrubs shall be perennials.
 - j. Groundcovers shall be planted and spaced to result in total coverage of the majority of the required landscape area within three years.
 - k. All fences shall be placed on the inward side of any required perimeter landscaping along the street frontage. That is, place the required landscaping to face the public street or open space. Exception: Where the fence separates a public street from a required common open space, the Director will determine which side the landscaping is to be installed.
 - l. Required street landscaping may be placed within City of Tumwater street rights-of-way subject to the permission of the City of Tumwater Director of Public Works.
 - m. Required street landscaping may be placed within Washington State rights-of-way subject to permission of the Washington State Department of Transportation.
3. Landscaping – Plan Design, Design Review, and Installation. A landscape plan must be submitted to the Director that complies with TMC 18.47 and the standards contained in **Section 5.C.7** of these standards. Where conflicts occur, these standards control. The required landscaping shall be installed no later than three months after issuance of a certificate of occupancy for the project or project phase. However, the time limit for compliance may be extended to allow installation of such required landscaping during the next appropriate planting season.
4. Maintenance
- a. All landscaping shall be maintained for the life of the project, including water conservation practices for turf grass such as annual aeration and dethatching, top dressing and over seeding;
 - b. All landscape materials shall be properly pruned and trimmed as necessary to maintain a healthy growing condition or to prevent primary limb failure;
 - c. With the exception of dead, diseased or damaged trees specifically retained to provide wildlife habitat, other dead, diseased, damaged, topped, or stolen plantings shall be replaced within three months or during the next planting season if the loss does not occur in a planting season; and
 - d. Landscape areas shall be kept free of trash, mulched, and weeded.
5. Landscape Character
- a. Tumwater's signature landscape setting is characterized by large, mature conifer and oak trees surrounded by relatively flat expanses of grass or low vegetation, such as at the civic campus around City Hall and the Fred Meyer and Costco vicinity on Littlerock Road. The community has indicated that this landscape is very important to the city's visual quality and design identity so that maintaining existing mature evergreen trees and including existing and new evergreens in site development is an important

objective. The Director may require that development proposals be modified to conserve healthy evergreen trees. When appropriate, the Director may also relax other standards such as setbacks and geometric requirements in order to promote the retention of mature trees.

The applicant shall meet setback and root protection requirements as deemed necessary by the Director to maintain the tree's health.



Figure 5.C.7-1. Informal clusters of mature conifer trees are a signature element of Tumwater's landscape and are well-suited to the area's glacial soils.

- b. Where possible, minimize the disturbance of native vegetation and soils. Native soil retention may be incorporated into low impact development (LID) measures for stormwater management.
- c. Unless there is a compelling reason to the contrary, concentrate ornamental vegetation near pedestrian areas and building entries where it can be most appreciated.
- d. As a general observation, Tumwater's landscape design character emphasizes naturalistic, informal layouts that are similar to early 20th century parks designed by the Olmsted Brothers.
- e. Other design features associated with landscaped open space should emphasize pedestrian scale and qualities generally consistent with these guidelines.

5.C.8. Site Lighting

- 1. Site Lighting Levels
 - a. All publicly accessible areas shall be lighted with levels as follows:
 - (1) Low or non-pedestrian and vehicular traffic areas – minimum 0.2 foot-candles, maximum 4 foot-candles;
 - (2) Pedestrian areas and building entries – minimum 1 foot-candle, maximum 5 foot-candles, preferred average 2 foot-candles;
 - (3) Public parking lots – minimum 1 foot-candle, maximum 4 foot-candles; and
 - b. Lighting shall be provided at consistent levels, with an average lighting level to minimum lighting level uniformity ratio no less than 3:1, to create gradual transitions between varying levels of lighting and between lit areas and unlit areas. Highly contrasting pools of light and dark areas shall be avoided.
 - c. Pedestrian lighting shall have a maximum height of 15 feet.

2. Light Quality and Shielding, Consistent with US Department of Energy, Guide to FEMP-Designated Parking Lot Lighting
 - a. Parking area lighting fixtures shall be fully shielded; dark sky rated and mounted in accordance with IES Standards, with lower fixtures preferable so as to maintain a human scale.
 - b. Exterior lighting must also comply with TMC 18.40.35: Exterior Illumination

5.C.9. Site Planning for Security

1. In site development planning, avoid:
 - a. Entrapment areas, where a person could become trapped with no exit route. Provide two means of egress from all outdoor spaces. Ensure entrapment conditions are avoided in the design of rooftop decks.
 - b. Areas that are dark or not visible from a public space or right-of-way.
 - c. Vegetation and fences that restrict visibility into occupiable open space, pathways and building entries.

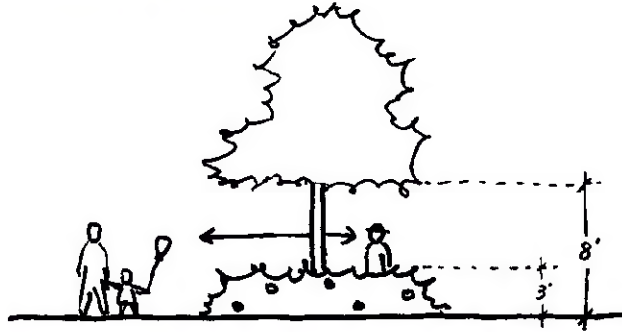


Figure 5.C.9-1. Keep landscaping open between 3 feet and 8 feet above grade where there is the need for visibility.

- d. Buildings, vegetation, or other objects (e.g., a storage enclosure) that block visibility into a space or provide places to hide.
 - e. Screens or landscaping that blocks motorists' views of pedestrians crossing streets, driveways, and vehicular circulation areas.
2. Where visibility is necessary to avoid creating an unsecure area to reduce the potential for pedestrian/vehicle collisions, do not plant vegetation that will obstruct views between 3 feet and 8 feet above the ground. (See **Figure 5.C.9-1.**)



Figure 5.C.9-2. Fences that prevent visibility from public ROW and open spaces can decrease security.

3. In the planning of the site and design of buildings and site elements, to the extent feasible provide for:
 - a. “Passive surveillance,” the ability of people occupying buildings and public spaces to view all parts of accessible spaces.
 - b. Security and pedestrian lighting per **Guideline 5.D.7**

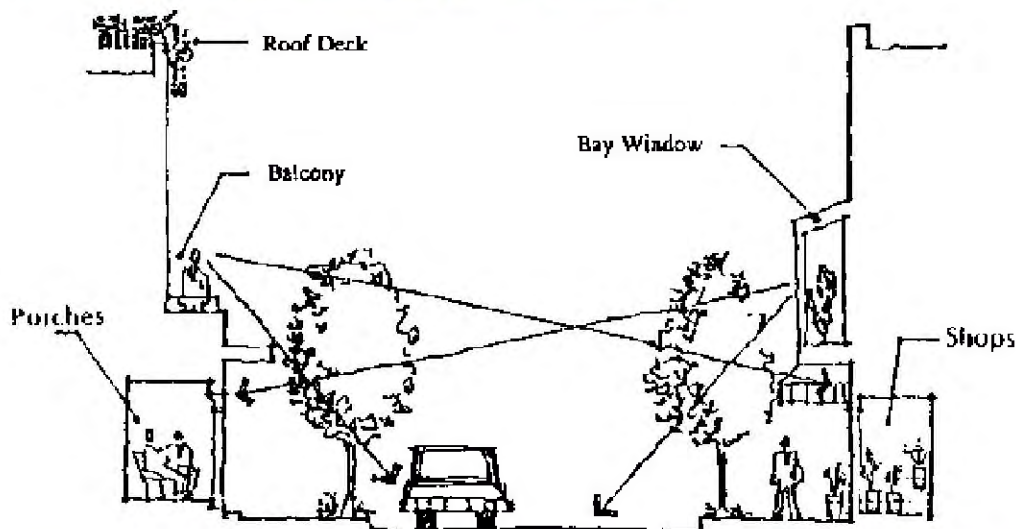


Figure 5.C.9-3. Passive surveillance or the ability of people in buildings or traveling along roadways to see outdoor spaces, increases security.

- c. Appropriate natural access control, that is, features that delineate where the general public should not enter without an invitation. For example, a low fence or hedge can indicate that people should not enter a yard or open space except through a gate or opening. Access control should not limit visibility or passive surveillance.
 - d. Defining territory. This means clearly indicating through site planning and design measures what parts of the site are open to the public and what parts are not. For example, in commercial development, pedestrian-oriented elements and walkways indicate that the public is welcome but fenced areas with a gate do not. Also, well maintained sites indicate that someone cares for the site and tends to discourage crime.



Figure 5.C.9.4. This residential complex incorporates passive surveillance, territorial definition, and good visibility and lighting to provide a more secure pathway and open space.

5.D. Building Design Standards

5.D.1. Windows on the Street

At least 10 percent transparency is required on facades (all vertical surfaces) of all cottages facing the street and common open space. For facades facing north, the amount of transparency may be reduced to 8 percent.

For cottages, transparency shall be calculated as follows:

% transparency = area (square feet) of transparent surfaces on the side of the cottage area divided by the façade area (square feet) of the same side cottage, excluding eaves and exposed foundation.

Transparent surfaces include window panes that are mostly clear. (Decorative treatments such as stained glass are allowed.) Mullions do not count against the transparent area of a window.

5.D.2. Porches

Cottage facades facing the common open space, common pathway or street shall feature a roofed porch at least 40 square feet in size with a minimum dimension of 4 feet on any side. The porch area may be counted as required private open space if it has minimum dimensions of 8 feet by 8 feet to enable sitting and other activities.

5.D.3. Covered Entry and Visual Interest

Cottage facades facing a public street, common pathway or common open space shall provide:

1. A covered entry feature (with a minimum dimension of 6 feet by 6 feet) visible from the street;
2. At least 10 feet of landscaped open space between the residence and the street or pathway; and
3. At least 2 architectural details, such as:
 - a. Decorative lighting;
 - b. Decorative trim;
 - c. Special door;
 - d. Trellis or decorative building element; and/or
 - e. Bay window.
 - f. Similar feature approved by the Director

5.D.4. Character and Diversity

Cottages and accessory buildings within a particular cluster shall be designed within the same “family” of architectural styles. This shall be accomplished by incorporating building elements of similar character. Examples of such elements include:

1. Similar building/roof form and pitch;
2. Similar siding materials;
3. Similar porch detailing; and/or
4. Similar window trim;

A diversity of cottages can be achieved within a “family” of styles by:

1. Alternating porch styles (such as roof forms);
2. Alternating siding details on facades and/or roof gables; and/or
3. Different siding color.

5.D.5. Residential Window Details

The facades of residential buildings and residential portions of mixed use buildings facing the street shall employ techniques to recess or project individual windows above the ground floor at least two inches from the façade or incorporate window trim at least four inches in width that features color that contrasts with the base building color. Exceptions will be considered by the Director where buildings employ other distinctive window or façade treatment that adds visual interest to the building.



Figure 5.D.5-1 Acceptable (left and center examples) and unacceptable (right example) window treatments.

5.D.6. Materials

1. The following are allowed only with special detailing, as described below:
 - a. Metal siding. When used as a siding material over more than 25 percent of a building's façade visible from a public street, pathway, or park, metal siding must:
 - (1) have a matte finish in a neutral or earth tone such as buff, gray, beige, tan, cream, white, or a dulled color, such as barn-red, blue-gray, burgundy, ocher, or other color specifically approved by the Director.
 - (2) Include two or more of the following elements:
 - Visible window and door trim painted or finished in a complementary color.
 - Color and edge trim that cover exposed edges of the sheet metal panels.
 - A base of masonry, stone, or other approved permanent material extending up to at least 2 feet above grade that is durable and satisfies the Intent of the Guidelines. (The intent is to provide more durable materials near grade level.)
 - Other detail/color combinations for metal siding approved by the Director, provided design quality and permanence meet the intent of this section.
 - b. Concrete block walls. Concrete block construction used over 25 percent of a building façade visible from a public roadway, pathway, or park must be architecturally treated in one or more of the following ways:
 - (1) Use of textured blocks with surfaces such as split face or grooved.
 - (2) Use of other masonry types, such as brick, glass block, or tile in conjunction with concrete blocks.
 - (3) Use of decorative coursing to break up blank wall areas.
 - (4) Use of matching colored mortar where color is an element of architectural treatment for any of the options above.
 - (5) Other treatment approved by the Director.
 - c. Requirements for stucco, stucco-like, and similar troweled finishes:
 - (1) To avoid deterioration, the finish material must be trimmed and/or sheltered from extreme weather by roof overhangs or other methods.

- (2) The finish material may only be used in conjunction with other approved building materials.
- d. Any material that is subject to damage and deterioration from human contact or landscape elements is prohibited within 2 vertical feet of the sidewalk or ground level or in areas that are especially subject to vandalism such as areas with low visibility. In these areas, a more durable finish material such as brick, concrete, or concrete block should be used.
- e. Use of flat sheet materials such as fiber cement panels (e.g., HardiePanel) is not allowed on ground floor facades facing Pedestrian-Oriented Streets. This is because the panels do not provide human scale surfaces or textures or refined details.



Figure 5.D.6-1. An example of acceptable materials with detailing and textures.

- f. Prohibited materials:
 - (1) Mirrored glass.
 - (2) Corrugated fiberglass.
 - (3) Chain link fencing within 50 feet of a building's public entrance (except for temporary purposes such as a construction site).
 - (4) Crushed colored rock or tumbled glass.
 - (5) Any sheet materials, such as wood or metal siding, with exposed edges or unfinished edges, or made of nondurable materials.
 - (6) Any spray-on materials (e.g.: shot-crete) not specifically approved by the Director.
 - (7) Non-durable materials subject to deterioration if exposed to weather such as most plastic and synthetic materials or materials that are particularly vulnerable to vandalism. Project applicants wishing to use synthetic materials such as vinyl siding must submit samples and product description information to the Director for approval. The Director will not accept such materials unless its durability and appropriateness is demonstrated.

5.D.7. Architectural Lighting

Steady, non-flashing lighting of building features, artwork, and special landscape elements may be allowed, subject to the findings of the Director that the light causes no significant adverse impact.

CHAPTER 6:

Single Family Residences

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6.A. Administrative

6.A.1. Applicability

This chapter applies to new single family residences. Additions to existing single family residences shall not increase the level of non-conformance to these guidelines.

6.A.2. Intent

1. To maintain the livability, design compatibility, and environmental quality of single family neighborhoods.
2. To maintain “eyes on the street” for safety to pedestrians and to create a more welcoming and interesting streetscape;
3. To deemphasize garages and driveways as major visual elements along the street; and
4. To provide usable yard space for residents.
5. To enhance the character of the street;

6.B. Design Guidelines

6.B.1. Dimensional Standards

Table 6B.1-1 Dimensional standards for single family:

Standard	Requirement
Minimum common space	400 SF/unit
Minimum private open space	200 SF/unit
Pedestrian Access	Min. 3 ft. wide and separate from driveway
Open Space	10% of lot size, not in front yard, and min. 12 ft. on all sides
Setbacks (to exterior property lines)	See TMC 18.42.040
Garages	Set back from the public street at least 5' further than the enclosed portion of the house unless the house is set back from the street at least 80 feet.
Parking/Driveway Curb Cut	10 ft. wide
Balconies	Minimum depth 4 ft
Porches	Minimum depth 4 ft
Patios and Decks	Minimum depth 6 ft

6.B.2 Entries and Façade Transparency

1. Clear and obvious pedestrian access between the public sidewalk and the building entry is required for new homes, except for flag lots and other non-traditional lot shapes. The path or walkway must be at least 3 feet wide and separate from the driveway. Porous pavement or pavers are encouraged.
2. All new houses shall provide an entry weather protection (porch, etc) with a minimum area of 6 feet by 6 feet. Covered entries may project up to 6 feet into the front yard.
3. At least 8 percent of the front façade (all vertical surfaces facing the street) shall include transparent windows or doors.

6.B.3 Garages Placement and Design

4. Where lots abut an alley, the garage or off-street parking area must to take access from the alley unless the Director finds that there is a compelling reason to make an exception (such as a steep slope or setback requirement makes alley access infeasible).

5. Garages must be set back from the public street at least 5' further than the enclosed portion of the house unless the house is set back from the street at least 80 feet.

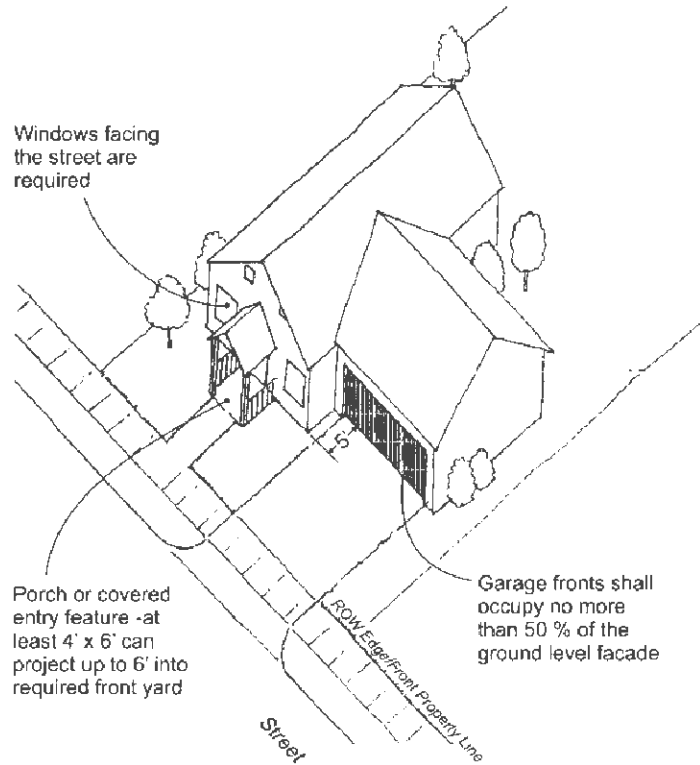


Figure 6.B.3-1. Single family design requirements.

6. The garage doors shall occupy no more than 50 percent of the ground-level façade facing the street.

Exception: garage doors may exceed this limit up to a maximum of 65 percent of the ground level façade facing the street provided at least 2 of the following design details are incorporated:

- a. A decorative trellis over the entire garage door(s);
- b. A window or windows are placed above the garage on a second story or attic space under roofline;
- c. A balcony or second story that extends out over the garage at least 2' in front of the garage doors;
- d. Utilizing all single vehicle car doors as an alternative to wider garage doors suitable for two car garages;
- e. Multi-paned or decorative windows on the garage door;
- f. Uniquely paneled or decorative details on the garage door. Standard square panels on a garage door will not qualify as a decorative detail; or
- g. Other design techniques that meet the intent, as determined by the Director.



Figure 6.B.3-2. Garage design detail examples.

6.B.4 Driveway Standards

Where a new driveway off of a street is permitted, the following standards apply:

7. No more than one driveway per dwelling unit; ~~and~~
8. ~~Driveway curb cuts for individual lots may be up to 10 feet in width. To accommodate this requirement, tandem parking configurations may be used for 2-car garages in single family structures not to exceed 36 feet in length.~~

The width of properties with non-parallel side lot lines shall be determined at the plane of the garage door when determining conformance with the standards above.



Figure 6.B.4-1. Tandem garage design detail example.

6.B.5 Minimum Useable Open Space

All new single-family residences shall provide a contiguous open space equivalent to 10 percent of the lot size (excluding area within an adjacent alley, easement or public right-of-way). Such open space shall not be located within the front yard. The required open space shall feature a minimum dimension of 12 feet on all sides. For example, a 6,000 square foot lot would require a contiguous open space of at least 600 square feet in area. Driveways shall not count in the calculations for usable open space. However, yard setbacks, decks and covered areas (such as a covered patio or outdoor cooking area) may be included.

Single family additions shall not create or increase any non-conformity with this standard.



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User Guide for Middle Housing Model Ordinances

January 26, 2024

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1.0 – Introduction

User Guide Purpose

This User Guide is intended to support planners, advisory bodies, elected officials, and interested parties in implementing code amendments related to RCW 36.70A.635 and related RCW sections, and to help the readers understand the organization and basis for recommended standards in the middle housing model ordinances. The User Guide uses diagrams, references to public informational documents, and real-world examples to offer recommendations and best practices for the development of middle housing.

Background

The Washington Legislature passed Engrossed 2nd Substitute House Bill 1110 (“E2SHB 1110”, commonly referred to as “HB 1110”) in 2023. HB 1110 requires 77 jurisdictions across the State of Washington to adopt development regulations allowing for middle housing on all lots zoned predominantly for residential use, including minimum unit per lot standards, maximum parking requirements, and requiring administrative design review in cases where design review is used. The main provisions of HB 1110 are codified in RCW 36.70A.635 through RCW 36.70A.638.

In passing HB 1110, the Legislature’s findings are:

“...Washington is facing an unprecedented housing crisis for its current population and a lack of housing choices, and is not likely to meet the affordability goals for future populations. In order to meet the goal of 1,000,000 new homes by 2044, and enhanced quality of life and environmental protection, innovative housing policies will need to be adopted.

Increasing housing options that are more affordable to various income levels is critical to achieving the state’s housing goals, including those codified by the legislature under chapter 254, Laws of 2021.

There is continued need for the development of housing at all income levels, including middle housing that will provide a wider variety of housing options and configurations to allow Washingtonians to live near where they work.

Homes developed at higher densities are more affordable by design for Washington residents both in their construction and reduced household energy and transportation costs.

While creating more housing options, it is essential for cities to identify areas at higher risk of displacement and establish antidisplacement policies as required in Engrossed Second Substitute House Bill No. 1220 (chapter 254, Laws of 2021).¹

The state has made historic investments in subsidized affordable housing through the housing trust fund, yet even with these historic investments, the magnitude of the housing shortage requires both public and private investment.

In addition to addressing the housing shortage, allowing more housing options in areas already served by urban infrastructure will reduce the pressure to develop natural and

¹ Department of Commerce guidance for implementing House Bill 1220: <https://www.commerce.wa.gov/serving-communities/growth-management/growth-management-topics/planning-for-housing/updating-gma-housing-elements/>

working lands, support key strategies for climate change, food security, and Puget Sound recovery, and save taxpayers and ratepayers money.”

RCW 36.70A.636(2)(a) directs the Washington State Department of Commerce (“Department of Commerce”) to “...[p]ublish model middle housing ordinances no later than six months following July 23, 2023.” The Model Ordinances and User Guide have been written to carry out this directive. Importantly, the Model Ordinances are not a duplication of the law and are written with the understanding that a “model” is a good example or recommendation. The Model Ordinances and User Guide offer guidance to create increased housing capacity, promote housing production, increase densities, ensure functional and livable developments, protect the environment, and encourage the development of housing affordable at different income levels.

The Model Ordinances are designed to assist cities with implementing new middle housing requirements and advancing supportive zoning for middle housing. This includes addressing topics such as reasonable dimensional standards and other provisions which will facilitate middle housing development. Local jurisdictions may make adjustments to these standards and provisions based on their local policy priorities.

The User Guide offers guidance on options for cities to address HB 1110 requirements, code changes to implement these new requirements, and a suite of recommendations so that development regulation amendments work well when implemented.

The Department of Commerce hired a consultant team for the overall body of work. The Model Ordinances and User Guide were shaped by engagement with stakeholders along with the project team’s expertise in middle housing policy, land use planning, development regulations, and economic analysis.

Benefits of Middle Housing

Middle housing has many benefits, including:

- Contributing to undoing historic economic and racial exclusion by opening up traditionally single-family neighborhoods to more diverse housing options and household types.
- Providing housing that is typically more affordable both in their construction costs and reduced household energy and transportation costs than traditional detached single-family homes.
- Supporting efforts to address climate change, by expanding housing types that generally have less environmental impact per unit and lower carbon footprints than a detached single-family home.
- Providing housing that complements transit and walkability.
- Focusing new housing in urban areas and limiting the conversion of farms, forests, and rural lands.
- Contributing to meeting new Housing Element requirements by providing more housing for people at different income levels.

For these and other reasons, middle housing is an effective way to help accommodate housing needs for the state’s growing population.

General Considerations

Effective implementation of HB 1110 requires thoughtful amendments to development regulations. How those amendments are drafted will vary given that cities have various code frameworks for how their zoning and other development regulations are organized and administered. For example, to regulate use some cities rely on a comprehensive use table, while others list allowed uses by zone. To regulate bulk some cities use floor area ratio (FAR), others do not.

While cities subject to HB 1110 likely have already seen some middle housing development, infill development of middle housing on typical lots in existing neighborhoods may be new. Under HB 1110 cities cannot require lot sizes for middle housing which are more restrictive (larger) than for detached single-family residences. Development standards that work well for middle housing on larger lots may preclude infill development on smaller lots. The User Guide recommends approaches to evaluate code amendments in a manner that reduces barriers to the development of middle housing types, especially on small infill lots.

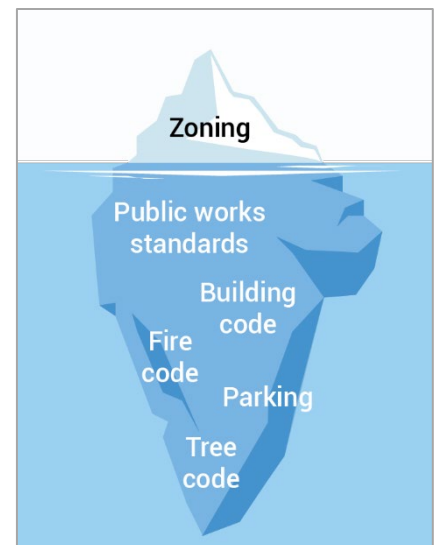
In amending development regulations for middle housing, cities should review their development regulations for potential barriers to middle housing. Facilitating middle housing development is an important step in demonstrating how Housing Element requirements are being met ([RCW 36.70A.070\(2\)\(d\)](#)). While RCW 36.70A.635(6)(b) below establishes a guardrail for middle housing requirements, applying the statutory requirement literally such that existing detached single-family regulations apply to middle housing may not result in codes that will allow middle housing development,

“(b) Except as provided in (a) of this subsection, any city subject to the requirements of this section...shall not require through development regulations any standards for middle housing that are more restrictive than those required for detached single-family residences, but may apply any objective development regulations that are required for detached single-family residences, including, but not limited to, set-back, lot coverage, stormwater, clearing, and tree canopy and retention requirements to ensure compliance with existing ordinances intended to protect critical areas and public health and safety.” (RCW 36.70A.635(6)(b))

The Model Ordinances and this User Guide do not address every possible development situation that could apply to middle housing. Below are some questions that may assist cities in determining whether their code actively accommodates middle housing (some are expanded upon later in the User Guide):

- Do established building setbacks, especially rear setbacks, need to be modified to accommodate development on small lots?
- Do current road standards account for the need for narrow driveways to access development on the rear of a lot if the primary home is retained, or if new middle housing development occurs on a vacant lot? Will there typically be enough room between the retained home or new middle housing development and the side property line?
- Are there subdivision standards which require large landscape buffers? These may be appropriate for traditional low-density single-family subdivisions but could be challenging to implement for infill subdivisions with middle housing.

Allowing middle housing types widely across cities is a step towards realizing the benefits associated with these housing types. However, how middle housing development standards are drafted and adopted, along with other considerations such as fee structures and infrastructure can impact the outcomes of allowances. This User Guide seeks to provide information and guidance for jurisdictions to assist in developing and adopting middle housing regulations that can efficiently bring middle housing to the market in a manner compatible with surrounding development.



*Zoning is just one of many types of regulations that control development.
Source: MAKERS*

1.1 – Applicability

Of the 281 cities and towns in Washington, 77 are subject to the requirements of RCW 36.70A.635. Only cities which are within "fully planning" counties under the Growth Management Act are subject to RCW 36.70A.635, and only then if the city also meets additional qualifying criteria. The statute uses 2020 Washington State Office of Financial Management (OFM) data to identify cities initially subject to the statute.²

The statute describes three categories of cities, primarily based on population but one category also accounts for whether a city is or is not within a contiguous urban growth area with the largest city in a county, if the county is more than 275,000 in population. For the purposes of the Model Ordinances and this User Guide, the Department of Commerce references these categories as "tiers." The tiers are:

- Tier 1: Cities with a population of at least 75,000
- Tier 2: Cities with a population of at least 25,000 but less than 75,000
- Tier 3: Cities with a population less than 25,000, located in a county with a population of more than 275,000, and in a contiguous urban growth area with the largest city in the county

The list of cities subject to RCW 36.70A.635 follows.

Tier 1 Cities

These are cities with a population of at least 75,000 in 2020.

City	City 2020 Population (U.S. Census)	City 2023 Population Estimate (OFM)
Seattle	737,015	779,200
Spokane	228,989	232,700
Tacoma	219,346	222,400
Vancouver	190,915	199,600
Bellevue	151,854	154,600
Kent	136,588	139,100
Everett	110,629	114,200
Renton	106,785	107,900
Spokane Valley	102,976	107,400
Federal Way	101,030	102,000
Yakima	96,968	98,650
Kirkland	92,175	96,920
Bellingham	91,482	95,960
Auburn	87,256	88,820
Kennewick	83,921	86,470
Pasco	77,108	81,280

² Office of Financial Management population data for 2020: <https://ofm.wa.gov/washington-data-research/population-demographics/population-estimates/historical-estimates-april-1-population-and-housing-state-counties-and-cities>

Tier 2 Cities

These are cities with a population of at least 25,000 but less than 75,000 in 2020.

City	City 2020 Population (U.S. Census)	City 2023 Population Estimate (OFM)
Redmond	73,256	77,490
Marysville	70,714	73,780
Sammamish	67,455	68,280
Lakewood	63,612	64,150
Richland	60,560	63,320
Shoreline	58,608	61,120
Olympia	55,382	56,900
Lacey	53,526	59,430
Burien	52,066	52,560
Bothell	48,161	49,550
Bremerton	43,505	44,640
Puyallup	42,973	43,420
Edmonds	42,853	43,370
Issaquah	40,051	41,290
Lynnwood	38,568	40,790
Lake Stevens	35,630	41,260
Wenatchee	35,575	35,850
Mount Vernon	35,219	35,590
University Place	34,866	35,580
Walla Walla	34,060	34,310
Des Moines	32,888	33,260
SeaTac	31,454	31,740
Maple Valley	28,013	29,250
Camas	26,065	27,420
Mercer Island	25,748	25,800
Tumwater	25,573	27,100
Moses Lake	25,146	26,210

Tier 3 Cities

These are cities with a population less than 25,000 in 2020, located in a county with a population of at least 275,000, and in a contiguous urban growth area with the largest city in the county. Those counties and their largest cities are the following:

County	Largest City in the County (as of 2020)	County 2020 Population (U.S. Census)	County 2023 Population Estimate (OFM)
King	Seattle	2,269,675	2,347,800
Pierce	Tacoma	920,393	946,300
Snohomish	Everett	827,957	859,800
Spokane	Spokane	539,339	554,600
Clark	Vancouver	503,311	527,400
Thurston	Olympia	294,793	303,400
Kitsap	Bremerton	275,611	283,200

The list of Tier 3 cities follows.

City	County	City 2020 Population (U.S. Census)	City 2023 Population Estimate (OFM)
Kenmore	King	23,914	24,230
Tukwila	King	21,798	22,780
Mukilteo	Snohomish	21,538	21,590
Mountlake Terrace	Snohomish	21,286	23,810
Mill Creek	Snohomish	20,926	21,630
Covington	King	20,777	21,600
Arlington	Snohomish	19,868	21,740
Washougal	Clark	17,039	17,490
Port Orchard	Kitsap	15,587	17,480
Lake Forest Park	King	13,630	13,660
Woodinville	King	13,069	13,830
DuPont	Pierce	10,151	10,180
Newcastle	King	13,017	13,610
Edgewood	Pierce	12,327	13,590
Liberty Lake	Spokane	12,003	13,150
Fife	Pierce	10,999	11,150
Airway Heights	Spokane	10,757	11,280
Sumner	Pierce	10,621	10,800

City	County	City 2020 Population (U.S. Census)	City 2023 Population Estimate (OFM)
Milton	King/Pierce	8,697	8,715
Pacific	King/Pierce	7,235	7,270
Fircrest	Pierce	7,156	7,235
Normandy Park	King	6,771	6,840
Steilacoom	Pierce	6,727	6,825
Brier	Snohomish	6,560	6,610
Black Diamond	King	4,697	6,880
Algona	King	3,290	3,315
Clyde Hill	King	3,126	3,115
Medina	King	2,915	2,925
Millwood	Spokane	1,881	1,925
Woodway	Snohomish	1,318	1,340
Yarrow Point	King	1,134	1,135
Ruston	Pierce	1,055	1,065
Hunts Point	King	457	460
Beaux Arts Village	King	317	315

1.2 – Statutory Compliance Deadlines

HB 1110

RCW 36.70A.635(11)(a) and (b) state that a city must comply with the requirements of RCW 36.70A.635 the latter of:

- Six months after the city's next periodic comprehensive plan update required under RCW 36.70A.130 if the city meets the population threshold based on the 2020 Office of Financial Management population data; or
- 12 months after the city's next implementation progress report required under RCW 36.70A.130 after a determination by the Office of Financial Management that the city has reached a population threshold established under RCW 36.70A.635(1).

When a city moves into a new population tier it must comply with the applicable requirements of RCW 36.70A.635 no later than one year after the next implementation progress report required under RCW 36.70A.130. Implementation progress reports are due five years after the review and revision required by of their comprehensive plan required under RCW 36.70A.130.

For example:

- The city of Redmond, which is currently Tier 2, crossed the 75,000 population threshold after 2020. The city will need to comply with Tier 1 requirements 12 months after its next implementation progress report required under RCW 36.70A.130.

- The city of Bainbridge Island, which is currently not subject to the requirements of HB 1110 based on its 2020 population, crossed the 25,000 population threshold after 2020. The city will need to comply with Tier 2 requirements 12 months after its next implementation progress report required under RCW 36.70A.130.

Other Bills

This User Guide references several other 2023 housing bills or sections of state law that apply compliance deadlines. These are summarized below.

- **HB 1337 (accessory dwelling units):** Fully-planning cities and counties must effectuate the requirements of RCW 36.70A.680 and .681 beginning six months after the next periodic comprehensive plan update required under RCW 36.70A.130.³
- **HB 1293 (design review):** Fully-planning cities and counties must effectuate the requirements of RCW 36.70A.630 beginning six months after the next periodic comprehensive plan update required under RCW 36.70A.130.⁴
- **SB 5258 (impact fees):** Fully-planning cities and counties must effectuate the requirements of RCW 82.02.060(1) six months after the next periodic comprehensive plan update required under RCW 36.70A.130.⁵
- **SB 5258 (unit lot subdivisions):** All cities, counties and towns are to adopt procedures for unit lot subdivisions by the next periodic update required under RCW 36.70A.130.⁶

1.3 – How To Use the Model Ordinances

Model Ordinance Text

The Department of Commerce’s authority to publish this Model Ordinance is provided in [RCW 36.70A.636](#)(2)(a) and (b), which state:

“(2) (a) The department shall publish model middle housing ordinances no later than six months following July 23, 2023.

(b) In any city subject to RCW 36.70A.635 that has not passed ordinances, regulations, or other official controls within the time frames provided under RCW 36.70A.635(11), the model ordinance supersedes, preempts, and invalidates local development regulations until the city takes all actions necessary to implement RCW 36.70A.635.”

The Model Ordinances have two text styles meant to address HB 1110 implementation:

- **Bold text in the Model Ordinances** represents provisions from [RCW 36.70A.635](#) that cities subject to the law must implement.
- The non-bold text are standards that are optional for a city to use. Cities may choose to revise these optional standards, as well as adopt all, some, or none of the optional provisions. However, the non-bold text will apply to a city that does not pass ordinances, regulations, or other local controls to implement House Bill 1110 within the time frame required by RCW 36.70A.635(11), until such time the city takes all

³ [RCW 36.70A.680](#)(1)(a)

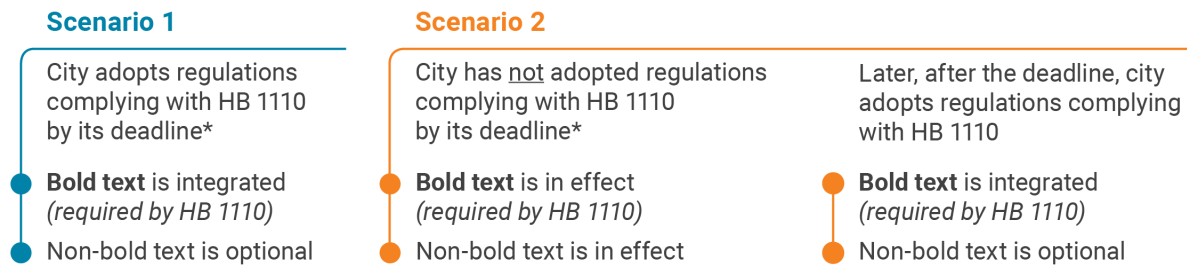
⁴ [RCW 36.70A.630](#)(5)

⁵ [RCW 82.02.060](#)(10)

⁶ [RCW 58.17.060](#)(3)

actions necessary to implement RCW 36.70A.635. Certain optional standards are included in the Model Ordinance for this specific reason, to allow a city to have basic standards for certain middle housing types (such as cottage housing) should the Model Ordinance temporarily be in effect.

The diagram below summarizes the scenarios in which this Model Ordinance applies.



* Deadline is six months after a city's next periodic comprehensive plan update required by RCW 36.70A.130

Example Section

In some cases, required provisions of HB 1110 have been rewritten for ease of use and to translate the law into local code format with the same effect. For example, for Tier 2 cities, RCW 36.70A.635(1)(a)(i) states:

- (1) Except as provided in subsection (4) of this section, any city that is required or chooses to plan under RCW [36.70A.040](#) must provide by ordinance and incorporate into its development regulations, zoning regulations, and other official controls, authorization for the following:
- (a) For cities with a population of at least 25,000 but less than 75,000 based on office of financial management population estimates:
- (i) The development of at least two units per lot on all lots zoned predominantly for residential use, unless zoning permitting higher densities or intensities applies;

This requirement for Tier 2 cities is written in the Model Ordinance as:

- A. The permitted unit density on all lots zoned predominantly for residential use is:**
- 1. Two units per lot, unless zoning permitting higher densities or intensities applies.**

The Two Model Ordinances

The two Model Ordinances are similar. One is for Tier 1 and 2 cities, and the other is for Tier 3 cities. The key differences are listed in the table below.

Standard	Tier 1 and 2 Cities Model Ordinance ¹	Tier 3 Cities Model Ordinance ²
Middle Housing Types	At least six of nine middle housing building types must be allowed*	At least four of nine middle housing building types must be allowed, subject to review by the city's attorney
Base Unit Per Lot Density	<u>Tier 1</u> 4 units per lot** <u>Tier 2</u> 2 units per lot**	2 units per lot**
Additional Unit Per Lot Density	<u>Tier 1</u> 6 units per lot when near major transit or when at least 2 affordable housing units are provided** <u>Tier 2</u> 4 units per lot when near major transit or when at least 1 affordable housing unit is provided**	No additional units per lot required
Floor Area Ratio	Progressive standards based on unit per lot count	No FAR standard
Maximum Lot Coverage	Lot coverage maximum is higher than the Tier 3 Model Ordinance and is based on unit per lot count	Lot coverage maximum is lower than the Tier 1 and 2 Model Ordinance
Minimum Setbacks	The minimum rear setback is less than in the Tier 3 Model Ordinance	The minimum rear setback is higher than in the Tier 1 and 2 Model Ordinance
Design Standards	Design standards are included. Less standards are included in Tier 1 and Tier 2 cities than for Tier 3 cities (e.g., there are no standards in Tier 1 and Tier 2 for covered entries and window/door transparency).	Design standards are included. More standards are included in Tier 3 cities than for Tier 1 and 2 cities.

* RCW 36.70A.635(5) requires a city to allow "at least" six of the nine middle housing types. The model ordinance allows all nine to avoid pre-judging which middle housing types the jurisdiction intends to allow in the event the model ordinance goes into effect for jurisdictions that do not meet the statutory deadline to adopt middle housing regulations.

** RCW 36.70A.635(1) uses the phrase "at least" when describing these unit per lot standards. Cities can allow higher unit per lot densities.

¹ Tier 1: Cities with a population of at least 75,000. Tier 2: Cities with a population of at least 25,000 but less than 75,000.

² Tier 3: Cities with a population less than 25,000, located in a county with a population of more than 275,000, and in a contiguous urban growth area with the largest city in the county.

2.0 – Model Ordinances and Annotations

Introduction

User Guide Chapter 2.0 copies most of the Model Ordinances' text (for all city tiers) and adds supplemental annotations. The annotations provide context, options, and recommendations for particular topics. Note: Model Ordinances sections as well as excerpts from existing RCWs are *italicized* throughout this document. Annotations are organized under the following headings:

- **Local Policy Choice** – Describes code options cities could consider to achieve desired local outcomes, including developing more housing.
- **Discussion** – Describes reasoning for model code content, issues cities should consider when drafting the middle housing development regulations, and recommendations for cities that want to consider code amendments that go beyond the minimum requirements of HB 1110.
- **References** – Provides citations and links to research, articles, local codes, and real-world examples.
- **Footnotes** – Footnotes on the Model Ordinance provisions provide additional resources and clarifications.

Ordinance Recitals

Model Ordinance Text

The Model Ordinance text is copied below for reference.

ORDINANCE NO. XXXX

AN ORDINANCE OF THE CITY/TOWN OF _____, WASHINGTON, IMPLEMENTING THE REQUIREMENTS OF ENGROSSED SUBSTITUTE HOUSE BILL (E2SHB) 1110, ADDING NEW SECTIONS _____, AMENDING SECTIONS _____, PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, in 2023 the Washington State legislature passed Engrossed Substitute House Bill (E2SHB) 1110 (chapter 332, Laws of 2023) related to middle housing; and

WHEREAS, in passing E2SHB 1110 (chapter 332, Laws of 2023) the State legislature found that Washington is facing an unprecedented housing crisis for its current population and a lack of housing choices, and is not likely to meet affordability goals for future populations; and

WHEREAS, the State legislature further found that in order to meet the goal of 1,000,000 new homes statewide by 2044, and enhanced quality of life and environmental protection, innovative housing policies will need to be adopted and that increasing housing options that are more affordable to various income levels is critical to achieving the state's housing goals, including those established by the legislature in Engrossed Second Substitute House Bill No. 1220 (chapter 254, Laws of 2021); and

WHEREAS, the State legislature further found:

There is continued need for the development of housing at all income levels, including middle housing that will provide a wider variety of housing options and configurations to allow Washingtonians to live near where they work;

Homes developed at higher densities are more affordable by design for Washington residents both in their construction and reduced household energy and transportation costs;

While creating more housing options, it is essential for cities to identify areas at higher risk of displacement and establish anti-displacement policies as required in Engrossed Second Substitute House Bill No. 1220 (chapter 254, Laws of 2021);

The state has made historic investments in subsidized affordable housing through the housing trust fund, yet even with these historic investments, the magnitude of the housing shortage requires both public and private investment;

and

In addition to addressing the housing shortage, allowing more housing options in areas already served by urban infrastructure will reduce the pressure to develop natural and working lands, support key strategies for climate change, food security, and Puget Sound recovery, and save taxpayers and ratepayers money.

WHEREAS, on _____, the city/town council passed Ordinance No. _____ incorporating middle housing policies into the Housing Element of the Comprehensive Plan as required by House Bill 1220 (chapter 254, Laws of 2021); and

WHEREAS, on _____, the city/town transmitted a copy of the proposed ordinance to the Washington State Department of Commerce in accordance with RCW 36.70A.106 at least 60 days in advance of adoption for the required 60-day State review period; and

WHEREAS, on _____, the city/town issued a State Environmental Policy Act (SEPA) Determination of Non-Significance (DNS) on the proposed ordinance, which is a non-project proposal: and

WHEREAS, during the course of developing the proposed ordinance, various means of public outreach were used including, but not limited to, public meetings, a middle housing webpage, presentations at various community groups, notification of public hearings; and

WHEREAS, the city/town planning commission held work sessions on _____ to study and review matters related to implementing ES2HB 1110; (chapter 332, Laws of 2023) and

WHEREAS, on _____, the city/town Planning Commission held a duly noticed public hearing on the proposed ordinance, accepted testimony and made a recommendation to the _____ city/town council; and

WHEREAS, on _____, the city/town council held a duly noticed public hearing to consider the planning commission recommendation and accept public testimony; and

WHEREAS, adoption of the ordinance will bring the city/town into compliance with ES2HB 1110 (chapter 332, Laws of 2023) and will serve the general welfare of the public;

NOW THEREFORE BE IT ORDAINED BY THE CITY/TOWN COUNCIL AS FOLLOWS

Discussion

These are example recitals. Recitals serve to support findings of fact, purpose and background information related to passage of an ordinance. Cities may tailor their recitals as much as necessary to reflect local ordinance structure, conditions and process.

2.1 – Purpose

Section 1 Model Ordinance Text

The Model Ordinance text is copied below for reference. Footnotes may have been added to the model ordinance text in this User Guide to provide supporting information. Refer to User Guide Chapter 1.3 – *How To Use the Model Ordinances* for information on the difference between bold text and non-bold text.

The purpose of this middle housing ordinance (“ordinance”) is to:

- A. Implement Engrossed Second Substitute House Bill 1110, codified in RCW 36.70A.030, 36.70A.280, 36.70A.635, 36.70A.636, 36.70A.637, 36.70A.638, 43.21C.495, and 43.21C.450, 64.32, 64.34, and 64.38, and 64.90, by providing land use, development, design, and other standards for middle housing developed on all lots zoned predominantly for residential use.*
 - B. If necessary, supersede, preempt, and invalidate the city’s development regulations that conflict with this ordinance until such time the city takes all actions necessary to implement RCW 36.70A.635, if the city has not taken action necessary to implement RCW 36.70A.635 by the time frame required by RCW 36.70A.635(11). The model ordinance shall remain in effect until the city has taken all necessary actions to implement RCW 36.70A.635.***⁷
-

Discussion

These are example purpose statements. A city adopting development regulations for middle housing by the statutory deadline for complying with RCW 36.70A.635 does not need to include the purpose statement in Model Ordinance Section 1, Subsection (B), since the city will already be complying with the statute.

⁷ [RCW 36.70A.636\(2\)](#)

2.2 – General Provisions

Section 2 Model Ordinance Text

The Model Ordinance text is copied below for reference. Footnotes may have been added to the model ordinance text in this User Guide to provide supporting information. Refer to User Guide Chapter 1.3 for information on the difference between bold text and non-bold text.

- A. Nothing in this ordinance prohibits the city from permitting detached single-family residences.⁸**
- B. Nothing in this ordinance prohibits the city from requiring any development, including middle housing development, to provide affordable housing, either on-site or through an in-lieu payment, nor limit the city's ability to expand or modify the requirements of an existing affordable housing program enacted under RCW 36.70A.540.⁹**
- C. Nothing in this ordinance requires the issuance of a building permit if other federal, state, and local requirements for a building permit are not met.¹⁰**
- D. Nothing in this ordinance affects or modifies the responsibilities of the city to plan for or provide "urban governmental services" as defined in RCW 36.70A.030.¹¹**
- E. The city shall not approve a building permit for middle housing without compliance with the adequate water supply requirements of RCW 19.27.097.¹²**
- F. The city shall not require through development regulations any standards for middle housing that are more restrictive than those required for detached single-family residences, but may apply any objective development regulations that are required for detached single-family residences, including, but not limited to, set-back, lot coverage, stormwater, clearing, and tree canopy and retention requirements to ensure compliance with existing ordinances intended to protect critical areas and public health and safety.^{13, 14}**
- G. The same development permit and environmental review processes shall apply to middle housing that apply to detached single-family residences, unless otherwise required by state law including, but not limited to, shoreline regulations under chapter 90.58 RCW, building codes under chapter 19.27 RCW, energy codes under chapter 19.27A RCW, or electrical codes under chapter 19.28 RCW.¹⁵**

⁸ [RCW 36.70A.635\(9\)](#)

⁹ [RCW 36.70A.635\(2\)\(c\)](#), [RCW 36.70A.635\(3\)](#)

¹⁰ [RCW 36.70A.635\(10\)](#)

¹¹ [RCW 36.70A.638\(9\)](#) and (11)

¹² [RCW 36.70A.638\(10\)](#)

¹³ [RCW 36.70A.635\(6\)\(b\)](#)

¹⁴ Definition of "development regulations" under RCW 36.70A.030(13): "Development regulations" or "regulation" means the controls placed on development or land use activities by a county or city, including, but not limited to, zoning ordinances, critical areas ordinances, shoreline master programs, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto. A development regulation does not include a decision to approve a project permit application, as defined in RCW 36.70B.020, even though the decision may be expressed in a resolution or ordinance of the legislative body of the county or city.

¹⁵ [RCW 36.70A.635\(6\)\(c\)](#)

H. *Conflicts. In the event of a conflict between this ordinance and other development regulations applicable to middle housing, the standards of this ordinance control.*

Discussion

Items in bold above are general provisions included in HB 1110. General provisions apply to the ordinance as a whole and provide clarifying information on how it is implemented.

Model Ordinance Section 2, Subsection (I) regarding conflicts, is included because the Model Ordinance cannot account for every existing development regulation a city may apply to middle housing.

2.3 – Definitions

Section 3 Model Ordinance Text

The Model Ordinance text is copied below for reference. Footnotes may have been added to the model ordinance text in this User Guide to provide supporting information. Refer to User Guide Chapter 1.3 for information on the difference between bold text and non-bold text.

The following definitions shall apply for the purposes of this ordinance, notwithstanding other definitions in the city's development regulations:¹⁶

Administrative design review" means a development permit process whereby an application is reviewed, approved, or denied by the planning director or the planning director's designee based solely on objective design and development standards without a public predecision hearing, unless such review is otherwise required by state or federal law, or the structure is a designated landmark or historic district established under a local preservation ordinance. A city may utilize public meetings, hearings, or voluntary review boards to consider, recommend, or approve requests for variances from locally established design review standards.

"All lots zoned predominantly for residential use" means all zoning districts in which residential dwellings are the predominant use. This excludes lands zoned primarily for commercial, industrial, and/or public uses, even if those zones allow for the development of detached single-family residences. This also excludes lands zoned primarily for mixed uses, even if those zones allow for the development of detached single-family residences, if the zones permit by-right multifamily use and a variety of commercial uses, including but not limited to retail, services, eating and drinking establishments, entertainment, recreation, and office uses.

"Cottage housing" means residential units on a lot with a common open space that either: (a) Is owned in common; or (b) has units owned as condominium units with property owned in common and a minimum of 20 percent of the lot size as open space.¹⁷

"Courtyard apartments" means up to four attached dwelling units arranged on two or three sides of a yard or court."¹⁸

"Development regulations" means any controls placed on development or land use activities by the city, including, but not limited to, zoning ordinances, official controls, subdivision ordinances, and binding site plan ordinances.

"Duplex" means a residential building with two attached dwelling units.

"Fiveplex" means a residential building with five attached dwelling units.

"Fourplex" means a residential building with four attached dwelling units.

¹⁶ [RCW 36.70A.030](#)

¹⁷ See design standards for cottage housing in Section 2.8 of the Model Ordinances.

¹⁸ See design standards for courtyard apartments in Section 2.8 of the Model Ordinances.

“Major transit stop” means a stop on a high capacity transportation system funded or expanded under the provisions of chapter 81.104 RCW, commuter rail stops, stops on rail or fixed guideway systems, and stops on bus rapid transit routes.¹⁹

“Middle housing” means 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.

“Single-family zones” means those zones where single-family detached residences are the predominant land use.

“Sixplex” means a residential building with six attached dwelling units.

“Stacked flat” means dwelling units in a residential building of no more than three stories on a residential zoned lot in which each floor may be separately rented or owned.

“Tier 1 city” means a city with a population of at least 75,000 based on 2020 Office of Financial Management population estimates.

“Tier 2 city” means a city with a population of at least 25,000 but less than 75,000 based on 2020 Office of Financial Management population estimates.

“Tier 3 city” means a city with a population of less than 25,000, that is within a contiguous urban growth area with the largest city in a county with a population of more than 275,000, based on 2020 Office of Financial Management population estimates.

“Triplex” means a residential building with three attached dwelling units.

“Townhouses” means buildings that contain three or more attached single-family dwelling units that extend from foundation to roof and that have a yard or public way on not less than two sides.²⁰

“Unit density” means the number of dwelling units allowed on a lot, regardless of lot size.²¹

Discussion

All Lots Zoned Predominantly for Residential Use

RCW 36.70A.635(1) applies the middle housing unit per lot standards to “all lots zoned predominantly for residential use”. The Model Ordinance recommends a definition of this phrase to help cities determine where the Model Ordinance should apply.²²

¹⁹ See User Guide Section 3.2 for more information on major transit stops.

²⁰ A “yard” refers to any type of open space on the lot adjacent to a building and does not refer to regulated setbacks. A “public way” refers to any public or private street, alleys, pathways, or similar feature which the public has a right of use.

²¹ The User Guide may also refer to unit density as “unit per lot.”

²² The phrase “lots in the city that are primarily dedicated to single-family detached housing units” is also used in RCW 36.70A.635(4)(a) when discussing the alternative to density requirements. The phrase is not defined in the GMA or in the Model Ordinance. Additional guidance on this phrase, however, may be found in Chapter 6.1 as it relates to the alternative density option.

RCW 36.70A.635(1) does not specify whether it is intended to apply unit per lot requirements to lots created in the future. However, the plain language of the word “all” implies the whole amount of lots are subject to RCW 36.70A.635(1), which includes all lots that currently exist and all lots created in the future. See User Guide Chapter 2.5 for information on multifamily zones which may be excluded from this definition in certain circumstances.

Unit Density

Unit density is defined to refer to the number of units on a lot. RCW 36.70A.635 (5) does state that cities “may” allow accessory dwelling units to achieve the unit density requirements of RCW 36.70A.635(1). Cities choosing to count accessory dwelling units as part of “unit density” and adopting the term “unit density” in local code should consider a definition that makes reference to accessory dwelling units. See more information in User Guide Chapter 4.1.

Middle Housing Building Types

Only four the nine middle housing building types are defined in statute. Cities should define duplex, triplex, fourplex, fiveplex and sixplex. The following examples illustrate the need for cities to carefully consider how their “plex” definitions are written:

- A three-story stacked flat building (with one unit per floor) could also be considered a triplex.
- A four-unit courtyard apartment building could be considered a fourplex building.
- A townhouse-style building with six units on a single lot (as opposed to each townhome being on its own lot) could also be considered a sixplex.

While some overlap in definitions is reasonable as long as the effect of state law is met, distinctions are helpful for applicants and city staff. Cities need to consider how different middle housing types are treated to comply with RCW 36.70A.635(5), which requires, in part, that “A city must allow at least six of the nine types of middle housing to achieve the unit density required.” A city’s code should specifically identify which of the six types of middle housing (or more than six if a city chooses to allow more than six) is permitted. Clear definitions of those middle housing types that are permitted by the city is also necessary for applicable design standards. For example, a four-unit courtyard apartment building requires a court or yard, but a fourplex building does not.

However, while different middle housing types may allow the same number of units, the four middle housing types that are defined in statute (RCW 36.70A.030) have distinguishing building form characteristics. Cities should consider these definitions, as defined in statute. For example:

- Cottage housing requires common open space, and open space that is a minimum of 20 percent of the lot size (RCW 36.70A.030(9)). Although the “Cottage housing” definition could be read such that the 20 percent open space requirement only applies to condominium units with property owned in common, this User Guide recommends the same 20 percent apply to all cottage housing development. From a land use standpoint, the form of ownership should not determine the open space percentage for the residents.
- Courtyard apartments have a yard or court surrounded on two or three sides by dwelling units. They are a maximum of four units for the purpose of meeting the requirements of RCW 36.70A.635 (RCW 36.70A.030(10)). Some cities define or promote courtyard apartments already; such buildings designed with fully-enclosed courtyards or more than four dwelling units could be classified as another middle housing type such as a sixplex or a larger multifamily use.
- Townhouses are a minimum of three units and are “...attached single-family dwelling units...” (RCW 36.70A.030(41)). Some cities allow townhouse buildings to be a minimum of two units.

- Stacked flats have each floor separately owned or rented (RCW 36.70A.030(40)). Because the definition limits stacked flat buildings to “three floors” such buildings can only have two or three units.

Major Transit Stop

See discussion of major transit stops, including future major transit stops not yet in operation, in Chapter 3.2. Also note that the definition of a “Major transit stop” for accessory dwelling units, under [RCW 36.70A.696\(8\)](#), is different definition of than the general definition of “Major transit stop” in HB 1110 (RCW 36.70A.030(26)).

Multifamily

The provisions of RCW 36.70A.635 control for middle housing regardless of the local definition of “multifamily”.

For example, consider a Tier 1 city that currently defines “multifamily” as three or more units. Zone A is zoned predominantly for residential use, and in the zone detached single-family residences are permitted and multifamily is prohibited. Middle housing with three or four units cannot be prohibited in Zone A.

In another example, consider a city that defines “multifamily” as three or more units and which requires multifamily uses in Zone B to include a minimum landscaped area but does not have the same requirement for detached single-family residential uses in Zone B. Any middle housing uses with three or more units in Zone B meeting the definitions in RCW 36.70A.030 and the Model Ordinance are not subject to the minimum landscaped area requirements because middle housing cannot be treated more restrictively than detached single-family uses in the same zone.

References

- [“A Planners Dictionary”, American Planning Association](#)
- [Growth Management Act definitions – RCW 36.70A.030](#)

2.4 – Applicability

Section 4 Model Ordinance Text

The Model Ordinance text is copied below for reference. Footnotes may have been added to the model ordinance text in this User Guide to provide supporting information. Refer to User Guide Chapter 1.3 for information on the difference between bold text and non-bold text.

- A. The provisions of this ordinance shall apply to all lots zoned predominantly for residential use.²³**
- B. The provisions of this ordinance do not apply to:²⁴**
- 1. Lots designated with critical areas designated under RCW 36.70A.170 or their buffers as required by RCW 36.70A.170.²⁵**
 - 2. A watershed serving a reservoir for potable water if that watershed is or was listed, as of July 23, 2023, as impaired or threatened under section 303(d) of the federal clean water act (33 U.S.C. Sec. 1313(d)).²⁶**
 - 3. Lots that have been designated urban separators by countywide planning policies as of July 23, 2023.**

Local Policy Choice

Applicable Zones

The list of zoning districts applicable to RCW 36.70A.635 will be based on the local jurisdiction's evaluation of which zoning districts fall under the term "all lots zoned predominantly for residential use." The Model Ordinance definition recommends that this include single-family and multifamily zones in which residences are the predominant use. However, the unit density and allowed use standards in Model Ordinance Section 5 and 6 do not apply to zoning districts "permitting higher densities or intensities", than the densities prescribed in RCW 36.70A.635.

Middle housing can reach surprisingly high densities. For example, on a 5,000 square foot lot, two units are



Cities should not assume existing multifamily zones are exempt from RCW 36.70A.635. Source: MAKERS

²³ Because the Model Ordinances apply automatically to cities which do not meet the compliance deadline for RCW 36.70A.635, the Model Ordinances do not include a placeholder for a city to list applicable city zoning districts subject to RCW 36.70A.635(1). Each city will need to work within the framework and structure of its own zoning code to identify which zoning districts are characterized by "lots zoned predominantly for residential use". Cities have the option to list the specific zone names in ordinances adopting local regulations which implement RCW 36.70A.635. See more information under Local Policy Choice.

²⁴ [RCW 36.70A.635\(8\)](#)

²⁵ [RCW 36.70A.170](#)

²⁶ More information on impaired and threatened watersheds can be found through the Department of Ecology: <https://ecology.wa.gov/Water-Shorelines/Water-quality/Water-improvement/Assessment-of-state-waters-303d>

approximately 18 units per acre, and four units are approximately 35 units per acre. Cities should not assume existing multifamily zones are exempt from RCW 36.70A.635, and should evaluate the densities that middle housing can achieve under applicable minimum lot sizes and other zoning standards. Where a city has established a “true” multifamily zone that is intended for high-densities and multifamily use, cities can consider setting a minimum unit density or unit per acre that is higher than can be achieved by middle housing while still complying with RCW 36.70A.635(5).²⁷ Mixed-use zones which permit by-right multifamily and a variety of commercial uses are not subject to RCW 36.70A.635.²⁸

Alternative Compliance

Cities may implement an alternative density requirement option in RCW 36.70A.635(4) that applies the standards of RCW 36.70A.635(1) to a different set of lots than “all lots zoned predominantly for residential use”. The alternative to density requirements in RCW 36.70A.635(4)(a) applies to “lots in the city that are primarily dedicated to single-family detached housing units”, and contain specific requirements that must be met.

Another available alternative action is based on addressing requirements and findings showing that the city’s adopted comprehensive plan and development regulations are “substantially similar” to the requirements of RCW 36.70A.635 (see RCW 36.70A.636(3)). This approach requires Department of Commerce approval.

For more information about these alternatives, see Chapter 6.0.

Critical Areas

RCW 36.70A.635(8)(a) provides that if any portion of a lot has a designated critical area, or any portion of a lot has a buffer associated with a designated critical area, then the requirements of RCW 36.70A.635 do not apply to the entire lot. Critical areas are defined by the GMA as the following areas and ecosystems:

- Wetlands
- Areas with a critical recharging effect on aquifers used for potable water
- Fish and wildlife habitat conservation areas (this does not include such artificial features as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches)
- Frequently flooded areas
- Geologically hazardous areas

As an alternative, cities are encouraged to apply critical area regulations to middle housing in the same manner such regulations are applied to detached single-family residences. This is because RCW 36.70A.635(8)(a) could substantially reduce housing capacity by restricting development on lots where a middle housing development could otherwise meet critical area code requirements. Treating middle housing the same as detached single-family residences may also provide an opportunity to better implement the

²⁷ In this option the minimum density standard will vary according to the minimum and actual lot sizes in a zone and the local development patterns. For example, in a Tier 2 city zone with 5,000 square foot lots where four units per lot are allowed, a minimum density standard at or above 35 units per acre would permit higher densities or intensities than required by RCW 36.70A.635. In a Tier 1 city zone with 5,000 square foot lots where six units per lot are allowed, a minimum density standard at or above 53 units per acre would permit higher densities or intensities than required by RCW 36.70A.635.

²⁸ Mixed-use multifamily zones are not subject to RCW 36.70A.635 per the definition of “all lots zoned predominantly for residential use.” Cities are encouraged to provide multifamily zones which are mixed-use with a variety of allowed non-residential commercial uses, including but not limited to retail, services, eating and drinking establishments, entertainment, recreation, and office uses. This can help provide jobs, shopping, and services in close proximity to more homes and people and help cities achieve any policy objectives related to climate change, environment, equity, affordable housing, transportation, and economic development.

Housing Element requirements to make adequate provisions for existing and projected needs of all economic segments of the community.

In other words, cities have the option to not adopt Model Ordinance Section 4, subsection (B)(1). Cities choosing not to adopt subsection (B)(1) must still include lots designated with critical areas or their buffers in the 25 percent of lots where unit per lot requirements are not implemented, if the “Alternative to Density Requirements” (RCW 36.70A.635(4)) approach is used. For more information see User Guide Chapter 6.1.

Regardless of a jurisdiction’s approach to middle housing and critical areas, jurisdictions should plan for natural hazards and open space preservation. See Chapter 4.4 for more information.

Impaired or Threatened Watersheds

Per the RCW, the relevant watersheds are those serving a reservoir for potable (domestic) water. The geographic eligibility for this exemption may be very limited. There is no statewide database on potable water reservoirs, so cities need to consult local information to determine if this exemption applies in their jurisdiction.

Watersheds are not categorized as impaired or threatened under section 303(d) of the Federal Clean Water Act, but individual water body segments may be listed as impaired. Impaired water body segments are identified as category 4 or 5 on the Water Quality Atlas maintained by the Department of Ecology (the department does not use the term “threatened”). Therefore, cities can reasonably interpret the RCW to be referring to watersheds which contain an impaired water body segment.

Cities should not adopt this provision if a watershed meeting the criteria identified in 36.70A.635(8)(c) does not exist within the city limits. Note that new development allowed by middle housing regulations has the potential to reduce impacts on watersheds by incorporating current stormwater best management practices on-site and contributing to utility improvements.

For related information, cities can also review the Washington State Water Quality Assessment database and filter for Category 4 and 5 water body segments. The most directly applicable use designation is “water supply – domestic water.” There are a limited number of impaired water body segments used for domestic water and their watersheds are not applicable to the exemption if the watershed does not serve a potable water reservoir. Other water use designations may be of interest to cities for planning purposes depending on the local context.

Urban Separators

Some counties designate lands as “urban separators” under their countywide planning policies (CPP’s). These also serve as “open space corridors”, described by [RCW 36.70A.160](#). These are corridors of land on the periphery of incorporated areas that provide visual breaks in the landscape and link open spaces between municipalities and rural areas, and typically have very low permitted residential densities. The King County CPP’s use this concept.

Cities should not adopt this provision if an urban separator(s) meeting the criteria identified in RCW 36.70A.635(8)(c) does not exist within the city limits.

References

- Washington State Department of Commerce - [Critical Areas Handbook](#)
- Washington State Department of Ecology – [Water Quality Assessment and 303\(d\) List](#) (landing page)

- Washington State Department of Ecology – [Washington State Water Quality Assessment](#)²⁹ (searchable database)
- Washington State Department of Ecology – [Water Quality Atlas](#)³⁰ (interactive GIS map)
- Washington State Department of Ecology – [Water Quality Program Policy 1-11](#) (more information on water quality categories)
- United States Geological Survey – [Watershed Boundary Dataset](#) and [Access National Hydrography Products](#)
- King County – [Urban Separators under King County Countywide Planning Policies](#) (GIS data)

²⁹ Note that assessments are done every few years; as of this writing, anything listed with a date of 2018 and before is considered applicable. Any water body segments listed as only 2022 (the next assessment to be approved) will be listed after the July 23, 2023, date.

³⁰ Filtering by “305(b) report – includes 303(d) list” will show all categories and the resulting map can be filtered to display only categories 4 and 5. Click “add/remove map data” to add 8-, 10-, or 12-digit hydrologic unit codes (HUC); the larger the HUC, the smaller the watershed scale. 16-digit HUC codes are not available on this map.

2.5 – Unit Density and Affordable Housing

The Model Ordinances define “unit density” as the number of dwelling units allowed on a lot, regardless of lot size. **HB 1110 requires that** applicable cities regulate density in applicable residential zones in a way that has not commonly been done in the past. Section 5 of the Model Ordinances identifies specific unit per lot density requirements for each city tier and includes affordable housing provisions that apply to Tier 1 and 2 cities.

Section 5 Model Ordinance Text

The Model Ordinance text is copied below for reference. Footnotes may have been added to the model ordinance text in this User Guide to provide supporting information. Refer to User Guide Chapter 1.3 for information on the difference between bold text and non-bold text.

Tier 3 Cities

- A. *The permitted unit density on all lots zoned predominantly for residential use is two units per lot, unless zoning permitting higher densities or intensities applies.*^{31,32}
- B. *The standard of subsection (A) does not apply to lots after subdivision below 1,000 square feet unless the city has a smaller allowable lot size in the zone.*³³

Tier 1 Cities

- A. *The permitted unit density on all lots zoned predominantly for residential use is:*^{34,35}
 - 1. *Four units per lot, unless zoning permitting higher densities or intensities applies.*
 - 2. *Six units per lot on all lots within one-quarter mile walking distance of a major transit stop, unless zoning permitting higher densities or intensities applies.*
 - 3. *Six units per lot if at least two units on the lot are affordable housing meeting the requirements of subsections (C) through (H) below, unless zoning permitting higher densities or intensities applies.*³⁶
- B. *The standards of subsections (A) do not apply to lots after subdivision below 1,000 square feet unless the city has enacted an allowable lot size below 1,000 square feet in the zone.*³⁷

³¹ RCW 36.70A.635(1)(c) uses the phrase “at least” when describing these densities, so cities should treat these as floors for maximum unit density. Cities can allow higher densities.

³² Because middle housing can reach considerable densities (two units on a 5,000 square feet lot is approximately 18 units per acre) cities should not assume existing multifamily zones necessarily permit “higher densities or intensities.” See further information in User Guide Chapter 2.4.

³³ RCW 36.70A.635(6)(g)

³⁴ RCW 36.70A.635(1)(b). RCW 36.70A.635(1) uses the phrase “at least” when describing these densities, so cities should treat these as floors for maximum unit density. Cities can allow higher densities.

³⁵ Because middle housing can reach high densities (four units on a 5,000 square feet lot is approximately 35 units per acre) cities should not assume existing multifamily zones necessarily permit “higher densities or intensities.” See further information in User Guide Chapter 2.4.

³⁶ The affordable housing increase is not required to be available within one-quarter mile walking distance of a major transit stop unless a city chooses to do so. See the “combined housing unit increase” described under Local Policy Choice.

³⁷ RCW 36.70A.635(6)(g)

Tier 2 Cities

A. The permitted unit density on all lots zoned predominantly for residential use is:^{38,39}

- 1. Two units per lot, unless zoning permitting higher densities or intensities applies.**
- 2. Four units per lot on all lots within one-quarter mile walking distance of a major transit stop, unless zoning permitting higher densities or intensities applies.**
- 3. Four units per lot if at least one unit on the lot is affordable housing meeting the requirements of subsections (C) through (H) below, unless zoning permitting higher densities or intensities applies.⁴⁰**

B. The standards of subsections (A) do not apply to lots after subdivision below 1,000 square feet unless the city has enacted an allowable lot size below 1,000 square feet in the zone.⁴¹

Tier 1 and 2 Cities⁴²

C. To qualify for additional units under the affordable housing provisions of Section 5(A), an applicant shall commit to renting or selling the required number of units as affordable housing and meeting the standards of subsections (D) through (H) below.⁴³

D. Dwelling units that qualify as affordable housing shall have costs, including utilities other than telephone, that do not exceed 30 percent of the monthly income of a household whose income does not exceed the following percentages of median household income adjusted for household size, for the county where the household is located, as reported by the United States Department of Housing and Urban Development:

^{44,45,46}

- 1. Rental housing: 60 percent.**
- 2. Owner-occupied housing: 80 percent.⁴⁷**

E. The units shall be maintained as affordable for a term of at least 50 years, and the property shall satisfy that commitment and all required affordability and income eligibility conditions.

³⁸ [RCW 36.70A.635](#)(1)(a). RCW 36.70A.635(1) uses the phrase “at least” when describing these densities, so cities should treat these as floors for maximum unit density. Cities can allow higher densities.

³⁹ Because middle housing can reach high densities (four units on a 5,000 square feet lot is approximately 35 units per acre) cities should not assume existing multifamily zones necessarily permit “higher densities or intensities.” See further information in User Guide Chapter 2.4.

⁴⁰ The affordable housing increase is not required to be available within one-quarter mile walking distance of a major transit stop unless a city chooses to do so. See the “combined housing unit increase” described under Local Policy Choice.

⁴¹ [RCW 36.70A.635](#)(6)(g)

⁴² The affordable housing provisions are not required to be adopted by Tier 3 cities.

⁴³ [RCW 36.70A.635](#)(2)

⁴⁴ Maximum monthly housing costs, with a housing cost burden of 30%, should be defined to be consistent with household gross income and adjusted income calculations for eligibility of affordable housing programs by HUD.

⁴⁵ “Income Limits.” United States Census. <https://www.huduser.gov/portal/datasets/il.html>

⁴⁶ [RCW 36.70A.030](#)

⁴⁷ See User Guide Chapter 5.0 for information on administering affordable homeownership programs.

- F. The applicant shall record a covenant or deed restriction that ensures the continuing rental or ownership of units subject to these affordability requirements consistent with the conditions in chapter 84.14 RCW for a period of no less than 50 years.⁴⁸**
- G. The covenant or deed restriction shall address criteria and policies to maintain public benefit if the property is converted to a use other than that which continues to provide for permanently affordable housing.**
- H. The units dedicated as affordable housing shall:**
- 1. Be provided in a range of sizes comparable to other units in the development.**
 - 2. The number of bedrooms in affordable units shall be in the same proportion as the number of bedrooms in units within the entire development.**
 - 3. Generally, be distributed throughout the development and have substantially the same functionality as the other units in the development.**

Local Policy Choice

One-Half Mile Walking Distance to Major Transit Stops

In Model Ordinance Section 6, subsection (B), Tier 1 and 2 cities are encouraged to replace “one-quarter mile” with “one-half mile” for where the higher density requirement in proximity to transit applies. This recommendation aligns with the required one-half mile walking distance standard for the elimination of off-street parking requirements in Model Ordinance Section 7 and increases housing capacity. See Chapter 3.2 for guidance on how walking distance is measured.

Cities should also consider going beyond these requirements near major transit stops and permitting transit-oriented densities, multifamily housing, and a variety of non-residential uses.

Combined Housing Unit Increase

Unless zoning permits higher lot densities or intensities, Tier 1 cities must allow at least six units and Tier 2 cities must allow at least four units on lots zoned predominantly for residential use within one-quarter mile walking distance of major transit stops. Tier 1 cities must separately allow at least six units, and Tier 2 cities at least four units per lot, when affordable housing units meeting the provisions of RCW 36.70A.635(2) are provided in any location outside of a one-quarter mile walking distance of major transit stops.

Tier 1 and 2 cities may also consider combining the allowed unit density increases to increase housing capacity and affordable housing near major transit stops. This has the benefit of improving access to transit to lower-income households. The effect of using this option is:

- In a Tier 1 city, a lot located within one-quarter mile (or half-mile, as encouraged above) walking distance of a major transit stop and which has at least two affordable units would be permitted a minimum of eight units on the lot.

⁴⁸ Refer to for the Department of Commerce website for guidance on covenant and deed restrictions related to chapter 84.14 RCW (see “21-23 Work Products and Updates”). <https://www.commerce.wa.gov/serving-communities/growth-management/growth-management-topics/planning-for-housing/multi-family-housing-property-tax-exemption-program/>

- In a Tier 2 city, a lot located within one-quarter mile (or half-mile, as encouraged above) walking distance of a major transit stop and which has at least one affordable unit would be permitted a minimum of six units on the lot.

Cities are encouraged to consider going beyond the requirements of RCW 36.70A.635 near major transit stops and permitting transit-oriented densities, multifamily housing, and a variety of non-residential uses.

Alternative Affordability Requirements or Incentives

RCW 36.70A.635(2)(c) and (3) allow cities to adopt alternate affordability program terms for middle housing development. However, adoption of alternate program terms does not mean that the affordability bonus of RCW 36.70A.635(1) may be altered or replaced. See the discussion of affordable housing in Chapter 5.0.

Zoning Permitting Higher Densities or Intensities

The affordable housing requirement for Tier 1 and 2 cities includes the statement, “...unless zoning permitting higher densities or intensities applies...”⁴⁹ This means that if a Tier 1 city’s zoning permits a greater number of units than the minimum four units per lot required by RCW 36.70A.635(1)(b)(i), and a Tier 2 city’s zoning permits a greater number of units than the minimum two units per lot required by RCW 36.70A.635(1)(a)(i), then a city may choose not to apply the affordable housing requirement.

In other words, a Tier 1 or Tier 2 city subject to RCW 36.70A.635 does not have to require affordable housing units on lots predominantly zoned for residential use in a zone, but only when:

- A Tier 1 city permits a base unit density of at least five units per lot in the zone.
- A Tier 2 city permits a base unit density of at least three units per lot in the zone.

However, to plan for and accommodate housing for all income levels, cities choosing this option should consider other ways to increase the supply of affordable housing. Cities with higher density/intensity limits for a zone may still require affordable units in middle housing developments under RCW 36.70A.540. Providing an affordable housing incentive to achieve higher densities could also assist cities in meeting new Growth Management Act (GMA) Housing Element requirements. This includes identification of the number of housing units necessary to plan for projected growth by income band (RCW 36.70A.070(2)). See the discussion of affordable housing in Chapter 5.0 of this User Guide.

Cottage Housing Density Bonus

A unit density bonus is often needed for cottage housing to be financially viable because cottages are required to be smaller than the regular detached single-family residences being built by the market. Cities should review their existing cottage housing regulations, and if applicable apply a cottage housing density bonus. A two-for-one bonus is common in Washington cities, with some cities going lower or higher. See also the design standards for cottage housing in Section 8 of the Model Ordinance.

⁴⁹ Because middle housing can reach high densities (four units on a 5,000 square feet lot is approximately 35 units per acre) cities should not assume existing multifamily zones necessarily permit “higher densities or intensities.” See more information in User Guide Chapter 2.4.

Discussion

Code Format

As different cities' development regulations take on different formats to identify allowed uses and number of units (i.e., itemized list, tables), the specific code amendment format will vary. Existing maximum density limits which conflict with the provisions of RCW 36.70A.635 are invalidated in the model ordinance.

Accessible Housing

Since 1991 the Fair Housing Act (FHA) has required that certain dwellings be readily accessible and usable by people with disabilities. In buildings with four or more units and without elevators the ground floor dwelling units must be accessible. Townhouse units are generally exempted unless they are part of larger building with an elevator.⁵⁰

Stairs are an impediment to people with some physical disabilities and can prevent full use of a home or create a personal injury hazard.⁵¹ This often includes seniors, who are an increasing share of the population.

Cities should consider the opportunity to increase the supply of accessible housing by allowing buildings with at least four units and single-level ground-floor units in more locations. For example, when choosing the six of nine types required (see User Guide Chapter 2.6), fourplexes and courtyard apartments may provide more opportunities for accessible housing than stacked flats and townhouses. However, the provision of accessible housing should not be viewed competitively. A general benefit of permitting a variety of middle housing and meeting the requirements of RCW 36.70A.635 is providing more choice of housing for people at all stages of life and at different points on the spectrum of physical mobility.

Providing additional zoned capacity for multi-story, elevator-served multifamily housing is another way for cities to encourage accessible housing options.

Compatibility and Scale of Middle Housing

The statute language focuses on two to six dwelling unit middle housing types that are defined as being compatible with the form, scale, and character of single-family dwellings. However, middle housing is often considered in the planning and development industries to also include small apartments, multiplexes, and courtyard apartments with up to 20 dwelling units. Cities implementing HB 1110 will begin to move away from single-family-home-only neighborhoods to single-family homes being one of many housing types in residential neighborhoods.



Single-family home and duplex. Source: MAKERS

Research from the University of California Berkeley's Turner Center for Housing Innovation suggests middle housing projects with eight to twelve dwelling units is the ideal project size to best achieve economies of scale in housing production. As cities prepare to amend development regulations to comply with RCW 36.70A.635, they may consider allowing denser middle housing developments, especially in areas near transit, commercial

⁵⁰ "Multistory Townhouses and Accessibility: When does the FHA apply?" MAP Strategies. <https://map-strategies.com/ideas/multistory-townhouses-and-accessibility-when-does-the-fha-apply>

⁵¹ "Our Bans on Stacked Homes Are Bans on Age-Ready Homes." Sightline. <https://www.sightline.org/2019/05/15/our-bans-on-stacked-homes-are-bans-on-age-ready-homes/>

services and job centers, and other amenities. Cities interested in denser middle housing projects should also review [Senate Bill 5491](#) regarding single-stair multifamily structures.

References

- Department of Commerce - [Middle housing building types](#)
- Department of Commerce – [Racially Disparate Impacts Guidance](#) (pages 37 & 50 – 53)
- United States Census – [Income Limits](#)
- University of California Berkely Turner Center - [Housing Innovation Brief, 2022 \(page 9\)](#)
- *Local, regional, and national trends showing the decline in two-to-nine-unit projects over the last 20 years* ([Urban Institute, 2023, pg. 51](#); Eye on Housing, [2017](#) & [2021](#)).

2.6 – Middle Housing Types

Section 6 Model Ordinance Text

The Model Ordinance text is copied below for reference. Footnotes may have been added to the model ordinance text in this User Guide to provide supporting information. Refer to User Guide Chapter 1.3 for information on the difference between bold text and non-bold text.

Subject to the requirements of RCW 36.70A.635(5), on all lots zoned predominantly for residential use the following uses are permitted by-right, unless zoning permitting higher densities or intensities than those listed in Section 5 of this ordinance applies:⁵²

- A. Duplexes.
 - B. Triplexes.
 - C. Fourplexes.
 - D. Fiveplexes.
 - E. Sixplexes.
 - F. Townhouses.
 - G. Stacked flats.
 - H. Courtyard apartments.
 - I. Cottage housing.
-

Local Policy Choice

For jurisdictions that do not meet the statutory deadline for compliance with RCW 36.70A.635, all nine types of middle housing are permitted by-right in the Model Ordinance on all lots zoned predominantly for residential use until such time the city takes all actions necessary to implement RCW 36.70A.635. The purpose of this in the Model Ordinance is not to pre-judge which six middle housing types should be allowed if the Model Ordinance goes into effect for a jurisdiction that has not met its statutory deadline for adopting middle housing regulations.

For cities adopting middle housing regulations, whether prior to or after the statutory deadline, consider the following:

⁵² [RCW 36.70A.635\(5\)](#)

Tier 1 Cities

In each zone where lots are zoned predominantly for residential use, amend allowed use standards to permit at least six of the nine middle housing types within the definition of “Middle Housing” per RCW 36.70A.635(5). While six is the minimum, jurisdictions may include more to provide more flexibility for the development of middle housing types.

Tier 2 Cities

In each zone where lots are zoned predominantly for residential use, amend allowed use standards to permit at least six of the nine middle housing types within the definition of “Middle Housing” per RCW 36.70A.635(5). Where only two units per lot are allowed, cities may apply a supplemental standard, footnote, or other notation stating that middle housing building types which contain more than two dwelling units (e.g., triplexes, townhouses, or fourplexes) are allowed only where transit or affordable housing bonuses apply.

Tier 3 Cities

Tier 3 cities must allow two units per lot (RCW 36.70A.635(1)(c)). In each zone where lots are zoned predominantly for residential use, Tier 3 cities should amend allowed use standards to permit at least the four of the nine middle housing types within the definition of “Middle Housing” that allow for two units per lot. These are duplexes, stacked flats, cottage housing, and courtyard apartments.

This guidance follows that portion of RCW 36.70A.635(5) which states cities are only required to allow as many middle housing types as needed to meet the unit density requirement. However, this guidance recommends that cities consult with their city attorney on this approach given the requirement, also in RCW 36.70A.635(5), that cities allow at least six of nine middle housing to achieve the unit density requirements.

Tier 3 cities are encouraged to provide a variety of housing choices and may consider allowing more than two units per lot to achieve the six building type minimum, such as triplexes and fourplexes.

Housing Uses Allowed By-Right

[RCW 36.70A.600](#)(1) encourages cities to update use matrices and allowable use tables that eliminate conditional use permits and administrative conditional use permits for all housing types, including single-family homes, townhouses, multifamily housing, low-income housing, and senior housing, but excluding essential public facilities.

Zoning Permitting Higher Densities or Intensities

Similar to the option cities have to allow higher unit density requirements, as noted under Section 5 of the Model Ordinance, the requirement to allow at least six types of middle housing also does not apply to where zoning permitting higher densities or intensities applies.

RCW 36.70A.635(5) states in part, “...[a] city must allow at least six of the nine types of middle housing to achieve the unit density required in subsection (1) of this section”, and in RCW 36.70A.635(1), the unit density standards do not apply where “zoning permitting higher densities or intensities applies.” Therefore, the six-of-nine types requirement does not apply in zones where higher densities or intensities applies. Because middle housing can reach high densities (four units on a 5,000 square foot lot is approximately 35 units per acre) cities should not assume existing multifamily zones necessarily permit “higher densities or intensities”.

Multiple Detached Single-Family Residences on a Lot

Cities have the option to allow multiple detached single-family residences on a lot to take advantage of unit density requirements. For example, a lot with a unit density of four could either have a fourplex building, two

duplex buildings, four cottage housing buildings, or four detached single-family residences, if zoning allows multiple detached single family dwellings on a lot. Therefore, cities desiring the flexibility of this option would need to clarify that multiple detached single-family residences are a permitted use. This option is similar to cottages in that the units are detached, but they wouldn't come with special size restrictions and design requirements. Special considerations for this option:

- Allowing multiple detached single-family residences per lot significantly increases the flexibility of residential zoning and increases the options available to preserve existing one-unit houses when adding new housing to a lot.⁵³
- Detached housing is typically more expensive and requires more land area than middle housing.
- Design elements such as vehicular access, parking, garages, minimum building separation, minimum usable open space, among other site layout issues.
- Multiple detached single-family residences on a lot does not require a subdivision. Such units can be condominiums or owned in common and rented.

Discussion

Number of Middle Housing Types

To address housing need by promoting a variety of residential densities and housing types, jurisdictions are encouraged to permit more than six middle housing types. Note that accessory dwelling units are not one of the nine types of middle housing building types per the definition of middle housing, (RCW 36.70A.030(26)) but may be counted towards achieving the unit density in RCW 36.70A.635(1).



Examples of the nine middle housing types. Source: MAKERS

⁵³ "Backyard Homes Are Great For Owners of Small Homes." Sightline Institute, 2022. <https://www.sightline.org/2022/01/05/backyard-homes-are-great-for-owners-of-small-homes/>

Location Restrictions

Cities should review their codes for supplemental use standards related to spacing, distribution, buffering, and similar location restrictions for middle housing. Such standards are not permitted if they create a greater restriction on the permitted location of middle housing compared to detached single-family residences in the same zone. For example, a requirement for duplexes to not be on adjacent lots or a requirement for duplexes to be separated by 500 feet is not allowed where no such standards exist for detached single-family residences in the same zone.

Code Format

As different cities' development regulations take on different formats to identify allowed uses (i.e., itemized list, use tables), the specific code amendment format will vary.

References

- Middle housing images ([Commerce](#); [Sightline Institute](#))
- Department of Commerce - [Middle housing informational posters](#)
- Department of Commerce - Middle housing [building types](#) and [block models](#)

2.7 – Dimensional Standards

The model ordinances include both minimum **HB 1110 requirements** and recommend standards to make middle housing compatible with the scale, form and character of detached single family dwellings.

Notable provisions integrated into the model codes:

- HB 1110 requires that dimensional standards for middle housing be no more restrictive than those standards applying to detached single-family residences.
- The model ordinances invalidate existing dimensional standards that are seen as incompatible with middle housing. Examples include specific thresholds for units per structure, maximum building height, minimum setbacks, maximum lot coverage, and maximum floor area ratio.

Lastly, the model ordinance dimensional standards for Tier 1 and 2 Cities intentionally differs from Tier 3 standards. These differences reflect the potential for a greater number of units per lot for Tier 1 and 2 Cities versus Tier 3 Cities, and the differing levels of staffing and code complexity that might differ between Tier 1 and 2 Cities versus Tier 3 Cities.

Section 7 Model Ordinance Text

The Model Ordinance text is copied below for reference. Footnotes may have been added to the model ordinance text in this User Guide to provide supporting information. Refer to User Guide Chapter 1.3 for information on the difference between bold text and non-bold text.

Tier 1, 2, and 3 Cities

A. Applicability.

1. ***The city shall not require through development regulations any standards for middle housing that are more restrictive than those required for detached single-family residences, but may apply any objective development regulations that are required for detached single-family residences. This includes, but is not limited to, the following types of dimensional standards: building height, setbacks, lot coverage, floor area ratio, lot area and lot dimension, impervious surface, open space, and landscaped area standards.***⁵⁴
2. *Dimensional standards invalidated by this section are replaced by the dimensional standards provided in this section.*

B. **Density.** ***Lot area requirements and unit density shall comply with Section 5 of this ordinance.*** Other restrictions, such as minimum lot area per unit, or maximum number of housing units per acre, are invalid in relationship to the minimum number of units per lot that the City must allow under RCW 36.70A.635.^{55,56}

C. **Units per structure.** *Minimum and maximum numbers of dwelling units per structure for middle housing are invalid, except as provided by the definitions of middle housing types in Section 2 of this ordinance.*

⁵⁴ RCW 36.70A.635(6)(b) refers to setbacks and lot coverage as examples of development regulation dimensional standards. For clarity on this provision, additional examples of dimensional standards are added in the Model Ordinance.

⁵⁵ For more discussion on density measurements, see User Guide Chapter 4.3.

⁵⁶ Cities may set higher units per lot or minimum units per acre standards than prescribed in RCW 36.70A.635(1) where multifamily is the predominant residential use intended for a zone. See more information in User Guide Chapter 2.4.

D. Maximum building height: 35 feet. A maximum building height limit for middle housing of less than 35 feet is invalid.⁵⁷

1. Building height shall be measured in accordance with the city's development regulations.
2. Rooftop appurtenances shall be regulated and measured in accordance with the city's development regulations.

Tier 1 and 2 Cities

E. Minimum setbacks.

1. The minimum required setbacks are as follows. Minimum setbacks from property lines for middle housing buildings greater than the following are invalid:
 - a. Street or front: 15 feet, except 10 feet for lots with a unit density of three or more.
 - b. Street or front, garage door (where accessed from a street): 20 feet.
 - c. Side street: Five feet.⁵⁸
 - d. Side interior: Five feet, and zero feet for attached units internal to the development.
 - e. Rear, without an alley: 15 feet, except 10 feet for lots with a unit density of three or more.
 - f. Rear alley: Zero feet, and three feet for a garage door where it is accessed from the alley.
2. Setback projections.
 - a. Covered porches and entries may project up to five feet into required front and rear setbacks.
 - b. Balconies and bay windows may project up to three feet into required front and rear setbacks.
 - c. Required parking spaces may occupy required setbacks.
 - d. Other setback projections shall be regulated and measured in accordance with the city's development regulations.

F. Maximum lot coverage.

1. The maximum lot coverage for middle housing are as follows. Maximum lot coverage less than the following is invalid:
 - a. For lots with a unit density of six: 55 percent.
 - b. For lots with a unit density of four or five: 50 percent.
 - c. For lots with a unit density of three or less: 45 percent.

⁵⁷ See the Local Policy Choice section for an option cities may consider to incentivize pitched roofs.

⁵⁸ The side street setback applies to corner lots. The "side street" is the street other than the street from which the lot fronts upon.

2. Unless the city has a different pre-existing approach to measuring lot coverage, lot coverage is measured as follows: the total area of a lot covered by buildings or structures divided by the total amount of site area minus any required or planned dedication of public rights-of-way and/or designation of private rights-of-way, and does not include building overhangs such as roof eaves, bay windows, or balconies and does not include paved surfaces.

G. Maximum floor area ratio (FAR).

1. Maximum FAR for middle housing is as follows. Maximum floor area ratio less than the following is invalid:

Unit density on the lot	Maximum floor area ratio (FAR)
1	0.6 ⁵⁹
2	0.8
3	1.0
4	1.2
5	1.4
6	1.6

2. Unless the city has a different pre-existing approach to measuring FAR, FAR is measured as follows: the total interior floor area of buildings or structures on a site, excluding features listed in subsection (G)(3) below, divided by the total amount of site area minus any required or planned dedication of public rights-of-way and/or designation of private rights-of-way. For example, a maximum floor area ratio of 1.0 (1 to 1) means one square foot of floor area is allowed for every one square foot of site area.
3. Unless FAR is measured differently by the city's development regulations, the following are not included in the calculation of interior floor area:
 - a. Cottage housing developments meeting the standards of Section 8 of this ordinance.
 - b. Unoccupied accessory structures, up to a maximum equal to 250 square feet per middle housing unit.
 - c. Basements, as defined by the city's development regulations.
 - d. Unenclosed spaces such as carports, porches, balconies, and rooftop decks.

⁵⁹ 0.6 FAR applies to a detached single-family residence. See further information in the Local Policy Choice section below.

Tier 3 Cities

E. Minimum setbacks.

1. *The minimum required setbacks are as follows. Minimum building setbacks from property lines for middle housing buildings greater than the following are invalid:*
 - a. *Street or front: 15 feet, except 10 feet for lots with a unit density of three or more.*
 - b. *Street or front, garage door (where accessed from a street): 20 feet.*
 - c. *Side street: Five feet.⁶⁰*
 - d. *Side interior: Five feet, and zero feet for attached units internal to the development.*
 - e. *Rear, without an alley: 20 feet.*
 - f. *Rear alley: Zero feet, and three feet for a garage door where it is accessed from the alley.*
2. *Setback projections.*
 - a. *Covered porches and entries may project up to five feet into required front and rear setbacks.*
 - b. *Balconies and bay windows may project up to three feet into required front and rear setbacks.*
 - c. *Required parking spaces may occupy required setbacks.*
 - d. *Other setback projections shall be regulated and measured in accordance with the city's development regulations.*

F. Maximum lot coverage.

1. *The maximum lot coverage for middle housing is 40 percent. A maximum lot coverage limit for middle housing of less than 40 percent is invalid.*
2. *Unless the city has a different pre-existing approach to measuring lot coverage, lot coverage is measured as follows: the total area of a lot covered by buildings or structures divided by the total amount of site area minus any required or planned dedication of public rights-of-way and/or designation of private rights-of-way. Lot coverage does not include building overhangs such as roof eaves, bay windows, or balconies and it does not include paved surfaces.*

⁶⁰ The side street setback applies to corner lots. The "side street" is the street other than the street from which the lot fronts upon.

Local Policy Choice

Maximum Building Height

The model code uses a 35 feet maximum building height to accommodate three stories. This is consistent with the definition used for stacked flats (RCW 36.70A.030(40)), which defines a stacked flat as being no more than three stories. If pitched roof forms are desired, some adjustments may be needed depending on how height is measured. For those cities where the height is measured to the top of the roofline rather than the mid-point, consider this language:

#. *The maximum height limit for middle housing is 40 feet where all roof forms above 35 feet have a minimum 3:12 roof pitch.*

Setbacks

Cities may choose to adopt setbacks with consistent standards regardless of the middle housing type or unit density, or to offer flexibility to help incentivize middle housing development. In the Tier 1 and 2 Cities Model Ordinance, reduced setbacks for three or more units are intended to incentivize middle housing. Cities that want to simplify the code could adjust the front and rear setback standards under subsection (E) to be a consistent number regardless of unit density on the lot. Lower setbacks (e.g., 10 feet for Tier 1 and 2 cities) are recommended to provide flexibility for middle housing development.

Cities might also consider a different set of setback standards that apply to new dwelling units placed within or towards the rear of the lot, provided they preserve some usable open space on the lot. This could be similar to many cities’ approaches for detached accessory dwelling units (ADU’s), where rear setbacks for primary structures might be 20 feet, but a detached ADU could be within five or 10 feet of a rear property line provided it meets other dimensional and design standards. Other types of incentives may be considered. For example, in some residential zones the city of Bothell allows a reduced front setback only if the rear setback is increased by the same amount to help preserve trees, provide space for rain gardens, etc.

Note that even with zero-foot setbacks there may be other limitations to how close structures can be property lines. Cities may prohibit foundation footings and roof eaves from extending beyond a property line onto right-of-way or adjacent property, though some cities permit this with easements. Building codes and fire codes may also restrict how close separate structures can be to each other, depending on the fire-resistant qualities of each structure’s design.

Lot Coverage and Floor Area Ratio

The Model Ordinance for Tier 1 and 2 Cities employs both lot coverage and floor area ratio (FAR) to balance the advantages of each standard. The Model Ordinance for Tier 3 Cities, which accommodates fewer units per lot, only employs lot coverage.

Cities opting to craft their own middle housing dimensional standards will need to review their current zoning tools and thresholds Lot coverage is commonly used to manage building footprint and promote and open space. FAR is an increasingly common tool used to control building size.

The table below identifies the basic advantages and disadvantages to using lot coverage and FAR.

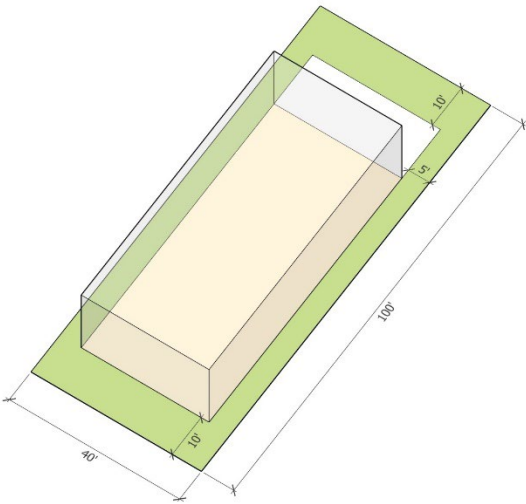
Tool	Advantages	Disadvantages
Lot coverage	<ul style="list-style-type: none">Relatively easy to understand and calculateCan help ensure that there's some amount of open space on the lot	<ul style="list-style-type: none">Less effective than FAR in managing the building massing on a lot because buildings can go up to the maximum height limit for the full allowed lot coverage
Floor area ratio	<ul style="list-style-type: none">More effective than lot coverage in managing building massing on a lot because it sets maximum floor area limits proportional to the lot size	<ul style="list-style-type: none">Fewer cities currently regulate FAR, thus it's an additional layer of review and can be perceived as more complicated to calculate

Lot Coverage

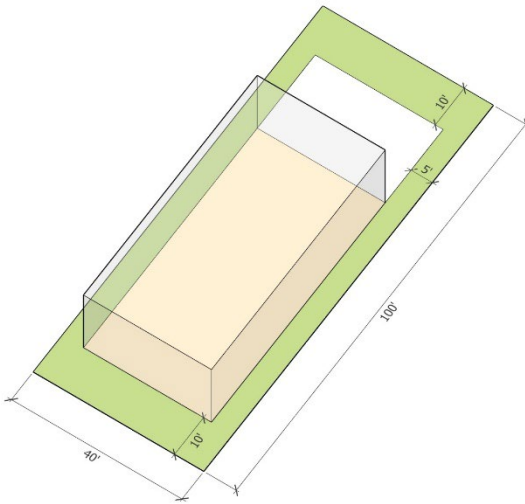
Lot coverage limits the area of building footprint compared to site area, usually expressed as a maximum percentage. For example, a lot coverage of 40% means 40% of a lot's total area is covered by a building. To be meaningful the maximum permitted lot coverage needs to allow a smaller building footprint than relying on setbacks alone. The Model Ordinances establish lot coverage thresholds that are approximately 5-20 percent lower than would be allowed by setbacks alone. This balances an assurance for more open space on a lot while still allowing a large enough building footprint area to accommodate middle housing.

The graphics below illustrate what 45 and 50 percent lot coverage look like on 40-foot by 100-foot lots. Hypothetical minimum setbacks (in green) are 10 feet, 5 feet, and 10 feet for the front, side, and rear, respectively. The unshaded areas of the lot (in white) show additional areas unrestricted by setbacks, but that exceed lot coverage limits.

50% Lot Coverage



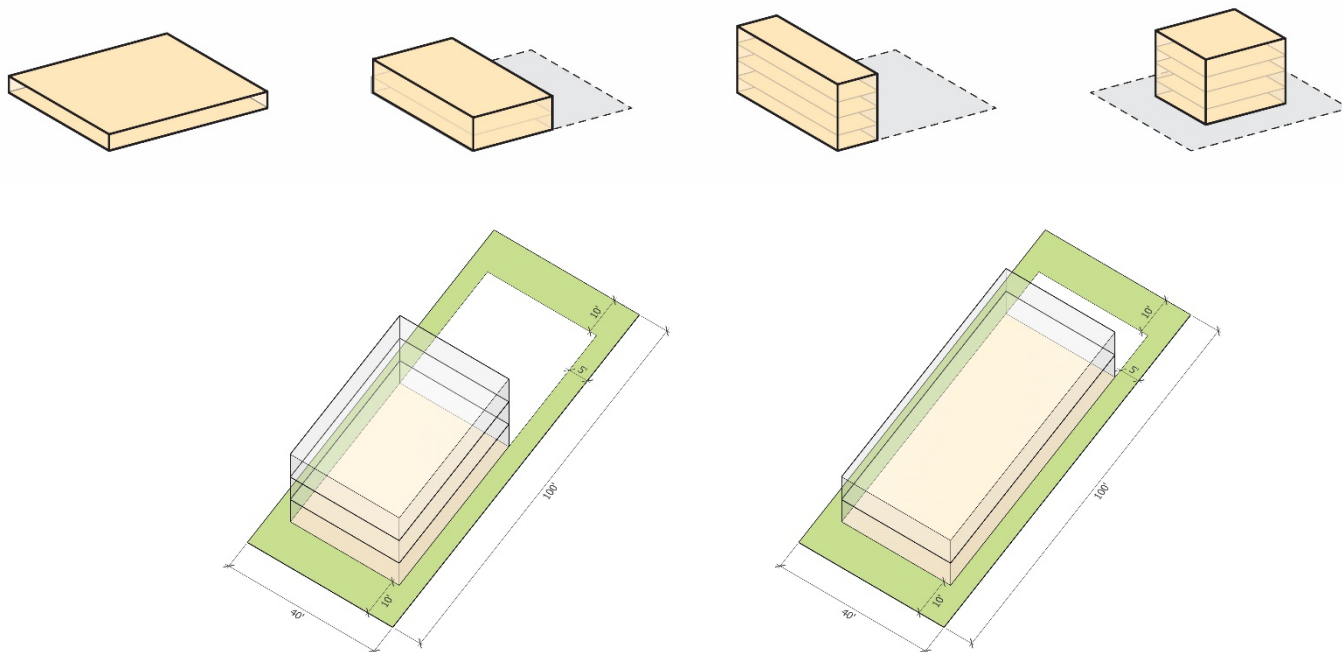
45% Lot Coverage



Floor Area Ratio

Floor area ratio (FAR) compares the total floor area of the building to the site area (floor area ÷ lot size = FAR), with the result represented as a decimal number (0.5 or 1.0, for instance). For example, a 4,000 square feet lot has its area multiplied by 1.0 FAR to arrive at a maximum floor area of 4,000 square feet allowed to be developed. The graphic below illustrates this example of two-story and three-story configurations

FAR 1.0



The top diagrams illustrate what an FAR of 1.0 looks like in a variety of configurations. The bottom two diagrams show what 1.0 FAR may look like specifically on a 4,000 square foot lot in two- and three-story configurations.

FAR is a popular tool for cities to manage building massing where middle housing is allowed because it limits building size without directly limiting unit count. However, many cities also do not use FAR.

The FAR standards for Tier 1 and 2 Cities in Model Ordinance Section 7, subsection (G), are written to consider a typical lot size of 5,000 square feet and accommodating “family-sized” units with two to four bedrooms, which are the most common housing unit sizes in Washington.^{61,62} An analysis used an average middle housing unit size of 1,400 square feet.⁶³ This size is roughly in the middle of Washington state’s average

⁶¹ The FAR limits were tested on other lot sizes ranging from 4,000 square feet to 7,500 square feet. On smaller lots these limits could still allow two-bedroom units. On larger lots FAR standards become less of a limitation on average unit size because average unit size becomes larger than is what is likely to be built for middle housing under normal market conditions.

⁶² United States Census, Table DP04 ACS 2022 1-Year Estimates

⁶³ Other average unit sizes were tested, ranging from 1,000 to 1,600 square feet. It was reasonable to test sizes larger than 1,000 square feet, which is the maximum gross floor area for accessory dwelling units that must be allowed under RCW 36.70A.681, and less than 1,600 square feet, which is the maximum size of individual cottage housing units established in Model Ordinance 3.0Section 8.

single-family homes (2,185 square feet⁶⁴) and multifamily apartments (824 square feet⁶⁵). Resulting FAR numbers were rounded up or down resulting in potentially different unit size averages.

Units Per Lot	Model Ordinance FAR	Allowed Floor Area (5,000 SF Lot)	Average Unit Size
4	1.2	6,000 SF	1,500 SF
6	1.6	8,000 SF	1,333 SF

Flexibility provided by the FAR standards in the Model Ordinance allow for middle housing to respond to the needs of not only families and larger households, but also smaller households if a builder chooses to build smaller units. One-person households make up approximately 28 percent of Washington households.⁶⁶ In high-priced urban markets one-person households tend to be renters and high-income.⁶⁷

Note that the floor area ratio standard also applies to detached single-family residences. RCW 36.70A.635(6)(b) requires, in part, that cities “...shall not require through development regulations any standards for middle housing that are more restrictive than those required for detached single-family residences, but may apply any objective development regulations that are required for detached single-family residences...” In other words, if a type of dimensional standard is not applied to detached single-family residences, it cannot be applied to middle housing. However, equal or less restrictive standards can be applied to middle housing as compared to single-family.

Approach Options

Cities have choices in how they employ lot coverage and FAR, including the following explored as part of developing the Model Ordinance.

- **Consistent standards.** In this approach, a single standard is applied uniformly to all lots in a zone.
- **Progressive standards.** In this approach, cities apply standards that incentivize middle housing by allowing more flexibility in exchange for a higher number of units on a lot. The Model Ordinance for Tier 1 and 2 cities applies a progressive approach for both lot coverage and FAR, with higher coverage and more floor area allowed for additional units. This approach was selected after testing development scenarios on lot sizes from 3,000 to 5,000 square feet, assuming that standards that work for these small lots are workable for the full range of lot sizes.
- **Lot-sized based standards.** In this approach, cities apply standards that change based on the lot size, using the assumption that lot size can help or hurt the ability to comply with the standards. For example, Oregon Middle Housing Code for Large cities uses five different FAR tiers.

⁶⁴ “The 2022 American Home Size Index.” American Home Shield. <https://www.ahs.com/home-matters/real-estate/the-2022-american-home-size-index/>

⁶⁵ “Apartment Market Report Q3 2023.” Washington Center of Real Estate Research, Runstad Department of Real Estate. <https://app.leg.wa.gov/committeeschedules/Home/Document/262886>

⁶⁶ United States Census, Table B11001 ACS 2022 1-Year Estimates

⁶⁷ “Seattle’s high housing costs haven’t stopped people from living alone.” The Seattle Times. 2024. <https://www.seattletimes.com/seattle-news/data/seattles-high-housing-costs-havent-stopped-people-from-living-alone/>

Preserving Existing Homes

In some cases, it may be desirable for a middle housing development to incorporate or preserve an existing residential structure on the lot. It is especially advantageous on lots with larger backyards where density allowances can be met while retaining the existing home. Preserving the existing home can allow a developer to recuperate a portion of the investment costs more rapidly or allow a homeowner to retain their home while allowing development on the rest of the lot.

Providing incentives and methods to preserve existing homes also provides cities an avenue to demonstrate implementation of new GMA Housing Element requirements focused on displacement. This includes new requirements to identify areas at higher risk of displacement and local policies and regulations that result in displacement. Options to incentivize preserving existing homes should be customized given every city is different. Some basic provisions to incentive the preservation of existing homes while adding middle housing elsewhere on the lot include:

- Exempt some or all of the existing home from FAR, lot coverage, and/or impervious standards.
- Create a bonus density program where the existing home does not count towards the overall density limit on the lot.

Discussion

Economic Considerations

Cities should develop middle housing dimensional standards that makes the desired housing types and housing outcomes the easier choice. For example, if attainable homeownership is a priority for a city, the city should develop progressive dimensional standards that incentivize the production of that housing type over larger, less dense, and more expensive housing types. Dimensional standards should consider the cumulative effect on achieving the desired development types and should leave room for a reasonable unit size to be feasible and create efficient floorplates for the desired development types.

Smaller Lot Sizes

Consideration for smaller lot sizes are listed below.

- The dimensional standards in Section 7 were tested with 4,000-7,500 square foot lots, a typical range in cities subject to RCW 36.70A.635.
- The provisions of RCW 36.70A.635 apply to all lots in residential zones greater than 1,000 square feet. Some cities authorize lots as small as 2,500 square feet for detached single-family homes and 1,000 square feet or less specifically for townhouse development (where each townhouse unit sits on its own lot and is attached to other townhouse units). For example, if a Tier 3 City has a 1,200 square foot minimum lot size for townhouses, two townhouses could be integrated within a single 1,200 square foot lot, provided they met applicable dimensional and design standards.



Example of a townhouse building built in the rear of an existing single-family lot, accompanied by a unit lot subdivision and a pedestrian access easement to the street.

- Reducing minimum lot sizes is one of the most effective ways to support homeownership and increase housing capacity.⁶⁸ Cities interested in permitting very small lots should adjust dimensional standards to ensure such lots are buildable. This may include reducing or removing side setback and lot coverage requirements.
- Because HB 1110's unit density requirements apply per lot, allowing smaller lots increases the total number of units allowed significantly. For example, if a city decides to reduce the minimum lot size from 5,000 square feet to 2,500 square feet for a particular zone, such change would double the allowed density.
- Cities should consider the long-term implications of allowing smaller lots, particularly in areas where there are greenfield development opportunities for large new subdivisions given the middle housing provisions of HB 1110. Naturally, the smaller the new lot is, the harder it will be to build middle housing and meet all dimensional and design standards applicable to the zone.

References

- Portland Middle Housing Case Study ([Cascadia Partners, 2023, pg. 11](#)).
- [Portland's development standards](#) for R2.5 & R5 zones that produced the most middle housing.
- [Oregon Middle Housing Model Code Large Cities](#)
- [Spokane's Building Opportunity for Housing Code Amendments \(2023, pgs. 104 – 108\)](#)
- [Edmonton, Canada Zoning Bylaw Changes \(2023, pgs. 15 – 30\)](#)
- [Bozeman, Montana Draft Development Code Update \(2023, pgs. 16 – 19\)](#)

⁶⁸ "Lot-Size Reform Unlocks Affordable Homeownership in Houston." Pew Charitable Trusts. <https://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2023/09/lot-size-reform-unlocks-affordable-homeownership-in-houston>

2.8 – Design Standards

RCW 36.70A.030 defines “middle housing” as “...buildings that are compatible in scale, form, and character with single-family houses...”. While design standards are not required, RCW 36.70A.635(6)(a) provides an opportunity to use administrative design review and apply objective design standards for middle housing to address compatibility with single-family houses, even if there are no design standards for single-family houses in place.

Model Ordinance design standards include:

- Cottage housing and courtyard housing design standards to reflect objectives associated with the RCW-defined housing types
- Basic pedestrian access provisions and design standards for vehicle access, carports, garages, and driveways that balance practical needs to accommodate middle housing while prohibiting design forms that have the potential to significantly impact the character of residential neighborhoods.
- Additional design standards related to entries, windows, and doors in the Model Ordinance for Tier 3 Cities.

Certain design standards above have been included for the purpose of ensuring that a city that needs to rely on the Model Ordinance in the event it does not meet its HB 1110 compliance deadline to adopt middle housing regulations has some basic design standards for middle housing types it may not currently permit in their city.

Section 8 Model Ordinance Text

The Model Ordinance text is copied below for reference. Footnotes may have been added to the model ordinance text in this User Guide to provide supporting information. Refer to User Guide Chapter 1.3 for information on the difference between bold text and non-bold text.

Tier 1, 2, and 3 Cities

A. Applicability.

1. *These standards apply to all middle housing types, except for the specific cottage housing and courtyard apartment standards which apply to only those types.*
2. *For the purposes of this section, a “street” refers to any public or private street and does not include alleys.*
3. *These design standards do not apply to the conversion of a structure to a middle housing type with up to four attached units, if the floor area of the structure does not increase more than 50 percent.*

B. Purpose. *The purpose of these standards is to:*

1. *Promote compatibility of middle housing with other residential uses, including single-family houses.*
2. *De-emphasize garages and driveways as major visual elements along the street.*
3. *Provide clear and accessible pedestrian routes between buildings and streets.*
4. *Implement the definitions of cottage housing and courtyard apartments provided by state law.*

C. **Design review.** *The process used for reviewing compliance with middle housing design standards shall be administrative design review.*

D. **Cottage housing.**

1. *Cottage size. Cottages shall each have no more than 1,600 square feet of net floor area, excluding attached garages.*
2. **Open space.** *Open space shall be provided equal to a minimum 20 percent of the lot size. This may include common open space, private open space, setbacks, critical areas, and other open space.*
3. *Common open space.*
 - a. **At least one outdoor common open space is required.**
 - b. *Common open space shall be provided equal to a minimum of 300 square feet per cottage. Each common open space shall have a minimum dimension of 15 feet on any side.*
 - c. *Orientation. Common open space shall be bordered by cottages on at least two sides. At least half of cottage units in the development shall abut a common open space and have the primary entrance facing the common open space.*
 - d. *Parking areas and vehicular areas shall not qualify as common open space.*
 - e. *Critical areas and their buffers, including steep slopes, shall not qualify as common open space.*
4. *Entries. All cottages shall feature a roofed porch at least 60 square feet in size with a minimum dimension of five feet on any side facing the street and/or common open space.*
5. *Community building.*
 - a. *A cottage housing development shall contain no more than one community building.*
 - b. *A community building shall have no more than 2,400 square feet of net floor area, excluding attached garages.*
 - c. *A community building shall have no minimum off-street parking requirement.*

E. **Courtyard apartments.**

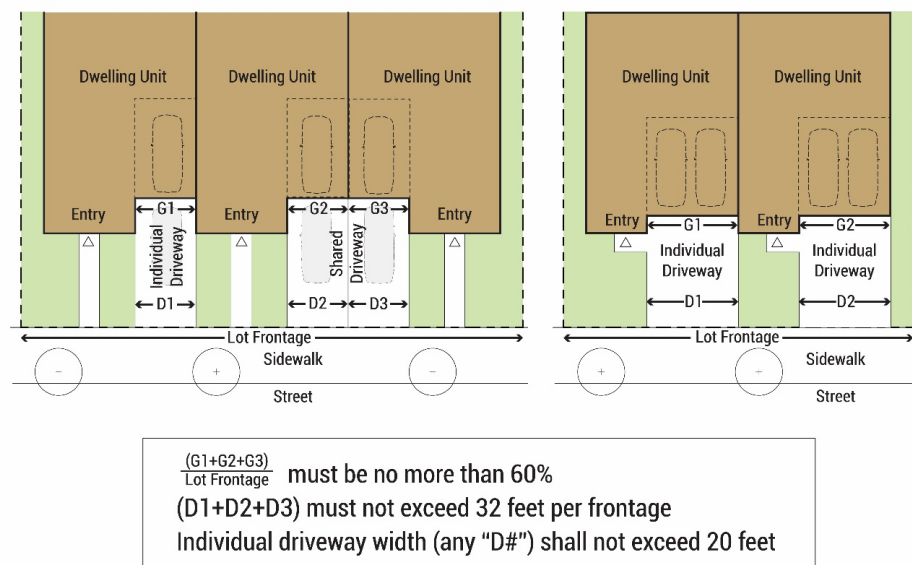
1. *Common open space.*
 - a. **At least one outdoor common open space is required.**
 - b. **Common open space shall be bordered by dwelling units on two or three sides.**
 - c. *Common open space shall be a minimum dimension of 15 feet on any side.*
 - d. *Parking areas and vehicular areas do not qualify as a common open space.*

2. *Entries.* Ground-related courtyard apartments shall feature a covered pedestrian entry, such as a covered porch or recessed entry, with minimum weather protection of three feet by three feet, facing the street or common open space.

F. Pedestrian access. A paved pedestrian connection at least three feet wide is required between each middle housing building and the sidewalk (or the street if there is no sidewalk). Driveways may be used to meet this requirement.

G. Vehicle access, carports, garages, and driveways.

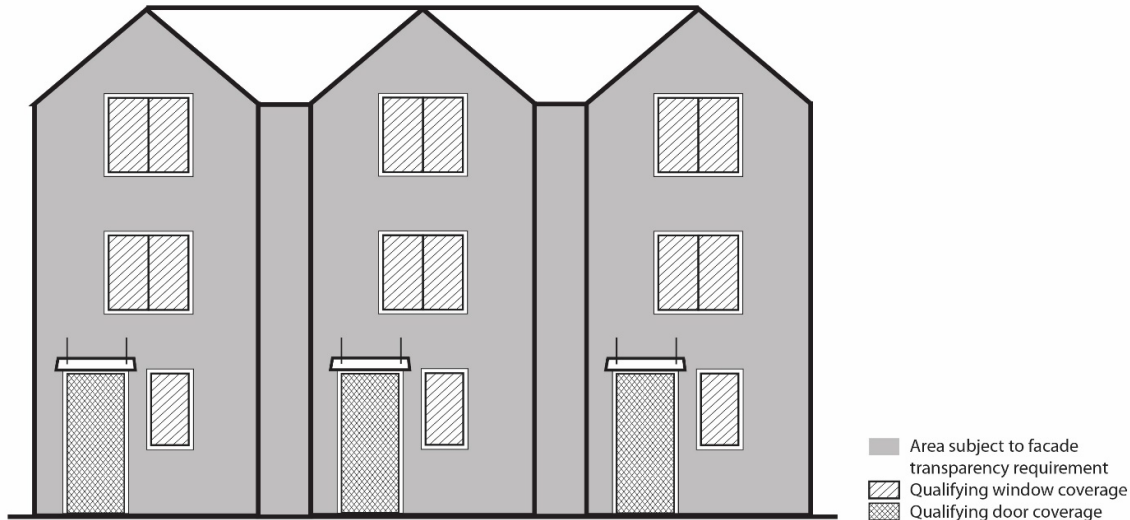
1. For lots abutting an improved alley that meets the city's standard for width, vehicular access shall be taken from the alley. Lots without access to an improved alley and taking vehicular access from a street shall meet the other standards of subsection (G)(2) through (5) below.
2. Garages, driveways, and off-street parking areas shall not be located between a building and a street, except when either of the following conditions are met:
 - a. The combined width of all garages, driveways, and off-street parking areas does not exceed a total of 60 percent of the length of the street frontage property line. This standard applies to buildings and not individual units; or
 - b. The garage, driveway, or off-street parking area is separated from the street property line by a dwelling; or
 - c. The garage, driveway, or off-street parking is located more than 100 feet from a street.
3. All detached garages and carports shall not protrude beyond the front building façade.
4. The total width of all driveway approaches shall not exceed 32 feet per frontage, as measured at the property line. Individual driveway approaches shall not exceed 20 feet in width.
5. Local jurisdiction requirements for driveway separation and access from collector streets and arterial streets shall apply.



- H. Landscaping. Development regulations for landscaping and tree standards for middle housing shall be equally or less restrictive than those required for detached single-family residences.

Tier 3 Cities

- I. Entries. Each building shall incorporate a primary building entry or one or more private unit entries, such as a covered porch or recessed entry. Each entry shall feature minimum weather protection of three feet by three feet.
- J. Windows and doors. A minimum of 15 percent of the area of the street-facing façade elevation shall include windows or doors. Facades separated from the street by a dwelling or located more than 100 feet from a street are exempt from this standard.



Local Policy Choice

Single-Family Design Standards

Cities may consider applying the same types of design standards in the Model Ordinances to detached single-family residences. Some tailoring may be required for applicability and context.

Cottage Housing

Size Limit

The maximum cottage size of 1,600 square feet can be modified to fit local circumstances. [RCW 36.70A.681\(1\)\(f\)](#) states that city and counties may not establish maximum gross floor area limits for accessory dwelling units less than 1,000 square feet. A cottage housing floor area limit above 1,000 square feet would be reasonable. Because the model ordinance sets a maximum square foot standard, cottage housing is exempt from floor area ratio limits in Section 7 of the Tier 1 and 2 Cities Model Ordinance.

Common Open Space

Common open space traditionally serves as the social and recreational center of cottage developments. “Common open space” is referenced in the definition of “cottage housing” and will need to take up much of the minimum 20 percent open space requirement, which also can include private open space, setbacks, natural features, critical areas, and other open space. Key aspects of common open space include:

- Requiring that cottages are oriented around the common open space.
- Minimum size standards to provide a minimum usable common open space area scaled to the size of the development. The minimum 15 feet dimension is important to ensure the common open space is usable for residents.

The minimum amount of open space per cottage can be variable; 300 square feet is more appropriate for small infill lots, but larger minimums, such as 400 square feet, is a common standard required by cities that regulate cottages.

Private Open Space

In addition to common open space, some cities require private open space for individual cottages. This may be required at the front or rear of a cottage and typically is encouraged to be located between a cottage and common open space and is not allowed to be at the side of a cottage. A minimum requirement of 200 square feet per cottage is typical, along with minimum dimensional and useability standards that are similar or relaxed compared to those for the common open space.

Porch Requirement

The entry standard, which requires a roofed porch on each cottage, helps cottages be compatible with the form and character of typical low-density neighborhoods.

Community Buildings

The integration of community buildings is popular in many cottage developments and thus important to allow in larger cottage housing developments. Because cottages are size-limited compared to typical detached single-family residences, a community building can further promote livability and social activity in the development with a range of shared uses, ranging from tool and furniture storage to community kitchens, libraries, and recreation rooms.



Danielson Grove Cottages in Kirkland. Note the mix of private (landscaped areas in front of the cottages) and common (lawn area plus the patio) open spaces and community building example (right image). Source: MAKERS.

Attached Cottages

Cities should consider allowing attached cottages, which comply with the other features of cottage housing but may include clusters of duplex or triplex-style buildings. This arrangement creates more room for common open space and helps improve energy efficiency, while supporting the community-oriented goals of some cottage housing developments.

Courtyard Apartments

Courtyard apartments is one of the middle housing types defined by RCW 36.70A.030.⁶⁹ Particular design features are included in the definition, The definition states that courtyard apartments have dwelling units arranged on two or three sides of a yard or court.

Because courtyard apartments are defined by a yard or court, common open space standards are provided in the model ordinances. There is also an entry standard which allows unit entries to face either the street or the common space.

Pedestrian Access

A pedestrian access standard ensures clear and accessible pedestrian routes are provided between buildings and streets. A paved pedestrian connection, as opposed to unpaved, is important to ensure that pedestrian access is permanently available to provide safe and reliable pedestrian access for people using mobility devices and for deliveries and emergencies (i.e., carts and gurneys). If a middle housing building is located at the back of a lot or has alley access, the pedestrian access standard also ensures that residents and visitors have easy access to the street and access to vehicles parked on-street.

The standard is also written with flexibility in mind. Driveways, which are often walked upon and already connect a building and a street, may be used to meet the standard instead of a separate paved connection. The standard does not preclude the use of ramps or stairs.

Note that the standard provides an objective measurement of three feet minimum width for the paved connection. Cities may require increased width to meet Americans with Disabilities Act (ADA) standards, and larger middle housing developments with more foot traffic on a shared pedestrian connection may warrant a wider pathway.

Vehicle Access, Carports, Garages, and Driveways

This set of standards related to vehicle access, garages and carports is adapted from the Oregon middle housing model ordinances. This standard seeks to balance the practical need for vehicular access while prohibiting designs that are dominated by multiple garages and driveways along a street, which can have significant impacts on the walkability and visual character of residential neighborhoods.



The model ordinances include a standard that prevents designs like these with excessive driveway widths and garage dominated designs.
Source: MAKERS.

⁶⁹ [RCW 36.70A.030](#)(10)

The standard anticipates two scenarios: lots with alley access or no alley access.

Alley Access

Alley access is preferred because it allows vehicle parking, services, and utilities to be collected in the rear of a development and create a more continuous and walkable streetscape in front of the lot. The alley access requirement applies to “an improved alley that meets the city’s standard for width.” This standard does not distinguish between whether the alley is or is not paved since some cities do not require paving or may have pre-existing alleys that are not paved. Alleys that are platted but unbuilt, steep, or have other accessibility issues likely would not be considered “improved” by most cities.

No Alley Access

Because many cities and neighborhoods do not have alleys, the standard also provides requirements for lots that need to take vehicular access from a street. The first preference is that garages and off-street parking areas be screened from the street by a building with dwelling units; for example, a townhouse development may have garages on the bottom of each unit that are accessed from the rear of the building by a shared drive that connects to the street in front. However, not every middle housing configuration and lot can physically or economically accommodate this. When parking cannot be screened and must be visible from the street, the model ordinance recommends that the width of off-street parking areas be limited in relation to the length of the lot’s street frontage. If a garage or off-street parking area is located more than 100 feet from a street it would be exempt from this standard.

Covered Entries

The Model Ordinance for Tier 3 Cities provides for covered entries. Covered entries lend a sense of human scale to homes. The three-foot dimension allows a resident to open a locked door out of the rain.

Windows and Doors

The Model Ordinance for Tier 3 Cities provides a design standard that at least 15 percent of the area of the street-facing façade elevation include windows or doors. This type of standard is a common requirement that orients dwelling units towards the street and provides “eyes on the street” for safety. Note that it does not specify that doors need to be transparent to qualify. Whereas the 15 percent standard is relatively common for those communities that regulate façade transparency, allowing doors to qualify offers flexibility. Cities can consider adding additional language which clarifies garage doors do not qualify towards the 15 percent minimum, considering one of the purposes of the design standards is to de-emphasize garages and driveways.

Unit Articulation Standards

Façade articulation standards for townhouses and multifamily development help reduce the perceived scale of multi-unit buildings and add architectural variety and visual interest. Thus, cities might consider applying similar standards for middle housing. Articulation standards are particularly helpful for compatibility for larger middle housing buildings where multiple entries are visible from the street. By providing clear and objective options, an articulation standard can meet the requirement to not affect the generally allowed density, height, bulk, or scale of middle housing.

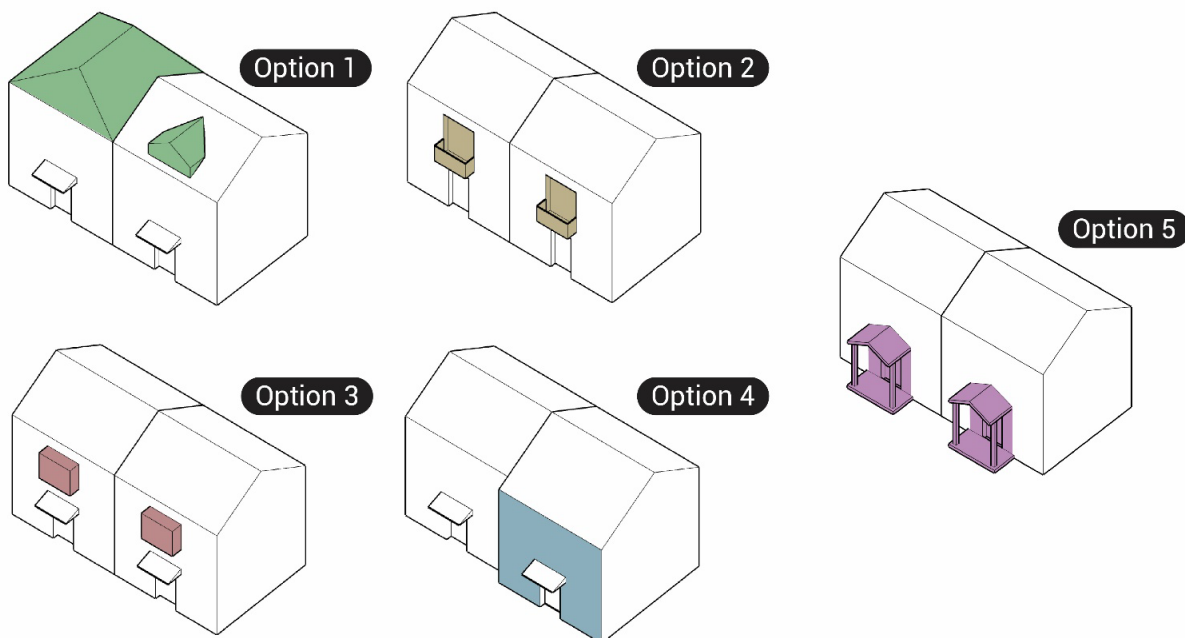
Below is an articulation standard developed for middle housing purposes. It is titled “Unit Articulation” since it applies only to multi-unit buildings facing the street and featuring separate ground level entrances.

X. Unit articulation.1. *Applicability.*

- a. *Each attached unit featuring a separate ground level entrance in a multi-unit building facing the street shall include at least one of the articulation options listed in subsection (X)(2) below.*
- b. *Facades separated from the street by a dwelling or located more than 100 feet from a street are exempt from this standard.*

2. *Articulation options:*

1. *Roofline change or a roof dormer with a minimum of four feet in width.*
2. *A balcony a minimum of two feet in depth and four feet in width and accessible from an interior room.⁷⁰*
3. *A bay window that extends from the façade a minimum of two feet.⁷¹*
4. *An offset of the façade of a minimum of two feet in depth from the neighboring unit.*
5. *A roofed porch at least 50 square feet in size.*



⁷⁰ "Balcony" refers to a platform that projects from the wall of a building and is surrounded by a railing or balustrade.

⁷¹ A "bay window" is a window placed on an extension from an exterior wall.

Minimum Usable Open Space

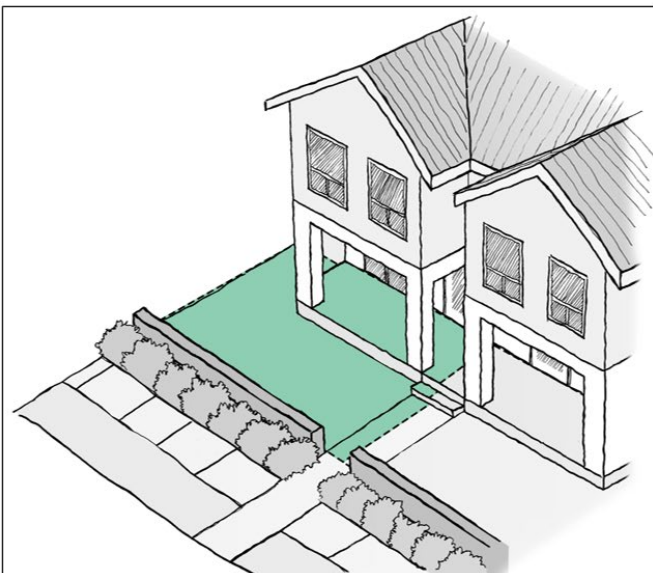
Many cities that allow for small lot detached single-family development or middle housing development require some form of minimum usable open space. Such standards can bring extra protection beyond basic setback requirements and minimum lot coverage to ensure that each unit has on-site open space that meets a minimum dimension.

For cities allowing up to two units on a lot, consider a standard that requires open space equivalent to at least 10 percent of the lot area with a minimum dimension of 15 feet on all sides of the open space. Each unit must have direct access to the open space.

Where the lot density exceeds three units, consider a minimum 10 feet or 12 feet dimension to accommodate more flexibility, while ensuring a minimum usable dimension.

For stacked flats and buildings with four to six units more flexibility is warranted, as direct access to a ground level open space may not be possible. Thus, provisions for common open space that is physically accessible to each unit will be important. Private balconies and shared roof decks can also be open space resources that enhance the livability of middle housing.

Given space limitations on small lots and lots with two or more units, it is important to provide the opportunity to locate usable open space in the front yard. Front yards in many single-family neighborhoods are seldom used. However, front yards defined by a low fence, particularly when combined with a front porch, can make for effective usable yard space.



Front yards and porches can be a particularly good source of usable open space for middle housing. Source: MAKERS

Design Standards Departures

Cities also have an option to offer departure requests to middle housing design standards. Departures should only be made available if processed administratively and where a clear and objective design standard is provided as the starting point that provides a straightforward path to compliance. Applicants seeking departures volunteer to depart from an objective standard. In order for the planning director or their designee to evaluate a departure request, clear purpose statements must be provided for each design standard and additional criteria could be added for specific departure opportunities.

Example text for departure criteria is below.

- a. Departures are available for all design standards herein. Departures provide applicants with the option of proposing alternative designs when the applicant can demonstrate a design is equal to or better for meeting the “purpose” of a particular standard.
- b. Departures shall be administrative and reviewed, approved, or denied by the planning director or the planning director’s designee.
- c. The planning director must document the reasons for all departure decisions within the project application records.

As a land use decision, design departures are subject to both administrative appeal and possibly judicial appeal under RCW 36.70C. The administrative appeal period is subject to the city’s local regulations.

Discussion

House Bill 1293 and Design Review

If a city applies design review to middle housing, RCW 36.70A.635(6)(a) requires that only administrative design review be used. Administrative design review must follow the standards of [RCW 36.70A.630](#), which was established in 2023 under House Bill 1293. Cities and counties must adopt regulations implementing [RCW 36.70A.630](#) within six months of their next periodic comprehensive plan update.

With limited exceptions, such as for listed historic structures, the new requirements apply to development projects for which a city conducts design review, and whether the design review process is administrative (conducted by city staff) or public (conducted by a design review board).

The key requirement is that the design review process may only apply “clear and objective development regulations” which govern the exterior design of new development. A “clear and objective” development meets the following criteria:

1. Must include one or more ascertainable guideline, standard, or criterion by which an applicant can determine whether a given building design is permissible under that development regulation; and
2. May not result in a reduction in density, height, bulk, or scale below the generally applicable development regulations for a development proposal in the applicable zone.

The design standards in Section 8 of the Model Ordinances and User Guide are compliant with these criteria.

Administrative Design Review

Administrative design is defined by the GMA as:

“...a development permit process whereby an application is reviewed, approved, or denied by the planning director or the planning director’s designee based solely on objective design and development standards without a public predecision hearing, unless such review is otherwise required by state or federal law, or the structure is a designated landmark or historic district established under a local preservation ordinance. A city may utilize public meetings, hearings, or voluntary review boards to consider, recommend, or approve requests for variances from locally established design review standards.” (RCW 36.70A.030(3))

The design standards provided in the Model Ordinance and User Guide are objective and measurable and are written to be efficient for staff to implement if the Model Ordinance, especially if the city does not adopt middle housing regulations by the city’s statutory deadline. Administrative design review is to be reviewed and

decided by a planning director or their designee, with the exceptions noted in the definition. Informational resources about design review implementation are listed at the end of this chapter.

Exceptions to administrative design review may be made in cases where review is required by state or federal law, or if the structure is a designated landmark or within a historic district established by a local preservation ordinance. Public meetings, hearings, or voluntary design review boards may also be used to consider, recommend, or approve requests for variances from locally established design review standards.

As a land use decision, administrative design review is subject to both administrative appeal and possibly judicial appeal under RCW 36.70C. The administrative appeal period is subject to the city's local regulations.

Trees

RCW 36.70A.635(6)(b) provides that “tree canopy and retention requirements” shall not be more restrictive for middle housing than for detached single-family residences. Other tree related development standards may include, but are not limited to, significant tree preservation, planting of new trees, and tree maintenance.

Trees provide considerable benefits to a community, including stormwater management, noise buffering, soil erosion reduction, supporting climate change strategies, providing habitat, and fostering aesthetics. Additionally, as noted by the environmental organizations focus group, trees are an equity issue with lower-income neighborhoods tending to have less tree canopy than higher-income neighborhoods. Many communities have adopted urban forestry regulations to address the planting, maintenance, care, and protection of tree populations.



Example of a new middle housing development that is protecting existing trees. Source: MAKERS

Rather than have the model ordinances offer specific prescriptive recommendations for tree preservation and retention for one use (or subgroup of uses) like middle housing, cities should consider developing a comprehensive tree regulation strategy that thoroughly reviews, considers and updates existing tree regulations as a broader package across all uses and type of permit applications. Tree regulations should seek to balance and consider housing and environmental goals like climate change and air quality, local benefits of mature trees, voluntary and other tree planting programs, and available administrative and enforcement resources.

Some cities have tree standards that promote maintaining or growing the overall tree canopy, rather than focusing on individual trees. For example, Port Orchard's McCormick Village Overlay District requires a plan that achieves a minimum 25 percent tree canopy coverage in 20 years upon maturity of the trees. Significant tree retention is only required if the significant tree is located with any perimeter landscaping requirement, critical area protection areas, and required buffers.⁷²

References

Design review

- [Design Review, American Planning Association](#) (collection of knowledge resources)
- [Design Review: Guiding Better Development, American Planning Association](#) (publication)

⁷² [POMC 20.38.280](#)

- [Design Review in the Pacific Northwest, American Planning Association](#) (conference session)
- [Design Review, Municipal Research Service Center](#)
- [Short Course on Local Planning, Department of Commerce](#) (see the special topic videos on infill development for small cities)

Examples of small city design standards

- [Port Angeles Residential Infill Design Standards \(Chapter 17.21 PAMC\)](#)
- [Anacortes Housing Type Design Standards \(AMC 19.43.010\)](#)

Trees

- [Urban Forestry, Municipal Research Service Center](#)
- [Redmond Tree Protection Ordinance \(RMC 21.72\)](#)
- [Olympia Tree, Soil, and Native Vegetation Protection and Replacement Standards \(OMC 16.60\)](#)
- [Seattle's 2023 Tree Protection Ordinance – Ordinance 126821](#)

2.9 – Parking Standards

Section 9 Model Ordinance Text

The Model Ordinance text is copied below for reference. Footnotes may have been added to the model ordinance text in this User Guide to provide supporting information. Refer to User Guide Chapter 1.3 for information on the difference between bold text and non-bold text.

A. Off-street parking for middle housing shall be subject to the following:

1. **No off-street parking shall be required within one-half mile walking distance of a major transit stop.⁷³**
2. **A maximum of one off-street parking space per unit shall be required on lots smaller than 6,000 square feet, before any zero lot line subdivisions or lot splits.⁷⁴**
3. **A maximum of two off-street parking spaces per unit shall be required on lots greater than 6,000 square feet before any zero lot line subdivisions or lot splits.⁷⁵**

B. The provisions of subsection (A) do not apply to:

1. **Portions of the city for which the Department of Commerce has certified a parking study in accordance with RCW 36.70A.635(7)(a), in which case off-street parking requirement shall be as provided in the certification from the Department of Commerce.⁷⁶**
2. **Portions of the city within a one-mile radius of a commercial airport in Washington with at least 9,000,000 annual enplanements in accordance with RCW 36.70A.635(7)(b).^{77, 78}**

Local Policy Choice

Number of Parking Spaces Required per Unit

The Model Ordinance uses the off-street parking requirements of RCW 36.70A.635(6)(d) through (f).

However, in establishing off street parking requirements for middle housing, cities should give consideration to how off-street parking may occupy land area that could affect middle housing site design, especially on smaller lots, as well as affect project affordability through the costs associated with developing parking. Off-street parking requirements can also affect unit count of a middle housing project and be a deciding factor in whether a middle housing project is or is not built.

For these reasons, it is recommended that cities consider at most a minimum parking requirement of one space for middle housing unit, regardless of lot size. This is the same as the one-space maximum a city can

⁷³ [RCW 36.70A.635\(6\)\(d\)](#). This standard applies only to middle housing, not all development. However, elimination of adjustment of other parking standards near major transit stops is encouraged. See the local policy choice and discussion sections

⁷⁴ RCW 36.70A.635(6)(e)

⁷⁵ RCW 36.70A.635(6)(f)

⁷⁶ RCW.70A.635(7)(b) The Department of Commerce is working on guidance for this provision which will be completed by May 1, 2024.

⁷⁷ This only applies to Seattle-Tacoma International Airport. Enplanement data is provided by the Federal Aviation Administration: https://www.faa.gov/airports/planning_capacity/passenger_allcargo_stats/passenger

⁷⁸ RCW.70A.635(7)(b) The Department of Commerce is working on guidance for this provision which will be completed by May 1, 2024.

require on lots less than 6,000 square feet, but is less than the two-space maximum a city can require on lots greater than 6,000 square feet in size. One parking space per middle housing unit, regardless of lot size, can improve the physical and economic feasibility of developing middle housing.

Lots exactly 6,000 square feet in size are not addressed by RCW 36.70A.635(6)(e) and (f). Cities that choose to provide different parking requirements based on lot sizes being less than or greater than 6,000 square feet may choose whether to apply RCW 36.70A.635(6)(e) or RCW 36.70A.635(6)(f). Again, it is recommended that cities require no more than one parking space per middle housing unit in general, including lots exactly 6,000 square feet in area.

Affordable Housing

Affordable housing is difficult to finance without subsidy, and off-street parking represents a substantial cost of developing housing. Households who might occupy HB 1110 affordable housing units may own fewer vehicles than moderate- and higher-income households.⁷⁹ Cities should consider eliminating off-street parking requirements for affordable housing units.

Major Transit Stops

See User Guide Chapter 3.2 for guidance on how walking distance to major transit stops may be measured.

Other State Law Parking Requirements

HB 1337, passed in 2023, has parking requirements for accessory dwelling units which are similar to what RCW 36.70A.635 provides for middle housing. See RCW [36.70A.681](#)(2). For the purposes of parking requirements for accessory dwelling units, under [RCW 36.70A.696](#)(8) there is a slightly different definition of “Major transit stop” than for middle housing.

[RCW 36.70A.620](#) has provisions on the amount of parking that can be required near certain types of transit for various types of affordable housing, housing for seniors and people with disabilities, and market rate multifamily units. The standards in RCW 36.70A.620 do not conflict with the standards of RCW 36.70A.635 or the Model Ordinances, but they should be reviewed so that in instances where there may be overlap, required off-street parking is consistent with both RCW sections.

Exemptions

The off-street parking standards of RCW 36.70A.635(6) do not apply in two situations:

- If a city submits to Commerce an empirical study prepared by a credentialed transportation or land use planning professional that clearly demonstrates, and Commerce finds and certifies, that middle housing parking required by HB 1110 would be significantly less safe for pedestrians, bicyclists, or people in vehicles than if the jurisdiction's parking requirements were applied to the same location for the same number of detached houses.⁸⁰ Commerce will develop guidance for this exemption by May 31, 2024.

⁷⁹ “Socioeconomics of urban travel in the U.S.: Evidence from the 2017 NHTS.” Transportation Research Part D: Transport and Environment, Volume 116, 2023. <https://www.sciencedirect.com/science/article/pii/S1361920923000196?via%3Dihub>

⁸⁰ [RCW.70A.635](#)(7)(a)

- In portions of cities within a one-mile radius of a commercial airport in Washington with at least 9,000,000 annual enplanements, in accordance with RCW 36.70A.635(7)(b).⁸¹ This only applies to Seattle-Tacoma International Airport, according to enplanement data provided by the Federal Aviation Administration.⁸²

Cities not planning to employ the “empirical study” exemption, and cities located further than one mile from applicable airports, have the option to not adopt Model Ordinance Section 9, subsection (B).

On-Street Parking Credit

To add flexibility and reduce construction costs, cities may consider allowing on-street parking to be credited toward any minimum off-street parking requirements. This approach is provided in the Oregon middle housing model codes. The credit could be written with the following types of standards intended to promote on-street parking in appropriate locations.

X. If on-street parking spaces meet all of the following conditions they shall be counted toward the minimum off-street parking requirement for middle housing.

- 1. On-street parking is allowed and abuts the subject site.*
- 2. The space must be a minimum of 20 feet long.⁸³*
- 3. The space must not obstruct a required sight distance area.*
- 4. The on-street parking shall not be deeded, or for exclusive use, to any property.*



Street parking in a residential neighborhood. Source: MAKERS.

Conversions

To encourage preservation and rehabilitation of existing structures, cities may consider exempting off-street parking requirements for middle housing conversion projects up to a certain size. This would allow greater flexibility for conversions or additions where the existing building placement makes it difficult or not possible to add new parking. The following provision would address common conversion proposals:

X. No additional off-street parking shall be required for conversion of a detached single-family residence to a middle housing type with up to four units (whether additional units are attached or detached with the original structure).

⁸¹ [RCW.70A.635\(7\)\(b\)](#)

⁸² “Passenger Boarding (Enplanement) and All-Cargo Data for U.S. Airports.” Federal Aviation Administration. https://www.faa.gov/airports/planning_capacity/passenger_allcargo_stats/passenger

⁸³ Item (2) could be revised to the standard length of a parallel parking space in the city if it is different than 20 feet.

Covered Parking

To allow greater flexibility and to reduce the cost of providing housing, cities may consider not requiring that parking be covered or indoors. Outdoor parking is common in residential neighborhoods.⁸⁴ This could be addressed by adopting an additional subsection:

X. Parking for middle housing shall not be required to be located within a garage, carport, or other structure.

Discussion

Eliminating Off-Street Parking Requirements

Beyond one-half mile distance of a major transit stop, jurisdictions may consider eliminating minimum off-street parking requirements entirely for middle housing (and other residential land uses) to reduce the costs and physical complexity of providing housing and reduce the costs of owning and renting housing.

Off-street parking takes up land area and can create both physical and economic feasibility barriers to middle housing development. Reducing parking requirements can prove extremely helpful in supporting diverse housing types at lower price points. This is particularly an opportunity where local transit service is strong, bike and pedestrian infrastructure is well-connected, and residential areas are within close proximity to jobs centers and shopping areas. Builders can continue to build parking at their discretion to meet market demand even without regulatory requirements for parking.

The cost of providing surface parking can increase the per-unit construction cost of middle housing between approximately \$5,000 and \$50,000 depending on the type of parking, number of stalls required, drive aisle area, and turnaround space. Enclosed parking spaces can add even more costs to the construction cost of a housing unit depending on the level of conditioning and finishing requirements.

In addition, off-street parking can create significant physical barriers to middle housing development on infill sites, especially when space limitations require that parking be located in what would otherwise be buildable area for the structure. These physical limitations translate to economic impacts to development feasibility and financial yield that can cause middle housing to be built at lower densities or not be feasible at all.

In summary:

- Parking is expensive. Parking space construction ranges from \$5,000 - \$6,000 a stall for surface parking, \$20,000 - \$25,000 a stall for above ground structured parking, and \$30,000 - \$50,000 a stall for underground parking ([Cascadia Partners, 2023](#); [VTPI, 2022](#); & [City of Lacey, 2021](#)).
- High parking mandates negatively impact the financial feasibility of middle housing development.
- High parking mandates are spatially difficult to fit on a lot and compete against livable and open space.
- Parking is a popular amenity and developers will often choose to include off-street parking in middle housing projects where feasible.

⁸⁴ "One in Three Garages Has No Car in It." Sightline Institute, 2022. <https://www.sightline.org/2022/04/27/one-in-three-garages-has-no-car-in-it/>

SEPA Exemption

HB 1110 amends [RCW 43.21C.495](#), a section of the State Environmental Policy Act (SEPA). It adds subsection (6) that states:

The following nonproject actions are categorically exempt from the requirements of this chapter:

...

(6) Amendments to development regulations to remove requirements for parking from development proposed to fill in an urban growth area designated according to RCW 36.70A.110.

This means implementation of subsection (A)(1) in Model Ordinance Section 9, which removes minimum parking requirements within one-half mile of major transit stops, does not require SEPA review. It also means that other actions which go beyond subsection (A)(1), such as removing minimum parking requirements for any use and in any location within an urban growth area, do not require SEPA review.

Parking with Zero Lot Line Subdivision and Lot Splits

RCW 36.70A.635(6)(e) and (f) establish parking requirements based on lot size “...before any zero lot line subdivisions or lot splits.”

A “lot split” is a type of subdivision intended to streamline the typical subdivision process and/or allow for a minimum of two housing units on the same land presently occupied by a single housing unit, and/or allow the creation lots that are less than the minimum lot size required in a zone. The concept has gained recent attention after California authorized lot splits starting in 2022.⁸⁵

In Washington state law a “lot split” is undefined and there is currently no authorization or requirement for allowing lot splits. Therefore, at the time of publication in January 2024, this User Guide does not provide any guidance for cities on responding to the lot split references in in RCW 36.70A.635(6)(e) and (f).

The term “zero lot line” is used in several times in RCW 36.70A.635. State law does not define “zero lot line” nor “zero lot line subdivision.” Cities should interpret “zero lot line” to mean the physical state of a building located, or permitted to be located, on one or more property lines on a lot. This state can be achieved where a zoning setback requirement is zero feet, within an attached townhouse development, in a unit lot subdivision, or through other code mechanisms.

References

- Cost per space for parking ([Cascadia Partners, 2023](#); [VTPI, 2022](#); & [City of Lacey, 2021](#)).
- Middle Housing Implementation Pro-Forma Calibration and Assumptions ([Cascadia Partners](#))
- Middle Housing Implementation Pro-Forma Sensitivity Testing ([Cascadia Partners, 2023](#))
- Portland Middle Housing Case Study ([Cascadia Partners, 2023, pg. 27](#))
- City of Olympia Washington reduces parking minimums for all residential units [Ordinance 7366](#) (2023)
- [A Business Case for Dropping Parking Minimums](#), 2022, Planning Magazine
- [Parking Reform Network](#)

⁸⁵ “SB 9 Fact Sheet.” California Department of Housing and Community Development. <https://www.hcd.ca.gov/docs/planning-and-community-development/sb9factsheet.pdf>

2.10 – Infrastructure Standards

Section 10 Model Ordinance Text

The Model Ordinance text is copied below for reference. Footnotes may have been added to the model ordinance text in this User Guide to provide supporting information. Refer to User Guide Chapter 1.3 for information on the difference between bold text and non-bold text.

- A. Transportation. Regulations for driveways, frontage improvements, alley improvements, and other transportation public works and engineering standards shall not be more restrictive for middle housing than for detached single-family residences, except as addressed by this ordinance.
- B. Lot Access/Road Standards.
1. Private driveway access shall be permitted for middle housing development with any number of units when a fire apparatus access road is within 150 feet of all structures on the lot and all portions of the exterior walls of the first story of the buildings, as measured by an approved route around the exterior of the buildings.
 2. When a fire apparatus road is not within 150 feet of all structures on the lot, subsection (B)(1) does not apply and one of the following conditions must be met:
 - a. The building is equipped throughout with an approved automatic sprinkler system meeting International Fire Code requirements.
 - b. No more than two units are accessed via the same private driveway.
 - c. Fire apparatus access roads cannot be installed because of location on property, topography, waterways, nonnegotiable grades or other similar conditions, and an approved alternative means of fire protection is provided.
 3. Private driveways shall not be required to be wider than 12 feet and shall not be required to have unobstructed vertical clearance more than 13 feet six inches except when it is determined to be in violation of the International Fire Code or other fire, life, and safety standards, such as site distance requirements.
 4. Private driveway access, separate from access to an existing home, shall be permitted unless it is determined to be in violation of the Fire Code or other fire, life, safety standards, such as site distance requirements.
 5. This subsection is not intended to limit the applicability of the adopted fire code, except as otherwise presented in this subsection.
-

Discussion

Public works and infrastructure standards that create conditions on development are a “development regulation” subject to RCW 36.70A.635(6)(b). This is supported by the definition of “development regulations” under RCW 36.70A.030.

To comply with RCW 36.70A.635(6)(b), public works and infrastructure development standards cannot be more restrictive for middle housing than for detached single-family residences.

However, some level of discretion is appropriate to account for functional and utilitarian differences between middle housing and detached single-family residences and to promote public health, safety, and welfare. Differences in standards are most appropriate when they are based on the number of dwelling units (not based on the specific type of residential building). Differences are also appropriate where a middle housing development is large (e.g., more than 12 units) and begins to have similarities to multifamily development, which has greater impacts and larger economies of scale that can absorb additional costs.

Examples and further considerations are below.

Street Frontage and Alley Improvements

The standard of RCW 36.70A.635(6)(b) means, for example, that permitting for a fourplex cannot be conditioned upon an unpaved alley being paved or curb, gutter, and sidewalk being provided on a street frontage if a detached single-family residence on the same lot would not have the same condition.

However, street frontage and alley improvements could be required based upon technical metrics such as the number of PM peak hour vehicle trips estimated to be generated by a development. For example, one city in Washington requires that where a sidewalk is missing in front of a lot proposed for development the sidewalk must be provided if the development will generate 10 or more PM peak hour vehicle trips.

Cities should also consider addressing deficiencies in their pedestrian and bicycle networks in areas where an increase in density is expected as a result of complying with RCW 36.70A.635. City-led projects, such as creating an entire block of new sidewalk, can often result in better mobility outcomes than waiting for piecemeal improvements contributed by individual private developments.

Lot Access/Road Standards

Cities may need to adjust their standards for shared access provisions, particularly for those lots that don’t have direct access to a public right-of-way. The Model Ordinance sets a base minimum width for such a shared access lane of 12 feet and seeks to ensure that such shared access lanes meet International Fire Code requirements. Cities should review current private road or driveway access standards to see if they would accommodate development of one or more housing units in the rear of a lot when the existing home is retained. Are the required widths narrow enough to accommodate access between the side property line and existing house? Do current standards allow the number of units required to be allowed under RCW 36.70A.635(1)? Are there other road standards that might need to be adjusted to work when applied to small lot development?

Water and Sewer

Water and sewer utility purveyors (cities, special districts, and private purveyors) should have flexible requirements for the design of water and sewer connections to middle housing lots and buildings. There are advantages and disadvantages to centralized and shared lateral connections and metering, and there may be different ownership arrangements, cost implications, and other reasons that require a variety of approaches.

For example, a sixplex developer should be able to choose between having a master meter maintained by a homeowner's association and having separate meters for each unit.

When development occurs on a larger lot and the lots resulting from that development can be redeveloped under RCW 36.70A.635, consider requiring installation of water and sewer lines that are sized to accommodate future redevelopment on each lot. This may not be necessary if the lots created are small enough where redevelopment would not be possible.

Stormwater

Stormwater runoff is produced when precipitation falls on impervious surfaces and flows into storm drains and streams. Impervious surfaces include building roofs and pavement. Some configurations of middle housing are relatively compact and do not necessarily increase impervious surface area beyond that of a typical detached single-family residence, and so the impact of redeveloping individual lots may be minimal. Allowing tall structures and requiring little or no surface parking/driveways can potentially reduce impervious surface in general. Because many Washington cities were developed before modern stormwater controls, new development tends to improve stormwater treatment because it includes modern infrastructure.

Cities should also allow on-site and off-site mitigation options when impervious surface resulting from middle housing development could approach or exceed the limitations for a stormwater system. For example, allowing pervious paving and grasscrete for driveways; reducing the amount of required off-street parking; allowing for vegetated roofs, rain gardens, and bioswales which capture or slow stormwater; allowing off-site strategies such as converting unused on-street parking to landscaped areas; allow the building of rain gardens or bioswales such as parks or street planter strips; or allowing modification or expansion of existing stormwater facilities to accommodate additional development.

Note that most development of 5,000 square feet or more of impervious surface on a lot triggers more requirements for on-site stormwater treatment.

Solid Waste

Because trash is a public health and safety concern, it is reasonable to have solid waste standards that scale with the size of development. Large numbers of bins can also be a transportation concern, especially for people walking. Larger middle housing developments may be required to provide a centralized trash dumpster area meeting environmental protection standards instead of each unit being permitted to have individual trash bins.



Solid waste bins in an alley for a six-unit townhouse development. Source: MAKERS.

References

- [King County Capacity Charge](#). Example of a utility fee which is graduated based on the size and type of residential dwelling.
- [Department of Ecology municipal stormwater permits](#). Information on what types of stormwater requirements are in place for jurisdictions across the state.

3.0 – Additional Considerations

3.1 – Existing Zones and Overlay Zones

To implement RCW 36.70A.635, cities have the option: to: (1) amend their existing zones; (2) create a “middle housing overlay zone”; or (3) create a new zone or zones. There are advantages and disadvantages to each approach.

Amending Existing Zoning

Cities may choose to change allowed uses, density limits, and other standards in existing residential zones to comply with RCW 36.70A.635. In a typical zoning district predominantly for residential use and where only detached single-family residences are currently allowed, the zoning district’s allowed uses must be amended to allow middle housing in general or specific middle housing types.

The existing dimensional standards and other standards in the zone may be retained to apply to both detached single family residences and middle housing. However, pre-existing dimensional standards may be poorly suited to desired middle housing outcomes. For example, large building setbacks and low building height requirements could make middle housing development challenging, especially on smaller lots. At the same time, adjusting standards for both single-family and middle housing types could allow significantly larger single-family homes (sometimes known as “McMansions”) to be built. This can be mitigated by allowing more generous standards for middle housing buildings. When updating dimensional standards, cities should look to the applicable Model Ordinance for their tier for guidance.

In existing multifamily zones, cities will need to adjust density or minimum lot area per unit standards that would preclude the required unit density for their tier on a typical lot, or to establish an exception to allow middle housing to exceed the base maximum density.

Tier	Base Unit Density	Typical Lot Sizes	Density
Tier 1 / Tier 2	2	5,000 SF	17.4 dwelling units per acre
Tier 1 / Tier 2	2	7,500 SF	11.6 dwelling units per acre
Tier 3	4	5,000 SF	34.8 dwelling units per acre
Tier 3	4	7,500 SF	23.2 dwelling units per acre

Overlay Zones

A second option is the use of overlay zones. Creating a difference in dimensional standards between detached single-family residences and middle housing is one reason cities may be interested in creating an overlay zone with standards specific to middle housing. This has the advantage of organizing middle housing standards in a separate code section, at the cost of increased complexity, with overlay provisions that would need to be repeatedly cross-referenced throughout the code. Cities must also consider that every zone subject to RCW 36.70A.635 would need to be shown on the zoning map with an overlay symbol.

New Zones

A third option is to create an entirely new zone or zones that complies with RCW 36.70A.635 to replace existing low-density zones. This provides the opportunity to start with a clean slate and create standards well-calibrated to deliver desired outcomes. Several Washington cities are already undertaking this effort in conjunction with their comprehensive plan updates.

Zone Names

Some cities are also updating zone and land use designation names that eliminate the term “single family” in favor of more generalized terms that emphasize development intensity. Examples include Residential 1, Residential 2, etc., where the lowest number equates to the lowest density; or R-L, R-M, R-H, to emphasize low, medium, and high density; or various versions of “Neighborhood Residential” zones.

3.2 – Major Transit Stops

Types of Major Transit

The definition of “Major transit stop” includes stops for at least the following types of transit systems:

- Light rail.
- Commuter rail.
- Amtrak.
- Streetcar.
- Monorail.
- Bus rapid transit.
- Trolley buses.
- Other transit funded or expanded under the provisions of chapter 81.104 RCW.

Note that for accessory dwelling units, under RCW 36.70A.696(8) there is a different definition of “Major transit stop” than for middle housing.

Chapter 81.104 RCW

This chapter of the RCW is for high capacity transportation systems, which are defined in the chapter as “a system of public transportation services within an urbanized region operating principally on exclusive rights-of-way, and the supporting services and facilities necessary to implement such a system, including interim express services and high occupancy vehicle lanes, which taken as a whole, provides a substantially higher level of passenger capacity, speed, and service frequency than traditional public transportation systems operating principally in general purpose roadways.”

Chapter 81.104 RCW currently only applies to Sound Transit, which operates high-capacity transportation systems in King, Pierce, and Snohomish counties including light rail, commuter rail, and intercity express buses. All of the transit stops for Sound Transit services, including intercity express buses, are a major transit stop.

Sound Transit is actively modifying its express bus system as light rail and bus rapid transit are built out. Changes to the express bus system undergo public outreach and require the approval of the Sound Transit Board of Directors. Occasionally, like other transit agencies, Sound Transit also administratively modifies express bus routes and stops via the regular service change process. Cities in King, Pierce, and Snohomish

counties should stay updated on Sound Transit’s express bus service changes to ensure continued compliance with RCW 36.70A.635.⁸⁶

Fixed Guideway Systems

“Fixed guideway system” is not defined in the Growth Management Act (GMA) but is defined in the Washington Administrative Code (WAC). Under [WAC 173-424-110](#) fixed guideway means “...a public transportation facility using and occupying a separate right of way for the exclusive use of public transportation using rail, a fixed catenary system, trolley bus, streetcar, or an aerial tramway.”

The [trolley bus network](#) operated by King County Metro is an example of a non-rail fixed guideway system.

Bus Rapid Transit (BRT)

Bus rapid transit is not defined in the GMA, the Revised Code of Washington (RCW), or the WAC.

The Puget Sound Regional Council [Regional Transportation Plan](#), which applies to the central Puget Sound region (King, Pierce, Snohomish, and Kitsap counties) describes bus rapid transit as the following: “Bus rapid transit (BRT) routes in the region are distinguished from other forms of bus transit by a combination of features that include branded buses and stations, off-board fare payment, wider stop spacing than other local bus service, and other treatments such as transit signal priority and business access and transit (BAT) lanes.”

For further reference, the Federal Transit Administration defines BRT as: “Fixed-route bus systems that operate at least 50 percent of the service on fixed guideway. These systems also have defined passenger stations, traffic signal priority or preemption, short headway bidirectional services for a substantial part of weekdays and weekend days; low-floor vehicles or level-platform boarding, and separate branding of the service. Agencies typically use off-board fare collection as well. This is often a lower-cost alternative to light rail.”⁸⁷ This is consistent with a similar definition and BRT standards maintained by the Institute for Transportation & Development Policy.⁸⁸

The following services operated by transit agencies in Washington are examples of BRT:

- King County [RapidRide routes.](#)
- Sound Transit [Stride routes.](#)
- Community Transit [Swift routes.](#)
- Spokane Transit Authority [City Line.](#)
- C-TRAN [BRT routes.](#)

⁸⁶ See the Sound Transit “service changes” webpage for the latest information, including an email contact and subscription for service changes. <https://www.soundtransit.org/ride-with-us/changes-affect-my-ride/service-changes>

⁸⁷ “National Transit Database (NTD) Glossary.” Federal Transit Administration. <https://www.transit.dot.gov/ntd/national-transit-database-ntd-glossary>. See also: <https://www.transit.dot.gov/research-innovation/bus-rapid-transit>

⁸⁸ “What is BRT?” Institute for Transportation & Development Policy. <https://www.itdp.org/library/standards-and-guides/the-bus-rapid-transit-standard/what-is-brt/>

Transit-Oriented Development

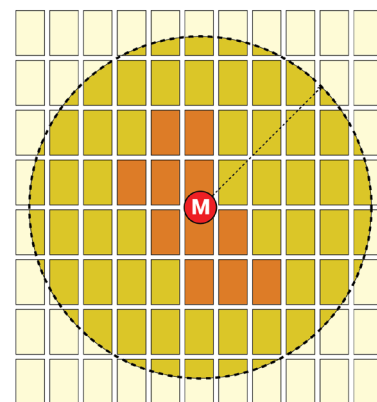
Cities should consider going beyond the requirements of RCW 36.70A.635(1) near major transit stops and permitting transit-oriented densities, multifamily housing, and a variety of non-residential uses. The Department of Commerce provides many transit-oriented development (TOD) resources, including grant funding for TOD planning and examples of TOD planning documents.⁸⁹ See also the TOD page from the Municipal Research and Services Center.⁹⁰

Measuring Walking Distance

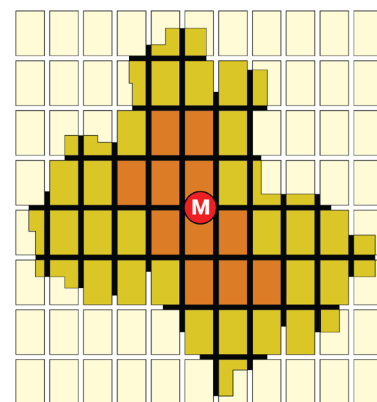
Cities with major transit stops (RCW 36.70.030(25)) must consider both unit density increases, and specific middle housing parking requirements based on distance to the major transit stop. Tier 1 cities must allow at least six units per lot on all lots zoned predominantly for residential use within one-quarter mile walking distance of a major transit stop while Tier 2 cities must allow at least four units per lot within one-quarter mile walking distance of a major transit stop. For all cities subject to RCW 36.70A.635(1), no parking is required for middle housing within one-half mile walking distance of a major transit stop.⁹¹

Cities can measure distances from major transit stops in at least two different ways. Each method comes with advantages and disadvantages. The chosen methodology should be identified in the code, perhaps within a definition of “walking distance”, to ensure the methodology is consistently applied and measured over time. Inclusion of the walking distance area on the zoning map, would offer greater certainty to property owners and others as to which parcels are and are not included in the walking distance requirements of a major transit stop. A potential downside to this approach is the need to go through a procedural process to amend the zoning map should the walking distance need to be amended over time due to physical improvements that change the walking distance or routes.

For both methods it is important to consider whether to place a center point of the major transit stop or use the perimeter of the major transit stop. In general, separate radii should be drawn for each boarding and alighting point if they are separated by more than 100 feet, such as a north-bound and a south-bound bus stops that are located at opposite ends of a block. For large major transit stops, such as a rail station, the most straightforward approach is to locate center points in the middle of the station of platforms. However, the optimal approach should always be determined using the best judgement of the jurisdiction.



Radius



Path-Finding

Conceptual illustration of different methods for measuring walking distance. Source: MAKERS

⁸⁹ https://www.ezview.wa.gov/site/alias_2000/37739/library.aspx

⁹⁰ “Transit-Oriented Development.” Municipal Research Service Center. <https://mrsc.org/explore-topics/planning/development-types-and-land-uses/transit-oriented-development>

⁹¹ Walking at three miles per hour, a typical speed for an able-bodied person, means a one-quarter distance is a five-minute walk and a half-mile distance is a ten-minute walk.

Radius

In this approach, a circle is centered on the major transit stop and the radius of the circle is the required distance (one-quarter mile or one-half mile). All lots zoned predominantly for residential use which are fully within the circle should be applicable. Lots which are partially within the circle should also be applicable in order to increase housing capacity near major transit stops, though a city can also set other criteria such as at least 50% of a lot or a minimum amount of lot area is in the circle for the lot to be included.

This method has the advantage of being easy to execute. A consideration is where precisely the circle is centered for large major transit stops, such as a rail station; the approximate center of the stop or platforms is most straightforward and avoids potential complexities with using pedestrian entrances and property boundaries - however, this should be determined on a case-by-case basis using the best judgement of the city.

This method has the disadvantage of not accounting for conditions that can constrain walkability and reduce the actual area that is in reasonable walking distance of the major transit stop, such as terrain, water bodies, missing pedestrian routes, or infrastructure barriers. This disadvantage could be overcome by first drawing the circle and then customizing it to remove areas which are not reasonably in walking distance due to local conditions. Areas which are removed should have documentation explaining why they are exempt.

Path-Finding

In this approach, actual walking paths extending from a major transit stop for the required walking distance (one-quarter mile or one-half mile) are mapped using a geospatial analysis of the local street network and other pedestrian routes such as off-street trails. All lots zoned predominantly for residential use which touch the walking paths are applicable.

This method has the advantage of more accurately capturing lots within actual walking distance of major transit stops.

This method has the disadvantage of requiring access to geospatial analysis software and the skills, funding, and time to employ it. This method also requires that the analysis be repeated from time-to-time to account for changes to pedestrian infrastructure. In some cases, these disadvantages could be overcome by hiring an outside consultant who specializes in geospatial analysis. Network analysis results created for this purpose should be displayed on zoning maps and made available for download on public geographic information system (GIS) databases, if possible.

This method has the disadvantage of requiring access to geospatial analysis software and the skills, funding, and time to employ it. This method also requires that the analysis be repeated from time-to-time to account for changes to pedestrian infrastructure. In some cases, these disadvantages could be overcome by hiring an outside consultant who specializes in geospatial analysis.

Future Major Transit Stops

The definition of “Major transit stop” (RCW 36.70A.030(25)) and references to “Major transit stop” in RCW 36.70A.635 do not specify if or when to apply applicable requirements to future major transit stops which are in planning or construction.

Should a new major transit stop be planned in a city with unit per lot and/or parking requirements related to transit, then Commerce recommends that the unit per lot and parking requirements of RCW 36.70A.635 apply to that new major transit stop but be implemented when the major transit stop is open for public use.

A jurisdiction may plan for transit-oriented development around future major transit stops. The extent and level of that planning may vary depending on the type of major transit stop. The opening of a light rail station may be preceded by years of station area planning to identify land use and zoning designations. Bus rapid transit facilities may involve a less elaborate and less detailed station area planning process.

Experience has shown that property acquisition and transit-oriented development may occur far in advance of the opening of a major transit stop, particularly for high-capacity transit such as light rail. Cities should consider adopting higher densities (above those required by RCW 36.70A.635) near and around major transit stops to allow for a higher level of housing production, even in advance of the major transit stop opening.

For all major transit stops, implementation of parking requirement and unit per lot densities in RCW 36.70A.635 should be implemented as soon as the walking distance measurements can be accurately determined. Final design of the major transit stop should provide sufficient information to determine the one-quarter mile and one-half mile walking distances for lots subject to unit density and parking provisions in the Model Ordinance (see User Guide Chapters 2.5 – Unit Density and Affordable Housing and 2.6 – Middle Housing Types). At the very latest, it is recommended that implementation of unit density and off-street parking requirements should occur no later than the opening of the major transit stop for use by the public.

3.3 – Declarations and Governing Documents

While cities may review declarations and governing documents as part of a subdivision process or other development application, cities do not have the authority or obligation to enforce or invalidate them. Cities should, however, be aware of the following new provisions in state law and could help educate property owners and associations about these:

- Homeowners' association governing documents created after July 23, 2023, pursuant to Chapter 64.38 RCW may not actively or effectively prohibit the construction, development, or use of additional housing units as required in RCW 36.70A.635.⁹²
- Condominium declarations created after July 23, 2023, pursuant to Chapter 64.34 RCW may not actively or effectively prohibit the construction, development, or use of additional housing units as required in RCW 36.70A.635.⁹³
- Common interest community declarations and governing documents created after July 23, 2023, pursuant to Chapter 64.90 RCW may not actively or effectively prohibit the construction, development, or use of additional housing units as required in RCW 36.70A.635.⁹⁴
- Association of apartment owners declarations created after July 23, 2023, pursuant to Chapter 64.32 RCW may not actively or effectively prohibit the construction, development, or use of additional housing units as required in RCW 36.70A.635.⁹⁵

Existing declarations and governing documents cannot be amended in order to prohibit middle housing, but different design standards could be applied to middle housing. As cities do not have the authority to invalidate such declarations and governing documents, a challenge to a covenant would come from a third-party lawsuit.

⁹² [RCW 64.38.150](#)

⁹³ [RCW 64.34.110](#)

⁹⁴ [RCW 64.90.340](#)

⁹⁵ [RCW 34.32.330](#)

3.4 – State Environmental Policy Act (SEPA)

Under [RCW 36.70A.600](#)(1), cities are also encouraged to amend local environmental regulations and take the following actions to increase residential building capacity:

- Adopt a subarea plan pursuant to RCW 43.21C.420
- Adopt a planned action pursuant to RCW 43.21C.440(1)(b)(ii)
- Adopt increases in categorical exemptions pursuant to RCW 43.21C.229 for residential or mixed-use development.
- Adopt maximum allowable exemption levels in WAC 197-11-800(1)

The adoption of ordinances, development regulations and amendments to such regulations, and other non-project actions taken by a city to implement any actions specified in RCW 36.70A.600(1), with the exception of adopting subarea plans, are not subject to administrative or judicial appeal under SEPA ([RCW 43.21C](#)).

3.5 – Building Code

Cities should be aware that structures with three or more units fall under the International Building Code (IBC) and are subject to a more extensive and costly standards than one- or two-unit structures which fall under the International Residential Code (IRC). The IRC applies to buildings with one or two dwelling units and townhouses not more than three stories above grade and with a separate means of egress. The difference in middle housing types covered by the two building codes will affect the construction and affordability of middle housing types with three or more units in one structure.

Cities that want to increase flexibility should examine updating their locally adopted version of the IRC and IBC to allow structures with up to six units to be built under the International Residential Code. Cities could also consider supporting any future version of 2023 [House Bill 1167](#), which would make middle housing related building code changes for the entire state.

- [A Trailblazing Reform Supports Small-Scale Development in Memphis.” Strong Towns. January 2022.](#)
- [Memphis, TN Amends Local Building Code to Allow up to Six Units Under Residential Building Code \(IRC\) to Enable Missing Middle Housing.” Opticos Design. January 2022.](#)
- [State of North Carolina changes IRC to allow up to four units.](#)
- *The political movement to limit multifamily by limiting the IRC code* ([Strong Towns, 2023](#); [Baar, 2007](#))

3.6 – Critical Areas

As mentioned earlier in the User Guide, RCW 36.70A.635(8)(a) states that the provision of RCW 36.70A.635 do not apply to critical areas or their buffers. RCW 36,79A,030(11) identifies defines critical areas as:

- Wetlands
- Areas with a critical recharging effect on aquifers used for potable water
- Fish and wildlife habitat conservation areas
- Frequently flooded areas
- Geologically hazardous areas

This User Guide recommends that cities still allow for middle housing on critical areas, applying the city’s critical areas regulations to middle housing development.

While the diversity of critical area types and extent of critical areas in a jurisdiction will vary, two critical areas that have the possibility of taking up large areas of a jurisdiction residential (and non-residential) land area: frequently flooded areas and aquifer recharge areas.

Frequently Flooded Areas

"Frequently flooded area" (FFA) is a critical area designation that can be applied by local jurisdictions to areas with a known flood risk.

The Washington State Department of Commerce Critical Areas handbook states that frequently flooded areas should include, at a minimum, the 100- year floodplain designations of the Federal Emergency Management Agency (FEMA) and the National Flood Insurance Program (NFIP), known as the "special flood hazard area." Many communities have incorporated the NFIP standards into their frequently flooded area codes and deem this sufficient. This can meet the minimum requirements if there are no special circumstances. However, FEMA maps do not address all of the flood risk in communities and frequently flooded area designation should be based on best available science. Local governments are encouraged to consider additional flood risks in their communities. For more information, see the Critical Areas Handbook.⁹⁶

Critical Aquifer Recharge Areas

Critical aquifer recharge areas (CARAs) are areas with a critical recharging effect on aquifers used for potable water, including areas where an aquifer that is a source of drinking water is vulnerable to contamination that would affect the potability of the water, or is susceptible to reduced recharge. The quality and quantity of groundwater in an aquifer is inextricably linked to its recharge area.

The Commerce Critical Areas Handbook discusses the designation, classification and protection of CARA's. Protection of CARA's may require additional precautions for land uses located in CARAs, particularly those land use types that may have activities that could contribute to contamination of an aquifer. Examples might include car-related uses with special concerns for petrochemical leaks, illegal dumping, tire piles, auto graveyards, car washes, chemical storage, and warehousing. Protection of CARA's may also take the form of existing groundwater protection programs for Sole source aquifer recharge areas, groundwater management areas and source water/wellhead protection areas. For more information, see the Critical Areas Handbook.

Reasonable Use

In addition to specific types of critical areas, local government critical areas ordinances have reasonable use provisions. Reasonable use permitting is a process that seeks to ensure that property owners can maintain a minimum "reasonable use" of their property, despite restrictions that are imposed by critical areas restrictions or other environmental laws. This process seeks to avoid a "taking" of property in contravention of rights established in the Fifth Amendment and Fourteenth Amendment of the U.S. Constitution and interpreted through decades of judicial rulings.

For residential zones, a minimal reasonable use may be a modest detached single-family residence, the size of which must meet applicable local reasonable use standards and criteria. It is unlikely that middle housing would be considered a reasonable use compared to a single-family residence in general, especially if the middle housing proposal would have more impact on the critical area. For more information, see the Commerce Critical Areas Handbook.

⁹⁶ "Critical Areas Handbook." Department of Commerce. <https://deptofcommerce.app.box.com/s/rlysjrfvrpxwnm9jvbc3lc7ji19ntp>

3.7 – Subdivisions

General subdivision considerations are noted below. See also the discussion of unit lot subdivisions in User Guide Chapter 4.2.

Subdivision Alterations

Generally, when any person is interested in the alteration of an existing subdivision a subdivision alteration may be required pursuant to [RCW 58.17.215](#). However, a city may provide an exception to the subdivision alteration process for middle housing unit lot subdivisions under RCW 36.70A.635(5) if the unit lots created: 1) do not amend existing conditions of approval of previously platted property; 2) would not result in the violation of a condition on the face of the plat; and 3) would not result in the violation of a covenant of the plat. Otherwise, a new subdivision would be required.

When a subdivision alteration is required, the statute provides options which could make the process easier to work through. A subdivision alteration application only requires the signature of a majority of those persons having an ownership interest of lots, tracts, parcels, sites, or divisions in the subject subdivision or portion to be altered. If the alteration only impacts a portion of the lots within a subdivision versus a proposal to remove an easement impacting all properties, for example, then only the majority of property owners within the area altered should need to sign the subdivision alteration application.

The statute also allows making a hearing on the subdivision alteration optional. While notice of the alteration is required to be sent to all property owners in a subdivision, a hearing is only required if requested within 14 days of receipt of the notice.

Alleys

Under the provisions of RCW 36.70A.635(6)(b), alleys cannot be required for middle housing subdivisions if they are not also required for single-family subdivisions.

Alleys are useful for the configuration of middle housing because they allow vehicle parking, services, and utilities to be collected in the rear of a development and create a more walkable streetscape in front of the lot. Alleys are particularly helpful for increasing the design flexibility of narrow lots. Cities can consider requiring new subdivisions, including unit lot subdivisions, to include alley-access lots, but this should be balanced with physical and economic considerations. Alleys require more land or shallower lots than a subdivision without alleys. Alleys may also add infrastructure costs for development. On a neighborhood or citywide scale, alleys may have limited benefits if new alleys are not part of a continuous alley network outside of the subdivision.

One option is to only require alleys in new subdivisions over a certain size for economy of scale (e.g., 10 acres) and/or if alleys are part of the existing street network in the vicinity.

4.0 – Integration with Other State Law Requirements

4.1 – HB 1337 and Accessory Dwelling Units

HB 1337, codified in part under [RCW 36.70A.681](#)(1)(c), requires cities and counties to allow at least two accessory dwelling units (ADUs) on all lots that are located in all zoning districts within an urban growth area that allow for single-family homes.

For middle housing, RCW 36.70A.635(5) states, in part:

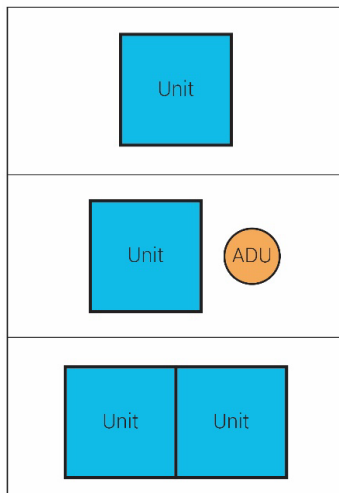
“...A city may allow accessory dwelling units to achieve the unit density required in subsection (1) of this section.”

Cities may allow ADUs to count towards unit density to help achieve density requirements. The key word “may” indicates that counting ADUs toward middle housing unit density is voluntary. The Model Ordinances do not predetermine whether a city will or will not count ADU's towards unit density under RCW 36.70A.635(5). Cities that choose not to count ADUs towards unit density should allow at least two ADUs per lot on all lots that are located in all zoning districts within an urban growth area that allow for single-family homes, as long as they comply with other regulations for ADU development.

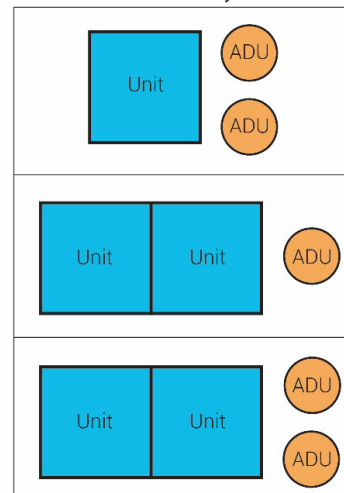
Cities that choose to count ADUs towards units density should carefully review RCW 36.70A.635(5) which states, in part,

(5) A city must allow at least six of the nine types of middle housing.... A city may allow accessory dwelling units to achieve the unit density required in subsection (1) of this section. Cities are not required to allow accessory dwelling units or middle housing types beyond the density requirements in subsection (1) of this section....”

Configurations allowed if City counts ADUs towards HB 1110 unit density



Additional configurations allowed if city does not count ADUs towards unit density



Configurations allowed in the Model Ordinances where the base unit density is two units on lots zoned predominantly for residential use.
Source: MAKERS

Since cities are not required to allow ADUs beyond the minimum unit density requirements for their tier, a scenario could present itself where at least two ADU's would not be allowed. For example, a Tier 1 city that allows up to four units per lot, and counts ADU's towards unit density, could allow a triplex and an ADU to achieve the four units per lot. As RCW 36.70A.635 states that a city is not required to allow accessory dwelling units beyond the four unit density requirement, then depending on the city's code a second ADU might not be allowed on the lot.

As this represents a conflict between the requirements of the accessory dwelling unit legislation passed in 2023 (HB 1337) with HB 1110's unit density provisions, it is recommended that cities consult with their city attorney on this issue when drafting middle housing development regulations.

ADUs do not count as a middle housing type and, therefore, do not count towards the requirement of allowing six of nine middle housing types or four of nine middle housing types for Tier 3 cities.

Cities choosing to count accessory dwelling units as part of “unit density” and adopting the term in local code can consider updating the definition to include accessory units. See unit density definition in Model Ordinance Section 3. Also refer to the [Department of Commerce ADU Guidebook](#).

4.2 – SB 5258 and Unit Lot Subdivisions

Senate Bill 5258 (2023), codified in RCW 58.17.060(3), requires:

All cities, towns, and counties shall include in their short plat regulations procedures for unit lot subdivisions allowing division of a parent lot into separately owned unit lots. Portions of the parent lot not subdivided for individual unit lots shall be owned in common by the owners of the individual unit lots, or by a homeowners’ association comprised of the owners of the individual unit lots.

Jurisdictions must implement this requirement by their next periodic comprehensive plan update.

This chapter provides model unit lot subdivision standards with provisions commonly used by Washington cities that allow and regulate unit lot subdivisions. Unit lot subdivisions are almost exclusively used in conjunction with middle housing.

The model unit lot subdivision standards below should be supplemented with approval findings, which may or may not be similar to required findings for short subdivision or subdivision. Jurisdictions may also wish to amend their local project review requirement to specify submittal materials for unit lot subdivision permit applications, should they differ from short subdivision or subdivision requirements.

Model Unit Lot Subdivision Standards

X. Unit lot subdivisions. A lot may be divided into separately owned unit lots and common areas, provided the following standards are met.⁹⁷

1. *Process*. Unit lot subdivisions shall follow the application, review, and approval procedures for a short subdivision or subdivision, depending on the number of lots.
2. *Applicability*. A lot to be developed with middle housing or multiple detached single-family residences, in which no dwelling units are stacked on another dwelling unit or other use, may be subdivided into individual unit lots as provided herein.
3. *Development as a whole on the parent lot, rather than individual unit lots, shall comply with applicable unit density and dimensional standards.*
4. *Subsequent platting actions and additions or modifications to structure(s) may not create or increase any nonconformity of the parent lot.*
5. *Access easements, joint use and maintenance agreements, and covenants, conditions and restrictions (CC&Rs) identifying the rights and responsibilities of property owners and/or the homeowners’*

⁹⁷ [RCW 58.17.060\(3\)](#)

association shall be executed for use and maintenance of common garage, parking, and vehicle access areas; bike parking; solid waste collection areas; underground utilities; common open space; shared interior walls; exterior building facades and roofs; and other similar features shall be recorded with the county auditor.

6. Within the parent lot, required parking for a dwelling unit may be provided on a different unit lot than the lot with the dwelling unit for which the parking serves, as long as the right to use the parking is included in notes on the face of the plat or short plat or formalized by an easement recorded with the county auditor.
7. Portions of the parent lot not subdivided for individual unit lots shall be owned in common by the owners of the individual unit lots, or by a homeowners' association comprised of the owners of the individual unit lots.⁹⁸
8. Notes shall be placed on the face of the plat or short plat as recorded with the county auditor to state the following:
 - a. The title of the plat shall include the phrase "Unit Lot Subdivision."
 - b. Approval of the development on each unit lot was granted by the review of the development, as a whole, on the parent lot.
9. Effect of Preliminary Approval. Preliminary approval constitutes authorization for the applicant to develop the required facilities and improvements, upon review and approval of construction drawings by the public works department. All development shall be subject to any conditions imposed by the city on the preliminary approval.
10. Revision and Expiration. Unit lot subdivisions follow the revision and expiration procedures for a short subdivision.
11. Definitions.
 - a. "Lot, parent" means a lot which is subdivided into unit lots through the unit lot subdivision process.
 - b. "Lot, unit" means a subdivided lot, that allows up to one dwelling unit, created from a parent lot and approved through the unit lot subdivision process.
 - c. "Unit lot subdivision" means the division of a parent lot into two or more unit lots within a development and approved through the unit lot subdivision process.

⁹⁸ The owner of a detached single-family residence may propose developing middle housing on their lot while retaining ownership of the existing residence using unit lot subdivision. When the subdivision occurs, the existing residence must be placed on its own unit lot. This is because the unit lots are each regular sellable lots with their own parcel identification number. Alternatively, if the existing residence is being converted to a non-residential use, standard (A)(7) may apply so it is owned in common.

Local Policy Choice

Short Subdivisions

RCW 36.70A.635(5) states, in part: ...A city must also allow zero lot line short subdivision where the number of lots created is equal to the unit density required in subsection (1) of this section. As Tier 1 cities must allow up to six units per lot, then they must allow at least six lots to be created in through a short subdivision process.

Under [RCW 58.17.020\(6\)](#), a “short subdivision” is the division or redivision of land into four or fewer lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, or transfer of ownership. However, RCW 58.17.020(6) states that the legislative authority of any city or town may by local ordinance increase the number of lots, tracts, or parcels to be regulated as short subdivisions to a maximum of nine.⁹⁹ At a minimum, however, Tier 1 cities who limit short subdivisions to four lots need to raise the number to six lots.

All cities and towns interested in streamlining the subdivision process and promoting middle housing should set the maximum number of lots, tracts or parcels that can be created in a short subdivision to nine, as authorized by RCW 58.17.020(6) and encouraged by [RCW 36.70A.600\(1\)\(k\)](#). Short subdivisions require an administrative process and are typically reviewed and approved on a faster timeline than a subdivision.

Administrative Review of Preliminary and Final Plats

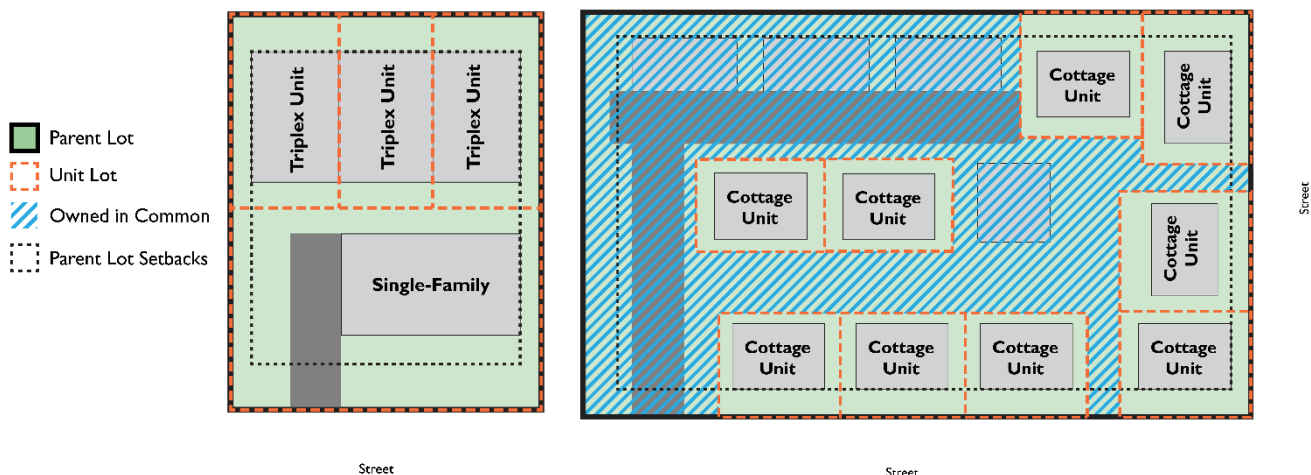
RCW 36.70A.600(1) encourages cities to:

- Adopt standards for administrative approval of final plats pursuant to RCW 58.17.100
- Adopt ordinances authorizing administrative review of preliminary plats pursuant to RCW 58.17.095

Discussion

About Unit Lot Subdivisions

Unit lot subdivisions are almost exclusively used in conjunction with middle housing. This type of subdivision uses the same procedures for a short plat or plat, depending on the number of unit lots being created. The unit lots created by this type of subdivision are regular sellable lots with their own parcel identification number but enjoy relaxed application of dimensional standards for the zone. The below graphic shows two conceptual unit lot subdivision plats and how unit lots and the parent lot interact with setback standards.



Two examples of situations in which unit lot subdivision would be used. Source: MAKERS

⁹⁹ This authority was established in 2002 by SB 5832.

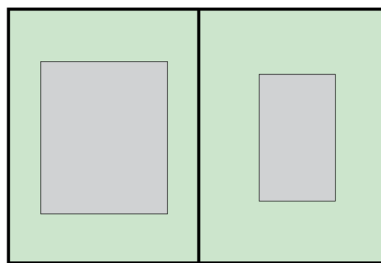
Any type of dwelling unit which is stacked above another dwelling unit or other use cannot be part of a unit lot subdivision. This restriction is because individual lots are created with individual land ownership, and so each unit must have its entire footprint on the land associated with it. Stacked flats and other forms of middle housing with units separated by floors are therefore ineligible for a unit lot subdivision. Multiplex configurations where an upper-floor unit has an entry on the ground floor but the majority of the unit is on an upper-floor are also ineligible for a unit lot subdivision.

Unit Density in Unit Lot Subdivisions

The unit density standards apply to all existing and future lots in relevant zones. New middle housing development must conform to zoning, including density limits. Once a middle housing development has been constructed, the unit lot subdivision can be used to create new lots that are non-conforming with zoning regulations such as minimum lot size, setbacks, coverage, and/or FAR. Because the new unit lots are in non-conformance with zoning, no new development may be permitted on the unit lots. Units up to the unit density limit (two, four, or six) are allowed on each unit lot, but since it is impossible to further develop the unit lot, functionally no additional density may be added.

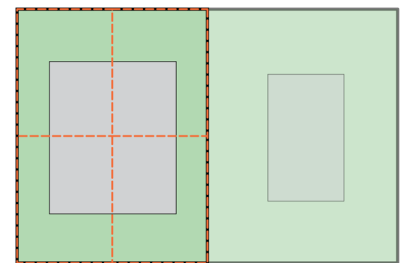


Minimum lot size: 7,000 SF
Lot area: 15,000 SF



Short Subdivision
Lot area: 7,500 SF each

Development is permitted on each lot



Unit Lot Subdivision
Unit lots: 1,875 SF each

No further development is permitted due to non-conformance

Zero Lot Line

The term “zero lot line” is used in several times in RCW 36.70A.635. State law does not define “zero lot line” nor “zero lot line subdivision.”

Cities should interpret “zero lot line” to mean the physical state of a building located, or permitted to be located, on one or more property lines on a lot. This state can be achieved where a zoning setback requirement is zero feet, within an attached townhouse developments on individual lots are allowed, or through other code mechanisms. This can also be achieved development in a unit lot subdivision; subsection (A)(3) in the example text helps cities comply with RCW 36.70A.635(5).

References

- Examples of unit lot subdivision standards adopted by Washington cities:
 - [Snohomish Municipal Code 14.215.125](#)
 - [Shoreline Municipal Code 20.30.410\(B\)\(4\)](#)
 - [Wenatchee Municipal Code 11.32.080](#)
 - [Everett Municipal Code 19.27](#)
- [City of Algona – Unit Lot Subdivision Frequently Asked Questions and Tips \(Short\)](#)
- [City of Bellevue – Unit Lot Subdivision Project Page and Code Amendments](#)

4.3 – HB 1220 and Housing Elements

In 2021, the Washington Legislature changed the way communities are required to plan for housing. [House Bill 1220 \(2021\)](#) amended the Growth Management Act (GMA) housing goal to guide local governments to “plan for and accommodate” housing affordable to all income levels. This significantly strengthened the previous housing goal, which was to “encourage” affordable housing.

HB 1220, codified in RCW 36.70A.020(4), RCW 36.70A.030, RCW 36.70A.070(2), RCW 36.70A.390, RCW 35A.21.430, and RCW 35.22.683 includes direction to the Department of Commerce to provide existing and projected housing needs for communities in Washington, including units for moderate, low, very low and extremely low-income households, and for emergency housing, emergency shelters and permanent supportive housing.

Housing Units by income Band	Area Median Income (AMI)
Emergency housing/shelters	NA
Extremely Low	0-30% AMI, including some permanent supportive housing
Very Low	>30-50%
Low	>50-80%
Moderate	>80-120%
Other	Above 120%

Affordability levels defined in RCW 36.70A.030

Some, but not all, middle housing types allowed under RCW 36.70A.635 can help meet housing needs for moderate income households in the 80-120% Area Median Income (AMI) band required under RCW 36.70A.070(2). While there is a wide range of housing affordability outcomes that could be possible through middle housing development given the diverse market conditions across Washington, there are some middle housing types that have been found to be affordable for households in the 80-120% AMI band.¹⁰⁰ Those types are:

- Fourplexes
- Fiveplexes
- Sixplexes
- Townhouses
- Stacked flats
- Courtyard apartments
- Cottage housing

¹⁰⁰ This has been documented through technical support materials developed by the Department of Commerce as well as analysis conducted by some individual cities.

Additional review to verify this finding at the local level is recommended, such as through a housing needs assessment created for a comprehensive plan or housing action plan.¹⁰¹ Allowing for greater housing choices within areas that have historically excluded by race will also assist in meeting housing element goals to address past practices and policies that have contributed to racially disparate impacts and exclusion.¹⁰²

While these middle housing types could be built to meet the need for moderate-income housing, development standards that physically allow and encourage these housing types are required to actually see that housing development occur at income levels that cities and counties are planning for.

Development standards including parking requirements, square footage allowances, density allowances, minimum lot sizes, and other dimensional standards need to be adopted. Additionally, fee structures and review procedures need to encourage these housing types over other less dense and more expensive housing types, such as detached single-family residences.

In Kitsap, King, Pierce and Snohomish Counties, cities can use a pro-forma tool developed by Cascadia Partners in coordination with the Department of Commerce to evaluate how middle housing outcomes could be accounted for using regulatory inputs customized by each city.¹⁰³ A jurisdiction can enter information about the density, height, setback, parking and other restrictions of a zone, in combination with land values, and determine what income level housing in that zone could serve. More details on this tool are available on Commerce’s middle housing webpage under “Middle Housing Resources.”¹⁰⁴

If a city were to conduct its own analysis regarding the combined effectiveness of affordability requirements, density bonuses, and other regulatory and financial incentives a city may determine that it could reasonably count a share of housing built under HB 1110 in the low income (50-80%) AMI income bracket. If there is a precedent in a jurisdiction for affordable housing density bonuses to yield affordable housing, or a comparable jurisdiction with a similar housing market yields such housing, a jurisdiction may use this information to assume a small percentage of new units might develop in the <80% AMI income bracket.¹⁰⁵

¹⁰¹ See the Department of Commerce [guidebook for developing a housing needs assessment](#).

¹⁰² See the Department of Commerce [guidance on addressing racially disparate impacts](#).

¹⁰³ Pro-forma tool for PSRC region: <https://deptofcommerce.box.com/s/csphjl2vbr47yovggxtszdd5s7w03g9o>

¹⁰⁴ <https://www.commerce.wa.gov/serving-communities/growth-management/growth-management-topics/planning-for-middle-housing/>

¹⁰⁵ <https://deptofcommerce.app.box.com/s/1d9d5l7g509r389f0mjpowh8isjpirlh> (page 35)

4.4 – Land Use Elements and Land Capacity

Overview

Development feasibility analysis of middle housing types in communities across Washington indicates that there is a wide range of potential development outcomes that could be reasonable to expect over a 20-year planning horizon. Development outcomes, and an understanding of potential development capacity, from middle housing allowances can vary greatly depending on macro-economic conditions as well as local market conditions such as achievable pricing and demand, as well as land availability for vacant, infill, and redevelopment sites.

These analyses conducted across cities in Washington have estimated that a range of three to 15 percent of parcels across a city could reasonably be expected to develop or redevelop as middle housing over a 20-year planning horizon.¹⁰⁶ Analysis conducted by the Puget Sound Regional Council on the development and redevelopment impacts of HB 1110 estimated that approximately 9% of parcels in Puget Sound Tier 1, Tier 2, and Tier 3 cities could be expected to develop or redevelop over a 20-30 year time period in their mid-high development scenario.¹⁰⁷

Additionally, analysis of middle housing development feasibility on greenfield sites in cities with high demand for housing indicates that nearly 50% of housing types built as part of larger planned development projects could likely be middle housing types with the remaining 50% built as traditional detached single-dwelling units.

In conversations with developers there are a variety of reasons why middle housing could make up a large share of overall housing types built on greenfield sites. Middle housing allows developers to capture a broader range of market segments, housing can be offered at lower price points that have more demand when feasible, and it allows developers to increase the overall sales volume and productivity of development on greenfield sites.¹⁰⁸

Not all sites that are zoned for middle housing will develop or redevelop as middle housing. In addition to sites needing appropriate zoning for development, middle housing also needs to be physically and financially feasible, there needs to be builders who are familiar with building middle housing, sites need to be for sale or have property owner interest in selling, market timing must be appropriate, and there must be sufficient demand for middle housing types in these locations.

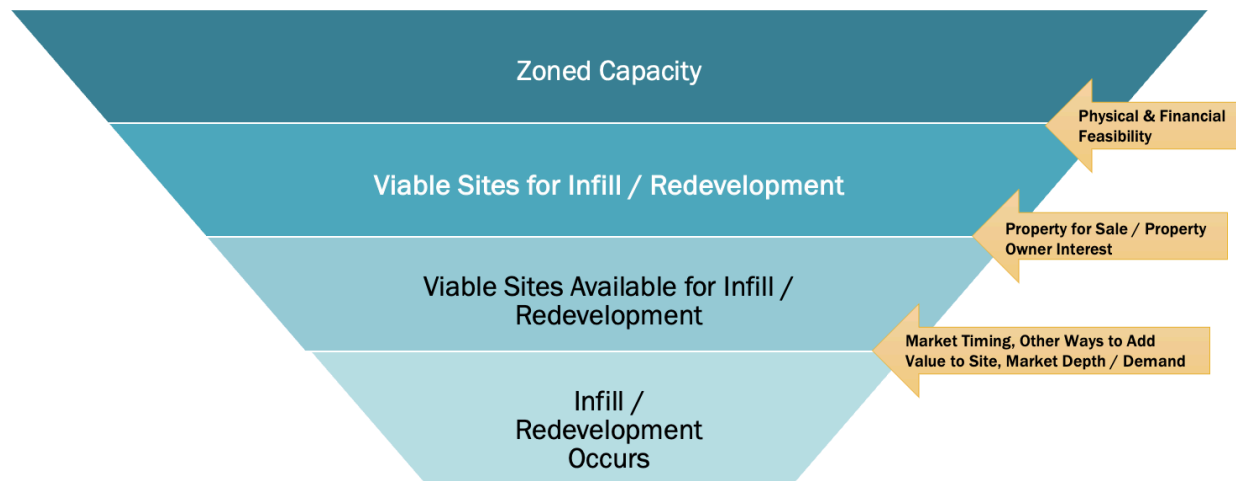
¹⁰⁶ "Housing Action Plan Implementation." City of Auburn, presentation to Planning Commission, January 4, 2023.

<https://weblink.auburnwa.gov/External/DocView.aspx?id=485625&dbid=0&repo=CityofAuburn>

¹⁰⁷ "ESSBHB1110: Development & Redevelopment Impacts." Puget Sound Regional Council. <https://www.psrc.org/media/7556>

¹⁰⁸ "2040 Urban Growth Management Decision: Middle Housing Potential." Oregon Metro, MTAC Presentation, May 2023.

<https://www.oregonmetro.gov/sites/default/files/metro-events/MTAC-meeting-packet-May-17-2023-final.pdf>



Source: ECONorthwest

The land capacity analysis process. Source: ECONorthwest

Considerations for Land Capacity Analysis

The Department of Commerce has recently developed guidance for cities who are updating their Housing Elements as part of their Comprehensive Plan Updates and has identified high-level guidance for how cities can approach thinking about land capacity analysis specific to HB1110 requirements.¹⁰⁹

When considering land capacity under HB1110, cities should consider:

1. Which lots would be potentially redevelopable (i.e., those without homeowner association restrictions, those that are vacant or have only one dwelling unit, those with a developable area over 2,000 square feet, etc.).
2. Of the lots in Step 1, determine which subset of lots may economically make sense to redevelop. A starting point for this analysis could be where the land value is greater than the improvement value and the built square footage is less than 1,400 square feet.
3. Estimate the total development potential of lots selected through Step 2, i.e., the maximum number of dwelling units allowed to be developed on these lots net of existing units. Then determine what percentage of the development potential (or net maximum dwelling units) could reasonably be expected to redevelop over the 20-year planning period.

It is also helpful to remember that assumed densities, justifications for assumed densities, and potential development outcomes for middle housing will be different than those that have been observed for detached single dwelling development, multifamily development, and mixed-use development. Cities can reference the anticipated development outcomes identified at the beginning of this chapter (a three to 15 percent parcel redevelopment rate) as comparison points to understand how local market dynamics might impact development outcomes in their own jurisdictions. In identifying assumed development rates for land capacity analysis, cities should incorporate information about local market conditions and real estate market dynamics.

¹⁰⁹ "Guidance for Updating Your Housing Element." Department of Commerce.
<https://deptofcommerce.app.box.com/s/1d9d5l7g509r389f0mjpowh8isjpirlh>

Lessons Learned from Other States

Oregon's Administrative Rules (OAR) for implementation of House Bill (HB) 2001 can provide some guidance on how other states have considered middle housing development and land capacity analyses. The OAR identifies a maximum of 3% increase in the number of dwelling units produced due to middle housing allowances within the specified residential zone(s), above the baseline estimate of land capacity prior to allowing middle housing types within a 20-year planning horizon.

However, Oregon jurisdictions can conduct their own analyses to make a case for a higher share of dwelling units that could reasonably be delivered. Oregon's approach takes a conservative path to account for development capacity while putting the burden of proof on cities to demonstrate why an increased middle housing development rate is warranted.

Some communities in Oregon did opt to conduct analyses to better understand how they can reasonably account for new middle housing allowances required under HB 2001. For example, Washington County found that, on average, 3% of parcels are feasible for development across all urban unincorporated areas but that the rates of development feasibility ranged from less than 1% in some neighborhoods to more than 6% in other neighborhoods. Analysis conducted in Milwaukie, Oregon estimated that 8% of parcels are feasible for redevelopment while 14% of parcels may have feasible infill potential on vacant portions of sites when an existing house was retained.

Future Land Use Designations and Policies

Cities' comprehensive plan land use elements often have policies and land use designations based on unit-per-acre densities. Such unit-per-acre density numbers may be incompatible with the measure of "unit density" per lot introduced by RCW 36.70A.635, as "unit density" does not consider lot size and land area. Cities subject to RCW 36.70A.635 will need to consider how their land use element uses "density" to describe future residential land use designations.

For example, if a Tier 3 City currently describes a single-family land use designation as having a maximum density of five units per acre, such language is now contrary to the provisions of RCW 36.70A.635. Since Tier 3 and Tier 2 cities are subject to a base unit density of two units per lot, the overall density on an approximately 8,700 square foot lot could double and be up to ten units per acre.

Additionally, with the middle housing requirements of HB 1110, some cities are rethinking the naming conventions for residential land use designations and zones. While cities are not required to remove "single family" from the names of future land use designations and zones, some cities have already chosen this route to avoid the strict single-family connotations. For example, the City of Walla Walla has renamed its previous "single family" zones as "Neighborhood Residential" zones which allow both detached and middle housing types. Other cities are simply using the terms like "Residential Low" and "Residential High" which allow more flexibility to adjust the mix of housing types.

4.5 – SB 5058, SB 5258, and Condominium Buildings

Effective July 23, 2023, the definition of a “multiunit residential building” in Washington’s condominium construction defect disputes law now exempts buildings with 12 or fewer units and with two stories or less. See [RCW 64.55.010](#)(6). This ends requirements for developers of such buildings to:

- Submit a building enclosure design document to the building authority before obtaining a building permit.
- Obtain a building enclosure inspection by a qualified building inspector during construction or rehabilitative construction.
- Obtain a building enclosure inspection by a qualified building inspector before conveyance of a condominium unit.

These requirements for condominium buildings can add time and expense to the development of condominium units, as compared to middle housing or multifamily buildings with rental units which do not have these requirements. SB 5058 may have the effect of encouraging the development of 2-12 unit condominium buildings, including middle housing buildings, and therefore increasing homeownership opportunities.

[Senate Bill 5258](#) also revised condominium law to accelerate the timelines for the right-to-cure process when claims are made for construction defects and requires a written report from a qualified construction defect professional. The bill also exempts condominium and townhouse sales to first-time homebuyers from the real estate excise tax. See [RCW 64.50.030](#)(1) through (3) and [RCW 82.45.240](#).

To leverage these bills, cities and counties could consider where there are opportunities to allow up to twelve units per lot and provide other incentives for condominium and townhouse development.

4.6 – SB 5235 and “Family” Definition

Effective July 25, 2021, cities and towns may not limit household occupancy based on the number of unrelated persons. This may affect the definition of “family” and related terms like “single family” and “multifamily” in local development regulations.

[RCW 35.21.682](#) was added by Senate Bill 5235 with this provision:

“Except for occupant limits on group living arrangements regulated under state law or on short-term rentals as defined in RCW 64.37.010 and any lawful limits on occupant load per square foot or generally applicable health and safety provisions as established by applicable building code or city ordinance, a code city may not regulate or limit the number of unrelated persons that may occupy a household or dwelling unit.”

Cities may limit allowed occupant load per square foot for health and safety reasons. Refer to the state building code and any local building code amendments.¹¹⁰

¹¹⁰ [WAC 51-50-1004](#)

4.7 – SB 5258 and Impact Fees

Senate Bill 5258 (2023) requires local jurisdictions which apply impact fees to adopt a fee schedule that reflects the proportionate impact of new smaller housing units based on the number of trips generated (for transportation impact fees only), the square footage of a dwelling unit, or the number of bedrooms in a dwelling unit. See [RCW 82.02.060](#)(1). Under RCW 82.02.060(10), jurisdictions must comply with these requirements within six months after the jurisdiction's next periodic comprehensive plan update required under RCW 36.70A.130.

Also note that [RCW 36.70A.681](#)(1)(a) requires impact fees for accessory dwelling units to not be greater than 50% of the fees that would be charged for the principal unit on the lot (typically a single-family home).

More information on impact fees is available from the Municipal Research and Services Center (MRSC).¹¹¹ Local jurisdictions in Washington may impose impact fees for one or more of the following:

- Public streets and roads.
- Publicly owned parks, open space, and recreation facilities.
- School facilities.
- Fire protection facilities.

Middle housing dwelling units are generally smaller than new detached single-family residences. Many cities vary impact fees by the size or type of the unit and exempt certain types of single-family residences from some or all impacts fees when they are trying to promote that housing type. In some cases, impact fee schedules make no distinctions for middle housing types and by default they may be classified as single-family, therefore incurring higher costs and a disincentive to their development. As noted above, fee structures which accommodate middle housing can help make middle housing more economically feasible to develop.

Cities and counties updating impact fees which may affect non-city service providers (e.g., school districts) should coordinate with those service providers on impact fee schedules and capital facilities plans.

¹¹¹ "Impact Fees." Municipal Research Service Center. <https://mrsc.org/explore-topics/planning/land-use-administration/impact-fees>

The table below shows a general example of park impact fees imposed on different housing unit types and options a city might take to implement for adjustment under RCW 82.02.060(1).

Unit Type	Current Per-Unit Parks Impact Fee	Option 1 \$2.35/square foot	Option 2 \$1,100 per bedroom
Single-family home, 2,500 square feet, four bedrooms	\$4,000 (\$1.60/SF)	\$5,875	\$4,400
Townhouse unit, 1,500 square feet, three bedrooms	\$4,000 (\$2.66/SF)	\$3,525	\$3,300
Fourplex unit, 1,100 square feet, two bedrooms	\$2,500 (\$2.27/SF)	\$2,585	\$2,200
Apartment unit, 900 square feet, two bedrooms	\$2,500 (\$2.77/SF)	\$2,115	\$2,200

Example of park impact fees adjusted per RCW 82.02.060(1)

4.8 – Shoreline Master Programs and Regulations

An environmental stakeholder focus group noted that shoreline management and water access are an equity issue with residential shorelines tending to be developed with exclusive higher-cost housing. Shoreline master programs (SMP) are a “development regulation” subject to RCW 36.70A.635(6)(b). This is provided by the definition of “development regulations” under RCW 36.70A.030 and [RCW 36.70A.480](#)(1) which reads in part:

All other portions of the shoreline master program for a county or city adopted under chapter 90.58 RCW, including use regulations, shall be considered a part of the county or city’s development regulations.

RCW 36.70A.635(6)(c) states that development permit and environmental review processes related to shoreline regulations under chapter 90.58 RCW are not required to be the same as for detached single-family residences. While RCW 36.70A.635(6)(c) addresses processes, to comply with RCW 36.70A.635(6)(b), cities cannot adopt local policies that result in different land use allowances, shoreline setbacks, and other standards for middle housing which actively or effectively prohibit the development of middle housing in shoreline environments and meeting the density, parking, and other standards of RCW 36.70A.635.

However, jurisdictions may still use local discretion to regulate middle housing differently on other issues to protect shoreline ecological function to the extent permitted by Chapter 90.58 RCW and associated rules under Chapter 173-26 WAC. For example, middle housing may require different types of shoreline development permits than detached single-family residences. Chapter 90.58 RCW, Chapter 173-26 WAC, and Ecology-approved local shoreline master programs may restrict development under the goals, policies, purpose, and intent of the Shoreline Master Program.

Each SMP contains residential use regulations and development standards which ensure that allowed uses and development remain compatible with the shoreline environment and SMP and allow no net loss of shoreline ecological function. Middle housing still would need to meet SMP critical area, impervious surface,

and vegetation conservation provisions. Within shoreline jurisdiction, zoning code provisions can be applied, but they must be reviewed in addition to the bulk, dimensional, performance, and use standards of the SMP. All new development and uses, including middle housing, can only be authorized through the shoreline permitting system outlined in [Chapter 173-27 WAC](#).

Local governments should plan for middle housing within shoreline jurisdiction during a periodic review of their SMP. Review and update of an SMP is required every ten years but can be initiated by a local government outside of the required schedule. Local governments wanting to address middle housing under the authorities of their SMP should consult Washington State Department of Ecology guidance and work closely with their Ecology shoreline planner.^{112,113,114}

References

- [Department of Ecology – Shoreline Planners Toolbox](#)
- [Department of Ecology – Shoreline Master Programs Handbook](#)

¹¹² Department of Ecology – Shoreline planning and permitting staff. <https://ecology.wa.gov/Water-Shorelines/Shoreline-coastal-management/Shoreline-coastal-planning/Contacts>

¹¹³ Department of Ecology – Shoreline Master Programs. <https://ecology.wa.gov/Water-Shorelines/Shoreline-coastal-management/Shoreline-coastal-planning/Shoreline-Master-Programs>

¹¹⁴ “Shoreline Management Act.” Municipal Research Service Center. <https://mrsc.org/explore-topics/environment/environmental-laws/shoreline-management-act>

5.0 – Affordable Housing

The housing affordability requirements of RCW 36.70A.635 are included in Section 5 of the Model Ordinance. The requirements apply to Tier 1 and 2 cities, and they function as a unit per lot density increase as described in the table below.

City Tier	Base Unit Density	Increased Unit Density with Affordable Housing
Tier 1	4 units per lot	6 units per lot, at least 2 of which must be affordable housing
Tier 2	2 units per lot	4 units per lot, at least 1 of which must be affordable

Affordability requirements of RCW 36.70A.635

What qualifies as “affordable housing” is defined in the Growth Management Act (GMA) under RCW [36.70A.030](#)(5). Affordable housing means units that have costs, including utilities other than telephone, that do not exceed 30 percent of the monthly income of a household whose income does not exceed the following percentages of median household income (MHI) adjusted for household size, for the county where the household is located, as reported by the United States Department of Housing and Urban Development:

- Rental housing: 60 percent MHI
- Owner-occupied housing: 80 percent MHI

For affordable owner-occupied housing, cities should clearly define affordable sales prices by bedroom size. Sales prices should use a budget-based approach that considers the same factors used by a mortgage lender to qualify a borrower. The budget-based approach includes other monthly housing costs like property taxes, insurance, and homeowner association or condominium owner association fees.

For affordable rental housing, if a city has an existing methodology for determining rental housing affordability it should apply that program. Alternatively, cities should refer to the U.S. Department of Housing and Urban Development methodology for determining rental limits.

5.1 – Development Feasibility Analysis

Development feasibility analysis conducted in support of this User Guide indicates that affordability requirements in RCW 36.70A.635 could lead to affordable housing development in some markets. The analysis included Tier 1 and Tier 2 cities across the state and used the pro forma assumptions listed in Appendix A - Middle Housing Pro Forma Assumptions. Depending on local market conditions, the affordable housing requirements may work well in some Washington cities and less well in others.

The analysis was conducted using a residual land value (RLV), or sometimes referred to as land budget approach, which models the budget a developer would have available to purchase land after accounting for all other predicted costs and revenues. If the land budget is equal to or greater than land costs in the area of a project, the proposed development is likely feasible. If the land budget is zero, the development would only be feasible if the land were provided for free or with an equivalent subsidy. If the land budget is negative, the developer would require an additional subsidy to make the proposed development financially feasible.

This feasibility analysis found that in most markets across Washington, affordable ownership is the most feasible and subsequently, the affordability provisions are most likely to occur for ownership. Layering other affordable housing programs such as a Multifamily Tax Exemption (MFTE) program could potentially increase development value, particularly for rental housing. However, MFTE programs need to be administered within

defined residential target areas authorized under RCW 84.14.040 and cities should carefully consider program affordability, set asides, and program lengths to ensure compliance across multiple programs authorized under RCW 36.70A.540.

Tier 1 Cities

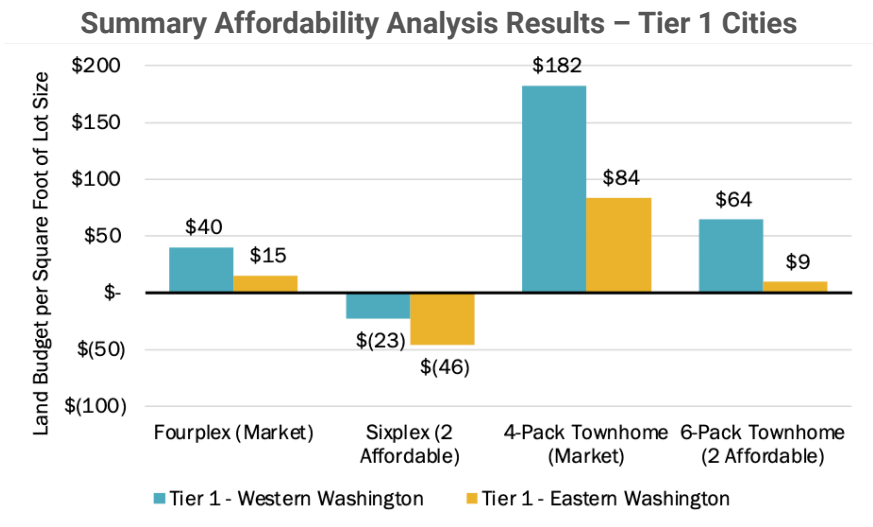
The Tier 1 analysis included these housing prototypes:

- Market rate fourplex (rental)
- Sixplex with two affordable units (rental)
- Market rate four-pack townhouse (ownership)
- Six-pack townhouse with two affordable units (ownership)

The initial analysis with lower floor area ratio (FAR) limits (up to 1.0 FAR for six units) found that the affordable requirements and bonus for Tier 1 cities in western and eastern Washington is accretive, meaning there is value in the additional units that exceeds the cost of the affordability requirements. However, development feasibility for affordable homeownership was found to be very challenging in high-cost markets, and affordable rentals were found to not be feasible.

The analysis was rerun after the FAR limits were updated in response to the 30-day public comment period (up to 1.6 FAR for six units).¹¹⁵ With the FAR limits included in the final Model Ordinance, feasibility improved. The key findings are:

- The market rate fourplex, market rate four-pack townhome, and six-pack townhome with affordable unit prototypes are likely feasible under current market conditions in Tier 1 cities.
- The market rate four-pack townhome is more feasible than the six-pack townhome with affordable units in both eastern and western Washington Tier 1 cities.
- Sixplex rental developments with two affordable units are likely not feasible in the Tier 1 cities evaluated. There is no feasibility incentive for a traditional market rate developer to pursue a six-unit building with affordable units over a four-unit all market rate. However, additional FAR would allow a non-profit developer to still compete for land and build larger family-sized units.



Source: ECONorthwest, 2023.

¹¹⁵ Draft Tier 1 and 2 Cities Middle Housing Model Ordinance (November 6, 2023): <https://deptofcommerce.app.box.com/s/enxzeh6e52imp5u1tv3nqs4pvn76pwr>

Tier 2 Cities

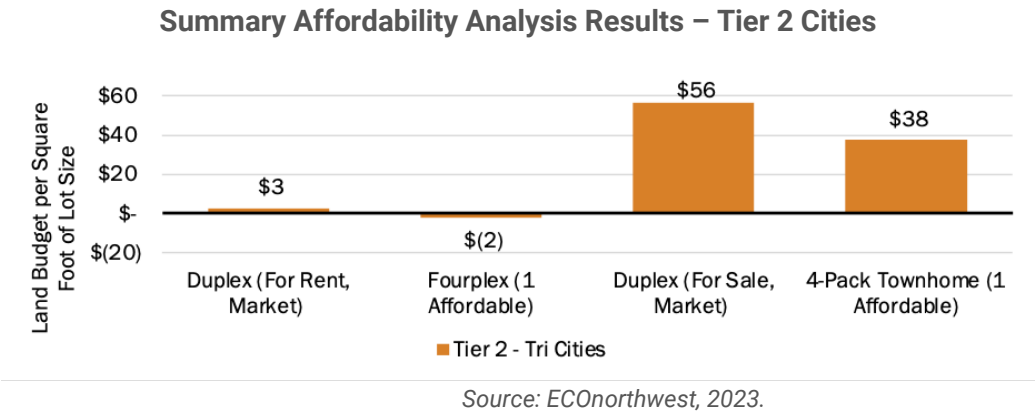
The Tier 2 analysis included these housing prototypes:

- Market rate duplex (rental)
- Fourplex with one affordable unit (rental)
- Market rate duplex (ownership)
- Four-pack townhouse with one affordable unit (ownership)

The initial analysis with lower FAR limits (0.8 for four units) found there is likely no incentive for a market rate builder to choose to build affordable homeownership or rental units because of market conditions.

The analysis was rerun after the FAR limits were updated in response to the 30-day public comment period (1.2 for four units).¹¹⁶ With the FAR limits included in the final Model Ordinance, the key findings are:

- Duplexes for rent are marginally feasible and fourplexes for rent (with one affordable unit) are just slightly not feasible given current market conditions in the Tier 2 city evaluated. However, there is a relatively small feasibility gap between the duplex for rent and fourplex for rent (with one affordable unit); this could indicate that if the rental markets strengthened in Tier 2 cities, a market rate builder could reasonably see similar levels of return for both prototypes.
- Both ownership duplexes and four-pack townhomes (with one affordable unit) are likely feasible in Tier 2 cities. However, because market rate duplexes are more feasible than the four-pack townhomes with one affordable unit, market rate developers do not necessarily have an incentive to build denser under current market conditions.



¹¹⁶ Draft Tier 1 and 2 Cities Middle Housing Model Ordinance (November 6, 2023): <https://deptofcommerce.app.box.com/s/ennzxeh6e52imp5u1tv3nqs4pvn76pwr>

Considerations for Affordable Housing Program Implementation

Administering Affordable Home Ownership Programs with HB 1110

Administering an affordable homeownership program is generally more complex than managing an affordable rental program. Cities need to establish a mechanism for preserving affordability when homeowners decide to sell their properties. These resale restrictions can be administratively complex and require ongoing monitoring and enforcement. The potential for property appreciation in homeownership programs can also create complexities related to how appreciation is managed and shared between the homeowner and the program, as it can affect long-term affordability goals.

Homeownership also comes with ongoing expenses such as property taxes, homeowners' insurance, maintenance, and repairs. These costs can be unpredictable and add complexity for program administrators and homeowners, especially if homeowners are not adequately prepared for these financial responsibilities.

To administer and manage an affordable homeownership program, cities have a few options:

- Cities can comply with HB 1110 requirements by developing and administering its own program for monitoring and administering its affordable homeownership program. This approach is likely to have significant ongoing staff and administration costs for cities that do not have a current affordable housing program or do not have capacity to manage a new program.
- Cities can pay a third party to monitor and audit its affordable homeownership program. Enforcement of non-compliance is still required by city staff.
- Cities can engage with a regional partner to manage and monitor the program, such as South King Housing and Homelessness Partners (SKHHP) or A Regional Coalition for Housing (ARCH).
- Cities can engage with a local housing authority to manage and monitor the program. Examples at the city and county level include Spokane Housing Authority, Renton Housing Authority, Housing Kitsap, and Housing Authority of Snohomish County.¹¹⁷
- The city can engage with a community land trust (CLT) or other nonprofit to manage the program. In the CLT model, a nonprofit organization acquires and holds land specifically for the purpose of creating and maintaining affordable homes. Homebuyers can purchase the houses built on the CLT-owned land but do not own the land itself. Instead, they enter into long-term, renewable land leases, which keeps the cost of homeownership lower.

As a best practice, cities should conduct regular annual audits to ensure compliance with affordability requirements. In particular, cities will need to ensure that all income certifications were completed and valid at the point of sale. Cities have a few options for enforcing compliance with program affordability requirements:

- Ensure the city has a deed restriction on file with the title of any affordable for-sale parcel.
- The city could put a lien on the property title equivalent to the lost affordability value; fees collected from liens could either go into an affordable housing fund or create a revolving enforcement and auditing fund.
- The city could combine affordable units in a development under one affordability contract such that if one unit lost its affordable status all affordable units in the property would convert to market rate, which would incentivize all property owners in the development to enforce income certification and other requirements.

¹¹⁷ "PHA Contact Information." United States Department of Housing and Urban Development. A list of public housing authorities in Washington: https://www.hud.gov/sites/dfiles/PIH/documents/PHA_Contact_Report_WA.pdf

Administering Affordable Rental Programs with HB 1110

Many cities across Washington currently regulate compliance for affordable rental housing programs through various programs that are authorized under RCW 36.70A.540. These programs might include inclusionary zoning programs, MFTE programs, or other regulatory or process incentive programs to encourage affordable housing. For cities that do have existing affordable housing compliance processes and programs, administration of the HB 1110 affordability requirements for rental housing could be a relatively low burden.

However, if Tier 1 and Tier 2 cities do not have an existing affordable housing program, the same options for compliance and administration exist as for homeownership programs. These options include:

- Developing and administering a city-managed program for monitoring and administering its affordable rental housing program. For cities that do not have an existing affordable housing rental program, this approach is likely to have significant ongoing staff and administration costs. For cities that have an existing affordable housing program under RCW 36.70A.540, this is the most straightforward option.
- The city can pay a third party to monitor and audit its affordable rental housing program. Enforcement of non-compliance is still required by city staff.
- Cities can engage with a regional partner to manage and monitor the program, such as SKHHP or ARCH.
- Cities can engage with a local housing authority to manage and monitor the program. Examples at the city and county level include Spokane Housing Authority, Renton Housing Authority, Housing Kitsap, and Housing Authority of Snohomish County.
- The city can engage with a nonprofit or third-party provider to administer and manage the program.

Tools to Encourage Affordable Housing Development

Cities should consider a variety of other ways to increase housing affordability that could be implemented in coordination with RCW 36.70A.635. Examples of strategies to promote affordable housing:

- Reduce or eliminate off-street parking requirements
- Increase State Environmental Policy Act (SEPA) threshold exemptions, adopt a SEPA infill exemption, and/or adopt a SEPA planned action
- Expedite the permit and subdivision process
- Adopt a multifamily tax exemption program
- Waive or reduce development review and utility connection fees
- Fund affordable housing with local taxes and/or levies
- Identify surplus land available for affordable housing development

References

- [Middle Housing in Washington. Technical Committee #4 Meeting. October 24, 2023.](#)
- [City of Tacoma – Draft Home in Tacoma Phase 2 Feasibility Analysis. Planning Commission Presentation. October 18, 2023.](#)
- [Department of Commerce – Middle Housing and Attainability in the Puget Sound Region](#)
- [Department of Commerce – Planning for Housing in Washington](#)
- [Department of Commerce – Guidance for Updating Your Housing Element](#)
- [Department of Commerce – Guidance for Developing a Housing Action Plan](#)
- [Department of Commerce – Guidance for Developing a Housing Needs Assessment](#)
- [AARP – Discovering and Developing Middle Housing. October 2023.](#)
- [South King County Housing and Homelessness Partnership – King County Regional Housing Action Plan. 2020.](#)

5.2 – Alternatives to HB 1110 Affordability Requirements

Local Affordable Housing Programs

Cities may adopt additional affordable housing incentives that are part of other affordable housing programs under RCW 36.70A.540. For cities that already have adopted affordable housing incentive program(s) under RCW 36.70A.540, the terms of that program govern to the extent they vary.

Under an RCW 36.70A.540 program, affordability requirements for rental units cannot exceed 80 percent area median income (AMI), and for ownership units cannot exceed 100 percent AMI.

Cities will need to meet the set-aside (share of units affordable), depth of affordability (AMI levels by tenure), and duration of affordability requirements identified in RCW 36.70A.635 but can layer additional process, regulatory, or financial incentives that might be available and applicable through an existing adopted RCW 36.70A.540 program.

The key affordability requirements of RCW 36.70A.635 that must be met include:

- Tier 1 cities allow 6 units per lot when at least 2 units are affordable
- Tier 2 cities allow 4 units per lot when at least 1 unit is affordable
- Affordable rental housing available at or below 60 percent MHI
- Affordable owner-occupied housing available at or below 80 percent MHI
- 50-year duration of affordability for both affordable rental housing and affordable owner-occupied housing

Note that the 50-year affordability requirement that exists in RCW 36.70A.635(2)(a) is also present in RCW 36.70A.540 with the option to accept payment in-lieu of continuing affordability. The affordable housing requirements of RCW 36.70A.635(3) do not preclude cities from requiring any development to provide affordable housing, either on-site or through an in-lieu payment, nor limit the city's ability to expand such a program or modify its requirements.

Cities may not allow a fee in-lieu option for middle housing development as an alternative to meeting the on-site affordability requirements established by RCW 36.70A.635.

Affordable Housing on Religious Organization Owned Property

Under RCW 36.70A.545, cities must allow an increased density bonus for any affordable housing development located on property owned or controlled by a religious organization. Affordable housing under RCW 36.70A.545 must be occupied exclusively by households earning 80 percent AMI or less and must keep affordability requirement for at least 50 years.

Enacting a density bonus under RCW 36.70A.545 would not exempt cities from affordability requirements of RCW 36.70A.635, but it would provide the opportunity for cities to adopt additional affordable housing incentives that allow more middle housing units on religious organizations' property. Middle housing development may be well suited to religious organizations with modest resources and/or those that are located in low-intensity residential neighborhoods.

This type of density bonus oriented toward middle housing could include:

- Increasing the maximum building height limit to 40 feet

- Increasing the maximum floor area ratio limit to 1.8 and having no lot coverage standard
- Reducing side setbacks to three feet and/or reducing front setbacks to between five and seven feet
- Allowing at least 10 units per lot or have no maximum density (allowing as many units that can fit within the building envelope)

6.0 – Alternative Compliance

HB 1110 provides cities with three paths to compliance, summarized below. The following chapter includes a more detailed description of each option.

1. Standard Density Requirements in RCW 36.70A.635(1)

2. Alternative to Density Requirements – RCW 36.70A.635(4). This alternative permits a city to implement the unit per lot density requirements (required in RCW 36.70A.635(1)) for “at least” 75 percent of lots in the city that are primarily dedicated to single-family detached housing units.

RCW 36.70A.635(4)(b) identifies those areas and lots where the unit per lot density requirements will not apply. RCW 36.70A.635(4)(c) identifies areas which may not be included in the 25 percent unless the area has been identified as an area at higher risk of displacement under RCW 36.70A.070(2)(g).

3. Alternative local action option – RCW 36.70A.636(3). This alternative permits a city to seek approval from the Department of Commerce of alternative local actions “substantially similar” to the requirements in RCW 36.70A.635(1). This option requires submittal and approval by the Department of Commerce. When this process is utilized, actions taken by the city are not subject to administrative or judicial appeal under the State Environmental Policy Act (SEPA).

Option 1

Standard Density Requirements in RCW 36.70A.635(1)

- 1 Policy and code changes are subject to appeal (SEPA and Growth Management Hearings Board)

Option 2

Alternative to Density Requirements in RCW 36.70A.635(4)

- 1 25% of lots for which the requirements of subsection (1) are not implemented must include areas meeting the requirements of RCW 36.70A.635(4)(b)(i-iv) and must not include areas outlined RCW 36.70A.635(4)(c)(i-iii)
- 2 A city using this option may request an extension of time for implementing requirements for areas at risk of displacement pursuant to RCW 36.70A.637. This option requires Commerce certification.
- 3 A city may also request an extension for a lack of infrastructure capacity pursuant to RCW 36.70A.638. This option requires Commerce certification.
- 4 Policy and code changes are subject to appeal (SEPA and Growth Management Hearings Board)

Option 3

Alternative Local Action option in RCW 36.70A.636

- 1 Implement actions substantially similar to the standard requirements in RCW 36.70A.635
- 2 Substantially similar actions include those listed in RCW 36.70A.636(3)(b),(c) and (d).
- 3 Local actions approved by Commerce are exempt from SEPA and GMA appeal but Commerce’s final decision is appealable to the Growth Management Hearings Board
- 4 Commerce will develop a process for cities to seek approval under this option

Cities must choose one of the three paths. Requirements are found in RCW 36.70A.635, 36.70A.636, 36.70A.637 and 36.70A.638

6.1 – Alternative to Density Requirements

RCW 36.70A.635(4)

The “alternative to density requirements” approach provides an option for jurisdictions to allow middle housing on certain lots primarily zoned for single-family detached housing units. The alternative requires that at least 75 percent of the “lots in the city that are primarily dedicated to single-family detached housing units” be subject to the unit per lot requirements of RCW 36.70A.635(1).

“Lots in the city that are primarily dedicated to single-family detached housing units” is not defined in the Growth Management Act (GMA). To identify these lots, it is recommended that those residential zoning districts where the permitted density is primarily focused on single-family detached housing be included. This would generally be zoning districts with permitted densities at ten dwelling units per acre or less. Even if middle housing is permitted in these zones, lower density zones are those primarily dedicated to single-family detached units. Once identified, these lots will be the basis for how the “at least” 75 percent of the lots is determined.

Eligible Lots

This alternative requires identification of which lots must be included in the “at least” 75 percent of the lots and the 25 percent or less of the lots that may be excluded from the unit per lot requirements of RCW 36.70A.635(1).

Except for areas identified at higher risk of displacement under RCW 36.70A.070(2)(g), lots that must be included in the “at least” 75 percent include:

- Any areas for which the exclusion would further racially disparate impacts or result in zoning with a discriminatory effect;
- Any areas within one-half mile walking distance of a major transit stop;
- Any areas historically covered by a covenant or deed restriction excluding racial minorities from owning property or living in the area, as known to the city at the time of each comprehensive plan update.

Jurisdictions should therefore review displacement risk work completed as part of its housing element update to ensure this requirement under RCW 36.70A.636(c) is met.

The 25 percent or less of the lots to be excluded from the unit per lot requirements of RCW 36.70A.635(1) must include but are not limited to:

- Lots designated with critical areas or their buffers¹¹⁸
- Any portion of a city within a one-mile radius of a commercial airport with at least 9,000,000 annual enplanements¹¹⁹
- Areas subject to sea level rise, increased flooding, susceptible to wildfires, or geological hazards over the next 100 years¹²⁰

¹¹⁸ This applies even if a city chooses to not apply the critical areas exemption (available under RCW 36.70A.635(8)(a)) to the requirements of RCW 36.70A.635(1). See related discussion in User Guide Chapter 2.4. Lots with critical areas or their buffers that a city allows to be developed with middle housing under the provisions of RCW 36.70A.635(1) cannot be counted in the minimum of 75 percent of lots that remain subject to RCW 36.70A.635(1).

¹¹⁹ This only applies to Seattle-Tacoma International Airport. Enplanement data is provided by the Federal Aviation Administration: https://www.faa.gov/airports/planning_capacity/passenger_allcargo_stats/passenger

¹²⁰ See resource links below.

- Areas within the city for which the department has certified an extension of the implementation timelines under RCW 36.70A.637 due to the risk of displacement; due to the risk of displacement
- Areas within the city for which the department has certified an extension of the implementation timelines under RCW 36.70A.638 due to a lack of infrastructure capacity; due to a lack of infrastructure capacity

Vacant lots meeting the criteria above can be included in the 25 percent or less category.

Since RCW 36.70A.635(4)(a) states the density requirement of RCW 36.70A.635(1) may be implemented for “...at least 75 percent” of the lots primarily dedicated to single-family detached housing units, then cities that cannot meet this “at least” 75 percent threshold cannot use this alternative.

Displacement Risk

Cities choosing the alternative to density requirements of RCW 36.70A.635(4) and considering requesting an extension of timelines for areas at risk of displacement under RCW 36.70A.637 must complete the anti-displacement analysis as required by RCW 36.70A.070(2).

In requesting an extension, the city must create and submit a plan identifying its anti-displacement policies. The plan must identify when the policies will be implemented, which must be before their next implementation progress report required by RCW 36.70A.130(9). The area (mapped) at risk of displacement for which the extension is being requested, as determined by the anti-displacement analysis, will need to be provided. Additional Commerce guidance on the certification process will be forthcoming.

Lack of Infrastructure Capacity

Extensions of implementation deadlines for areas due to lack of infrastructure capacity requires that the city demonstrate a lack of capacity to accommodate the density required in RCW 36.70A.635 for one or more of the following: water, sewer, stormwater, transportation infrastructure, including facilities and transit services, or fire protection services.

Among other items, a jurisdiction will need to document the extent of the infrastructure capacity deficiency, include one or more improvements within its capital facilities plan to adequately increase capacity or identify the applicable special purpose district responsible for providing the infrastructure, if the infrastructure is provided by a special purpose district. Additional applicable water system plan information is required for timeline extension requests associated with lack of water supply to allow for Commerce evaluation of the request.

RCW 36.70A.638 includes specific provisions related to water and sewer. These provisions can be interpreted to be applicable not only to the time extension provisions of RCW 36.70A.638, but to middle housing in general.

Water: RCW 36.70A.638(9) states that a city may limit the area subject to the requirements of RCW 36.70A.635 to match current water availability in the following circumstances, if the area is zoned predominantly for residential use:

- The area is currently served only by private wells
- The area is served by a group A or group B water system with less than 50 connections^{121, 122}

¹²¹ Group A water systems information from the Washington Department of Health: <https://doh.wa.gov/community-and-environment/drinking-water/water-system-assistance/tnc-water-systems>

¹²² Group B water systems information from the Washington Department of Health: <https://doh.wa.gov/community-and-environment/drinking-water/water-system-assistance/group-b>

- A city or water provider(s) within the city do not have an adequate water supply or available connections to serve the zoning increase required under RCW 36.70A.635

This does not, however, affect or modify the responsibilities of cities to plan for or provide urban governmental services.

Sewer: RCW 36.70A.638(11) states that areas zoned predominantly for residential use currently served only by on-site sewage systems may limit development to two units per lot on lots subject to RCW 36.70A.635, until either the landowner or local government provides sewer service or demonstrates a sewer system will serve the development at the time of construction. As with the case for water discussed in the preceding paragraph, this does not affect or modify the responsibilities of cities to plan for or provide urban governmental services.

It is recommended that the code allow the number of units provided for in RCW 36.70A.635(1) but that a supplemental standard, footnote, or other notation be provided stating that the absence of sewer service may limit redevelopment until such time sewer infrastructure improvements are made.

Commerce has no general approval authority for the alternative to density requirements approach. However, if a jurisdiction seeks an extension of timelines for certain areas at risk of displacement (RCW 36.70A.637) or for areas lacking infrastructure capacity (RCW 36.70A.638), then Commerce certification of those time extensions is first necessary before those areas may be included in the 25 percent.

Other items identified in RCW 36.70A.638 will be required to document the lack of infrastructure capacity. As noted above, the process to document an infrastructure capacity deficiency could include providing maps, capital facility plan information, and documentation from outside agencies regarding the current lack of capacity. Processes to address the capital facility or utility planning requirements may be found at [RCW 36.70A.070\(3\)-\(4\)](#) and [WAC 365-196-415](#) through [WAC 365-196-420](#). Additional Commerce guidance on the certification process is forthcoming.

For cities considering this option, it is important to remember that just because new middle housing types may be allowed under RCW 36.70A.635 does not mean it can be built. For example, if an area lacks sewers currently, middle housing units may not be permitted until such time adequate infrastructure is provided. However, allowing middle housing uses could be a prompt for infrastructure improvements to be made by developers over time. Not allowing redevelopment for middle housing could be a barrier to improvements being made over time.

Resources

Displacement risk

- [Washington Department of Commerce – Draft Displacement Risk Map](#)
- [Puget Sound Regional Council – Displacement Risk Mapping](#)

Racially disparate impacts and racially restrictive covenants

- [Washington Department of Commerce – Guidance to Address Racially Disparate Impacts](#)
- [King County – Unlawful, discriminatory restrictive covenants](#)
- [University of Washington – Racial Restrictive Covenants](#)

Infrastructure planning

- [Washington Department of Commerce – Capital Facilities Planning](#)
- Capital facility and utility planning requirements: [RCW 36.70A.070\(3\)-\(4\)](#) and [WAC 365-196-415](#) through [WAC 365-196-420](#)

Flood risk

- [National Weather Service – Flooding in Washington](#)

- [Washington Emergency Management Division – Flood Hazard Profile](#)
- [Federal Emergency Management Agency – Flood Maps](#)
- [First Street Foundation – Flood Factor](#)

Sea level rise risk

- [Washington Department of Ecology – Sea Level Rise](#)
- [Washington Coastal Network – Sea Level Rise Resources](#)
- [National Ocean Service – 2022 Sea Level Rise Technical Report](#)

Wildfire risk

- [First Street Foundation – Fire Factor](#)
- [U.S. Forest Service Pacific Northwest Research Station – A “New Normal” for West-Side Fire](#)
- [U.S. Forest Service – Wildfire Risk to Communities](#)
- [Federal Emergency Management Agency - Wildfire](#)

Geological hazard risk

- [Washington Department of Natural Resources – Geologic Hazard Maps](#)
- [Pacific Northwest Seismic Network – Liquefaction Hazard Maps](#)

6.2 – Alternative Local Action

RCW 36.70A.636

This option is appropriate for jurisdictions which have taken actions by certain dates that are substantially similar to the requirements of House Bill 1110. Where applicable to a city, this could reduce further legislative action needed to comply with HB 1110.

Two alternative local action options, summarized as follows, are identified in RCW 36.70A.636. Both actions require approval by Commerce to be in effect.

Alternative Local Action 1

A city has adopted comprehensive plan policies, by January 1, 2023, which are consistent with the provisions of RCW 36.70A.635 and will take action to adopt permanent development regulations “substantially similar” to the requirements of RCW 36.70A.635 by July 23, 2024 (RCW 36.70A.636(3)(b)). Actions deemed substantially similar include those that:

- Result in an overall increase in housing units allowed in single-family zones that is at least 75 percent of the increase in housing units allowed in single-family zones if the specific provisions of RCW 36.70A.635 were adopted;
- Allow for middle housing throughout the city, rather than just in targeted locations; and
- Allow for additional density near major transit stops, and for projects that incorporate dedicated affordable housing.

Alternative Local Action 2

A city has adopted comprehensive plan policies or development regulations, by January 1, 2023, that have significantly reduced or eliminated residentially zoned areas that are predominantly single family (RCW 36.70A.636(3)(c)). A Commerce finding of “substantially similar” can be met if the city’s permanent development regulations are adopted by July 23, 2024 that:

- Result in an overall increase in housing units allowed in single-family zones that is at least 75 percent of the increase in housing units allowed in single-family zones if the specific provisions of RCW 36.70A.635 were adopted; and
- Allow for middle housing throughout the city, rather than just in targeted locations; and
- Allow for additional density near major transit stops, and for projects that incorporate dedicated affordable housing.

Commerce “Substantially Similar” Determination

As part of the review process of Alternative Local Action 1 and Alternative Local Action 2 listed above, the Department of Commerce may determine that the combined impact of the adopted comprehensive plan and development regulations are substantially similar to the requirements of RCW 36.70A.635 even if the city’s request does not demonstrate the criteria listed in RCW 36.70A.636 (3)(b) and (c) are met.

This determination is only possible when the Department of Commerce determines that the city has clearly demonstrated that the adopted development regulations will allow for a greater increase in middle housing production in single-family zones than would be allowed through implementation of RCW 36.70A.635. This will require a capacity analysis prepared by the city comparing middle housing production between RCW 36.70A.635(1) and the city’s plan/development regulations applicable to single-family zones.

SEPA Safe Harbor

If a city choosing a local alternative action listed above is required to make a SEPA threshold determination for that action, the action is exempt from administrative or judicial appeal.¹²³ An action by Commerce to approve or reject actions under the option are appealable to the Growth Management Hearings Board, however.

¹²³ [RCW 36.70A.636\(3\)\(e\)](#)

Appendix A - Middle Housing Pro Forma Assumptions

Prepared by ECONorthwest in January 2024.

Building Form

	Duplex	Duplex	Fourplex	Townhomes (4)	Sixplex	Townhomes (6)
Tenure	Rental	Ownership	Rental	Ownership	Rental	Ownership
Units	2	2	4	4	6	6
Floors	2	2	2	3	3	3
Gross Residential Area	4,200 SF	4,200 SF	4,795 SF	5,250 SF	5,985 SF	6,000 SF
Unit size	1,900 SF	1,900 SF	1,099 SF	1,313 SF	998 SF	1,000 SF
Bedrooms	3-bed	3-bed	2-bed	2-bed	2-bed	2-bed

Monthly Market Rate Rent Revenue Assumptions

	Duplex	Fourplex	Sixplex
Market Rate			
Tier 1 - Western Washington	\$3,069	\$1,775	\$1,450
Tier 1 - Eastern Washington	\$2,565	\$1,594	\$1,347
Tier 2 - Tri Cities	\$2,660	\$1,758	\$1,437
Rents Affordable at 60% of MFI			
Tier 1 - Western Washington	\$1,829	\$1,430	\$1,430
Tier 1 - Eastern Washington	\$1,473	\$1,153	\$1,153
Tier 2 - Tri Cities	\$1,640	\$1,283	\$1,283

Sales Price Assumptions

	Duplex	Townhomes (4)	Townhomes (6)
Market Rate			
Tier 1 - Western Washington	\$779,000	\$478,225	\$354,825
Tier 1 - Eastern Washington	\$560,000	\$376,030	\$310,000
Tier 2 - Tri-Cities	\$640,000	\$400,290	\$330,000
Sales Prices Affordable at 80% of MFI			
Tier 1 - Western Washington	\$398,717	\$355,518	\$355,518
Tier 1 - Eastern Washington	\$287,973	\$269,596	\$269,596
Tier 2 - Tri-Cities	\$339,834	\$309,833	\$309,833

Hard Costs per Square Foot

	Duplex	Duplex	Fourplex	Townhomes (4)	Sixplex	Townhomes (6)
Tier 1 - Western Washington	\$185	\$185	\$196	\$187	\$194	\$183
Tier 1 - Eastern Washington	\$176	\$176	\$186	\$177	\$184	\$174
Tier 2 - Tri-Cities	\$181	\$181	\$192	\$183	\$190	\$179

Other Cost Assumptions

Item	Value	Calculation Basis
Vacancy costs, market rate units	5%	Of rental revenues
Vacancy costs, affordable units	2%	Of rental revenues
Operating costs, rental units	20%	Of rental revenues
Commission cost from unit sales	3%	Of sales revenues
Surface parking stalls	\$7,000	Per stall
Private garage parking	\$22,000	Per stall
Soft Costs	25%	Of hard costs
Contingency	4.0%	Of Hard + Soft Costs
Developer Fee	5.0%	Of total development cost
Debt Service Coverage Ratio	135%	Of net rental revenues

HOUSING AND HUMAN SERVICES ELEMENT

CHAPTER 3

SeaTac
2035



City of SeaTac
everywhere's possible

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INTRODUCTION

The Housing and Human Services Element seeks to strengthen and sustain a place where children, families, and individuals can thrive, neighbors care for each other, and residents partake in a just and thriving community for all. This Element addresses housing and social services, which are often integrally related. It establishes the policy context for regulations and programs that provide for an adequate housing supply for the projected population at all income levels, maintain housing quality, and protect existing single-family neighborhoods. It also establishes the policy context for Human Services programs and actions that serve community members with varying needs. While the goals and policies of this element apply citywide, they emphasize concentrating opportunities in the Urban Center and station areas, where transportation options can reduce transportation costs for lower income households.

This Element is coordinated with the Land Use, Transportation, Economic Vitality, and Parks, Recreation, and Open Space Elements to ensure a consistent approach to providing access to the above resources. Additional housing goals and policies can be found in the City Center Plan.

Access to resources

SeaTac's housing and human services work aims to ensure that all residents have access to basic necessities and resources for a good quality of life, including:

- Safe and affordable housing,
- Adequate and nutritious food,
- Access to quality health care,
- A living wage to support self and family,
- Affordable and available community activities,
- Universal quality education,
- High quality affordable childcare,
- Freedom from physical harm as well as mental and emotional coercion, and
- Economic, environmental, and social stability.

"Human services" are defined as those services that address the following needs of SeaTac residents:

- Basic human needs, including the need for food, clothing, shelter, and primary health care.
- Social support, especially in times of personal and family crisis. Social support services include counseling, outreach, peer support, employment and training programs, child day care programs, and preventive education.
- Treatment for illnesses or disabling conditions such as physical illness, mental illness, and substance abuse.
- Help in gaining access to available, appropriate services including transportation and information and referral programs.

Guiding Principles

The following principles guide this Element:

- Every person is valuable, and meeting basic human needs for all is essential. People must not be devalued for being in need, nor during service delivery.
- Collaborative partnerships must be established between funders, government, educators, human service providers, media, police, the criminal justice system, and the community at large to ensure basic human needs are met in a humane and holistic manner.
- Human services must be operated, staffed, and funded in a way that allows for services to be accessible across a broad spectrum of need.
- A continuum of human services that increases self reliance and strengthens individuals, children, and families must be provided.
- Increasing access and promoting awareness of human services improves health and well being.
- Working with nearby jurisdictions to fund and administer human services improves and integrates systems.
- Programs must be monitored and should respond to changing needs.

See Framework Policy 1.1A regarding community engagement and public participation



MAJOR CONDITIONS

SeaTac's major housing and human services conditions include:

- Property values in the vicinity of the light rail stations will likely rise in anticipation of or as a result of new development. This will make it challenging to provide and maintain affordable housing in proximity to the stations.
- SeaTac is now a "minority majority" city, meaning that more than half of the population is made up of racial and ethnic minorities, many of whom are new immigrants with social service needs.
- Although SeaTac's housing sales and rent prices are among the most affordable in the region, households with very low incomes (less than 30% of the area median income) have difficulty finding housing.
- SeaTac residents, as well as residents of other south King County cities, are at a higher risk for chronic diseases, poor health, and lower life expectancies compared to the rest of the county.
- 58% of renters pay more than 30% of household income for housing; 35% of homeowners pay more than 30% of household income for housing (2010 Census).
- There are three mobile home parks with about 540 mobile homes in SeaTac. Mobile homes offer an affordable housing option preferred by some residents, but they are vulnerable to park closure by the property owner.

SeaTac's Demographics

SeaTac continues to become increasingly ethnically diverse. SeaTac's population is 61% persons of color, with 31% born in another country (King County analysis of 2010 US Census/2005-2009 American Community Survey data). More than 70 languages are spoken in SeaTac's schools. Poverty rates are also higher in SeaTac than in King County as a whole, with the median household income 9% less than the countywide median. Offering services that are geared to meet the needs of this diverse population and to create opportunity for people of all ages, abilities, and backgrounds is important.

GOALS AND POLICIES



This section contains SeaTac’s housing and human services goals and policies. Goals represent the City’s general objectives, while policies detail the steps required to achieve each goal’s intent.

Access to Human Services

GOAL 3.1

Maintain and enhance the quality of life for all community members by providing and supporting effective and accessible human services that are culturally relevant, physically accessible, near adequate public transportation, affordable, and immediate.

Policy 3.1A

Provide human services to SeaTac residents regardless of race, ethnicity, cultural or religious background, national origin, sex, age, family status, sexual orientation, or sensory, mental, or physical disability.

Policy 3.1B

Provide a continuum of human services that empower, build upon the strengths, and increase the self-reliance of individuals and families.

Policy 3.1C

Actively inform residents of and increase access to available services.

Policy 3.1D

Evaluate and mitigate as necessary, impacts of city actions to human services programs, when developing policies, programs, and practices.

A “continuum” of human services refers to programs that address prevention and root causes of problems as well as symptoms.

Lack of information about existing services prevents individuals and families from finding and using the services they need. The City is in a unique position to publicize services through direct public education and referrals by the Human Services Office, Municipal Court, City police, fire department personnel, recreation supervisors, and other City staff.

GOAL 3.2

Effectively allocate City general funds for services that address the full spectrum of community needs and values.

Policy 3.2A

Fund local and regional human services that address priority needs and meet City human services funding criteria.

Policy 3.2B

Fund services that are high quality and fiscally sound with a track record of achieving measurable outcomes and results.

Policy 3.2C

Leverage financial, volunteer, and other resources for the greatest impact.

GOAL 3.3

Partner with funders, governments, educators, human service providers, media, police, the criminal justice system, and the community at large to meet human needs in a humane and holistic manner.

Policy 3.3A

Continually engage residents, service providers and community organizations in dialogue regarding the present service systems, the emerging needs of the community, and the building of a complete system of services.

Policy 3.3B

Cooperate with other local and regional funders to monitor and respond to changing community needs.

Policy 3.3C

Encourage local and regional coordination pursuing cooperative planning efforts with other governmental jurisdictions.

Policy 3.3D

Advocate for national, state, county, and local human services efforts that further the City's human services goals.

Policy 3.3E

Assist community organizations in their human services planning and provision.

City government expresses a community's values. To implement Framework Policy 1.1A (promote meaningful community engagement) and determine human services needs and priorities, the City should provide ample opportunity for public input through its Human Services Advisory Committee and other forums such as needs assessments, neighborhood events, surveys, and public meetings.



See Land Use policies 2.1B and 2.1E.



See Capital Facilities Goal 5.1 and 5.3 regarding capacity and concurrency.



See Utilities Goal 6.1 regarding adequate utilities provision.

Unlike most suburban cities, SeaTac has more jobs than residents. Focusing residential growth in SeaTac's transit communities improves the regional jobs-housing balance, supports the Regional Growth Strategy, and increases access to economic, education, recreational, and health opportunities for transit users.



See the Land Use Element's Healthy, Equitable, and Connected Communities section for policies that support physical and social stability.



See the Land Use Element's airport noise contours Map 2.3.

Variety of Housing Types

GOAL 3.4

Increase housing options in ways that complement and enhance nearby residential and commercial uses.

Policy 3.4A

Encourage development of residential areas and lots with adequate existing utilities and transportation systems.

SeaTac's neighborhoods have opportunities for infill development. Development of these lots is fiscally responsible and efficient since the utilities and infrastructure are already in place and available.

Policy 3.4B

Promote a variety of housing types and options in all neighborhoods, particularly in proximity to transit, employment, and educational opportunities.

Neighborhood Preservation

GOAL 3.5

Strengthen SeaTac's existing residential neighborhoods and foster a high degree of pride in residency or ownership.

Policy 3.5A

Use City programs to support physical and social stability in established residential neighborhoods.

SeaTac's neighborhoods are affected by many City codes, policies, and programs which regulate land use, physical improvements, and transportation. The City, by equitably maintaining and enhancing the physical and social qualities of existing neighborhoods, ensures that these programs provide the greatest benefit to residents.

Policy 3.5B

Support programs that repair and maintain existing single family, multifamily, owner-occupied, and rental housing to preserve and enhance the housing stock and retain the availability of safe, sanitary, and affordable units.

Neglected housing units can negatively affect a neighborhood's property values and the health of residents.

Policy 3.5C

Advocate for programs that require the insulation of housing units affected by aircraft noise through the Port of Seattle and Federal Aviation Administration Noise Remedy Program.

Housing Affordability

A basic tenet underlying housing affordability is that the private market generally creates housing for those in the upper income brackets, but City land use and planning policies and market interventions are necessary to make housing affordable to moderate and lower income residents.

The City recognizes that the following may affect housing affordability:

- Household income;
- Sufficiency of supply vs. demand;
- Cost of land, taxes, fees, and infrastructure;
- Lending policies and requirements;
- Vacancy rates;
- Clear, concise, and predictable development regulations; and
- Timely and efficient permit processing.

When evaluating affordable housing policies, the City should consider the following:

- Access to transit;
- Access to public services such as libraries, community centers, and schools;
- Community demographics including traditionally underserved communities;
- The existing level of affordable housing in SeaTac; and
- The number of households paying more than 30% of their income for housing.

SeaTac serves the region with its affordable housing stock. Its preservation is an important goal for the City and Puget Sound Region.



See the Land Use Element's Healthy, Equitable, and Connected Communities for transit communities policies and Map 2.1 for station areas.

GOAL 3.6

Increase housing opportunities for all economic segments of the community, especially in SeaTac's transit communities.

Policy 3.6A

Identify, maintain, and enhance the existing affordable housing stock in SeaTac.

Policy 3.6B

Use City land use and construction-related codes to encourage development and adequate supply of affordable housing for all economic segments of the forecast population.

Periodically, SeaTac should review its incentive programs to ensure their utility as trends and market conditions change.

Transit communities are generally considered the land within a half mile walking distance from the three light rail stations serving SeaTac. In some cases this land may extend beyond the Subarea boundaries. Developing transit communities implements the Council-endorsed Growing Transit Communities Compact.

SeaTac's Transit Communities are the areas within a half mile of the light rail stations. It is the City's policy to focus population and employment growth in these areas.

Policy 3.6C

Offer incentive programs for developers to preserve, replace, or build additional affordable housing units.

Policy 3.6D

Cooperate with the private sector, non-profit agencies, and public entities in the planning and development of affordable housing in SeaTac.

Policy 3.6E

In transit communities, ensure no net loss of affordable housing units.

Policy 3.6F

Work with regional and local governments to establish a transit-oriented development (TOD) property acquisition fund to encourage development of affordable housing in transit communities.

Land prices increase quickly near transit stations. This challenges equitable development by making site acquisition too expensive for affordable housing developers. A regional TOD fund would provide a tool to help develop affordable housing in transit communities.

Policy 3.6G

Continually review City codes and development regulations to ensure they do not create barriers to affordable housing opportunities.

Development regulations contribute to housing costs. The City can eliminate requirements that create unreasonable costs without benefit. In addition, the City may be able to streamline the development process and make it more predictable for the housing developer.

Policy 3.6H

Encourage equitable dispersal of affordable housing throughout the City.

Innovative tools, such as a percentage of affordable units in market-rate developments, accessory housing units, and first-time home buyer programs, can help distribute affordable housing opportunities throughout the community.

Policy 3.6I

Expand the Multifamily Tax Credit program to SeaTac's Transit Communities.

The Multifamily Tax Credit currently only applies to the S. 154th Street station area and the area around the SeaTac/Airport Station.

Policy 3.6J

Support and encourage legislation at the County, State, and federal level, as well as the regional pooling of resources, to promote SeaTac's affordable housing goals.

Special Needs Housing

GOAL 3.7

Encourage a variety of housing opportunities for persons with special needs.

Policy 3.7A

Support and plan for assisted housing opportunities using available federal, State, and County resources.

Policy 3.7B

Encourage the equitable distribution of special needs housing throughout the City.

Mobile Home Park Maintenance

SeaTac's mobile home parks provide an important affordable and community-oriented living option. However, mobile home park residents face unique challenges; they generally own their unit but do not own the underlying land. If the park owner closes the park, residents must sell their unit and find other housing or relocate their unit to another mobile home park. Depending on the age of the home, this can be difficult. Both options involve significant costs to the residents.

GOAL 3.8

Support the maintenance of SeaTac's existing mobile home parks as a source of affordable housing.

Policy 3.8A

Encourage cooperation between the State, County, City, and other groups concerned with mobile home issues to increase opportunities for tenant ownership of mobile home parks.

Policy 3.8B

Encourage essential safety upgrades for older mobile homes.

Policy 3.8C

Where owners meet low income guidelines, utilize City resources to upgrade existing mobile homes to meet minimum building standards.

Minimum standards are important for the safety of residents and stability of the park neighborhood. While the Zoning Code contains standards for the establishment of new mobile home parks, existing mobile home parks were permitted under King County and are subject to the regulations in place at that time. Enforcement of these standards is difficult because they are inconsistent with current standards.

"Special needs" refers to considerations or assistance required for people with mental, physical, or medical disabilities. For example, housing for people with limited mobility should follow universal design principles for maximum usability.

RCW 36.70A.410 requires that residential structures occupied by persons with disabilities or handicaps be treated no differently than a similar residential structure occupied by a family or other unrelated individuals.

Mobile Home Relocation

While the City of SeaTac cannot prohibit mobile home park closures, nor directly provide relocation assistance, the City can work with other regional jurisdictions to explore options for mobile home park tenants who may be impacted in the future. RCW 59.21.021 provides for financial assistance to displaced residents in some cases.

GOAL 3.9

Minimize the impacts of mobile home relocation on low and moderate income residents.

Policy 3.9A

Assist with identifying relocation options for mobile home park tenants forced to move due to mobile home park closure.

Policy 3.9B

Ensure that sufficient relocation plans are in place prior to the closure of any mobile home park.



RECOMMENDED IMPLEMENTATION STRATEGIES

This section identifies the specific steps, or implementation strategies, that achieve this Element’s policies. It also identifies the group(s) with primary responsibility for carrying out each strategy and the expected time frame within which the strategy should be addressed. Policy summaries are included in the table for reference.

As the Primary Responsibility column indicates, many of the implementation strategies will be initially undertaken by a specified board or commission. In most cases, the City Council will analyze the specific board/commission recommendation and make the final decision about how to proceed.

The time frame categories are defined as follows:

- Short-Term one to five years
- Medium-Term six to 10 years
- Long-Term 11 to 20 years
- Ongoing the strategy will be implemented on a continual basis

The time frames are target dates set regularly when the City Council adopts amendments to the Comprehensive Plan. Strategies that have been implemented are noted in brackets, along with the relevant completion date.

The list of proposed implementation strategies is a minimum set of action steps and is not intended to limit the City from undertaking other strategies not included in this list.

PROPOSED POLICIES	IMPLEMENTATION STRATEGIES	PRIMARY RESPONSIBILITY	TIME LINE
GOALS 3.1, 3.2, AND 3.3 ADDRESS THE PROVISION OF HUMAN SERVICES The Human Services section's policies focus on providing human services to populations in need. The community's most pressing human service needs are addressed through grants from the City of SeaTac to human service provider agencies. As part of this annual process, the policies are reviewed to reflect how the City wishes to implement its human services program. Therefore, no specific implementation strategies are included here.			
3.4 INCREASE HOUSING VARIETY			
3.4A Encourage development in residential areas with adequate public services.	Consider reducing the minimum single family lot size with appropriate adjustments in the Fire Code and building safety requirements.	Planning Commission, City Council	Short-Term
	Facilitate investment in existing neighborhoods with vacant or under-utilized land through infill development incentives. Techniques to be considered include: <ul style="list-style-type: none"> • Streamlining administrative procedures for small or irregular sites. • Pre-approving sites meeting certain conditions. • Revising existing site design standards. • Providing technical assistance with short platting. • Reducing subdivision/site development standards such as road width and parking requirements [see also strategy 3.6B]. 	Staff, Planning Commission, City Council	Short-Term
	Review City's Building Code to remove unnecessary obstacles, if any, to building infill single and multifamily housing.	Staff, Planning Commission, City Council	Short-Term

PROPOSED POLICIES	IMPLEMENTATION STRATEGIES	PRIMARY RESPONSIBILITY	TIME LINE
3.4B Promote a variety of housing types.	Develop incentives to include larger (3-4 bedroom) units in new apartment developments.	Staff, Planning Commission, City Council	Short-Term
	Develop incentives to promote the use of the High Density Single Family Special District Overlay in single family zones within ½ mile of a high capacity transit station.	Staff, Planning Commission, City Council	Short-Term
	Develop criteria for microhousing within close proximity to a high capacity transit station.	Staff Planning Commission	Short-Term
3.5 STRENGTHEN EXISTING NEIGHBORHOODS			
3.5A Support the physical and social stability of established residential neighborhoods.	Invest in older neighborhoods. Use local CIP funds, grants, and other funding sources to provide needed capital improvements, such as sidewalks, street trees, and pocket parks.	City Council	Ongoing
	Monitor eligibility of neighborhoods for CDBG and other neighborhood reinforcement money.	Human Services Advisory Committee Staff	Ongoing
	Support the formation and maintenance of community groups and neighborhood, apartment, and condo associations.	Staff	Ongoing
	Support development and maintenance of Block Watch activities.	City Council, Staff	Ongoing

PROPOSED POLICIES	IMPLEMENTATION STRATEGIES	PRIMARY RESPONSIBILITY	TIME LINE
3.5B Support programs that repair and maintain existing housing.	Continue to advocate for funding King County's Housing Rehabilitation Program; promote local use of weatherization program administered by King County Housing Authority.	Staff, City Council	Ongoing
	Periodically survey housing conditions and promote housing rehabilitation in targeted areas or across the City as needed.	Staff	Ongoing
	Sponsor an annual neighborhood beautification event in conjunction with neighborhood groups.	Staff, City Council	Ongoing
3.5C Advocate for programs that require insulation of housing impacted by aircraft noise.	Coordinate with Port of Seattle to assure that the most recent information on Port insulation programs is available for residents of houses in noise-impacted areas.	Staff	Ongoing
	Work with the Port to ensure the interest of SeaTac citizens are adequately represented in the aviation easement language.	Staff	Short-Term
3.6 INCREASE HOUSING OPPORTUNITIES FOR ALL			
3.6A Identify, maintain and enhance existing affordable housing stock.	Publicize King County housing rehabilitation program available to low and moderate income residents. (See strategy 3.5B.)	Staff, Human Services Advisory Committee	Ongoing
	In coordination with King County staff, monitor housing supply, affordability, and diversity, including progress toward meeting a significant share of the City's need for affordable housing for very low income households, and maintaining the City's share of housing for low and moderate income households. (See Countywide Planning Policy H-17.)	Staff	Ongoing

PROPOSED POLICIES	IMPLEMENTATION STRATEGIES	PRIMARY RESPONSIBILITY	TIME LINE
3.6A Continued	Review and amend, a minimum of every five years, the countywide and local housing policies and strategies, especially where monitoring indicates that adopted strategies are not resulting in adequate affordable housing to meet the jurisdiction's share of the countywide need. (See Countywide Planning Policy H-18.)	Staff, City Council, Human Services Advisory Committee	Ongoing
	Consider sponsoring a non-profit entity to acquire a residential structure in SeaTac and maintain it as affordable housing using Federal HOME funds.	Staff, Human Services Advisory Committee, City Council	Short-Term
	Consider funding a program that matches home owners who have extra space and/or maintenance or supplemental income needs with appropriate renters.	Staff, Human Services Advisory Committee, City Council	Short-Term
	Work with other agencies to prepare a brochure highlighting creative ways that home owners can reduce monthly housing costs and maintain their homes with low cost measures.	Staff	Short-Term
	Identify subsidized and low cost nonsubsidized housing that may be lost to redevelopment, deterioration, or public actions. <ul style="list-style-type: none"> Research sources of existing housing assistance or relocation funds available to low income residents and assist in obtaining these funds when subsidized and low cost nonsubsidized housing is lost due to redevelopment. 	Staff	Short-Term
	Continue to use existing Human Services funds to assist low income residents with maintenance and repair projects to maintain the City's existing stock of affordable housing.	Staff	Short-Term

PROPOSED POLICIES	IMPLEMENTATION STRATEGIES	PRIMARY RESPONSIBILITY	TIME LINE
3.6B Use land use policies and construction-related codes to encourage development and adequate supply of affordable housing.	Maintain density incentives for developers who make a proportion of their development affordable to lower income households.	Planning Commission, City Council	Ongoing
	Revise the Zoning Code to provide incentives for developing residential properties to the maximum densities allowed by the zone. Incentives may include: <ul style="list-style-type: none"> • Reduced infrastructure requirements • Building placement specifications to ensure further land division in the future 	Planning Commission, City Council	Short-Term
	Work with the Fire Department to streamline site and subdivision standards, allowing, for example, narrower roads and turn-arounds, and reduced parking requirements, to facilitate more efficient land usage and reduce land and building development costs, keeping in mind the need to maintain minimum life safety standards.	Planning Commission, City Council	Short-Term
	Update and streamline the PUD code.	Planning Commission, City Council	Short-Term
	Consider exemptions from part or all impact fees for housing projects that provide a minimum percentage of affordable units.	Planning Commission, City Council	Short-Term
	Streamline the SEPA process for projects that include affordable housing, based upon consistency with adopted City policy and the City's programmatic EIS.	Staff	Short-Term
3.6C Offer incentive programs for developers to preserve, replace, or build affordable housing.	(See Policy 3.6I)	Planning Commission, City Council	Short-Term
	Implement other incentives such as: <ul style="list-style-type: none"> • Reduced parking and/or landscaping requirements • Expedited permitting 	Staff	

PROPOSED POLICIES	IMPLEMENTATION STRATEGIES	PRIMARY RESPONSIBILITY	TIME LINE
3.6D Cooperate with public/private/non-profit agencies in the development of affordable housing in SeaTac.	Meet with existing non-profit housing developers to discuss the feasibility of non-profit housing development in SeaTac. Encourage its development by explaining SeaTac's procedures and working with them to find appropriate sites.	Staff	Short-Term
	Work with the Committee to End Homelessness and King County to assess the extent of homelessness in SeaTac; and advise on strategies to address the needs of homeless populations.	Staff	Ongoing
3.6E In transit communities, ensure no net loss of affordable housing units.	Explore Options to require at least one for one replacement of affordable housing units and encourage relocation assistance programs.	Planning Commission, Staff	Short-Term
3.6F Work with regional and local governments to establish a transit-oriented development (TOD) property acquisition fund to encourage development of affordable housing in transit communities.	Explore options for contributing local funds as a portion of regional public sector investment in a TOD property acquisition fund.	City Council, Staff	Short-Term
3.6G Ensure that City codes and development regulations do not create barriers to affordable housing.	Conduct a thorough review of all relevant City codes and regulations and revise where they are found to create unnecessary barriers.	Planning Commission, City Council	Short-Term
3.6H Encourage equitable dispersal of affordable housing throughout the City.	Inventory affordable housing locations.	Staff, Planning Commission, City Council	Short-Term
	Set affordable housing goals for each geographic area.	Staff, Planning Commission, City Council	Short-Term

PROPOSED POLICIES	IMPLEMENTATION STRATEGIES	PRIMARY RESPONSIBILITY	TIME LINE
3.6H Continued	Implement strategy appropriate to each area, such as: <ul style="list-style-type: none"> • Requiring affordable units in market rate development. • Allowing accessory housing units. • Supporting first time home buyer programs. 	Planning Commission, City Council	Short-Term
	Develop policies and employ best practices, where appropriate, related to the acquisition and disposition of properties that support affordable housing on surplus sites.	Planning Commission, City Council	Short-Term
3.6I Expand the multifamily tax credit program to transit communities.	Prioritize areas for program expansion.	Planning Commission, City Council	Short-Term
3.6J Support and encourage legislation at the County, State, and federal level, as well as the regional pooling of resources, that promote SeaTac's affordable housing goals.	Work with other local and regional governments, agencies, and non-profit housing developers to consolidate support for appropriate legislative or resource allocation actions.	City Council, Staff	Ongoing
3.7 ENCOURAGE A VARIETY OF HOUSING OPPORTUNITIES FOR SPECIAL NEEDS POPULATIONS			
3.7A Support and plan for assisted housing opportunities using federal, State, and County resources.	Determine numbers and needs of Special Needs Populations (such as people with physical and developmental disabilities, frail elderly, and people living with AIDS).	Staff, Human Services Advisory Committee	Short-Term
	Assess regional, State, and federal resources for meeting existing and future needs.	Staff, Human Services Advisory Committee, City Council	Short-Term

PROPOSED POLICIES	IMPLEMENTATION STRATEGIES	PRIMARY RESPONSIBILITY	TIME LINE
3.7B Encourage equitable distribution of special needs housing.	Identify areas where there are insufficient services directed to the needs of Special Populations.	Staff, Human Services Advisory Committee, City Council	Short-Term
	Assess ways the City can support programs that address these needs (marketing/referral or possibly direct funding).	Staff, Human Services Advisory Committee, City Council	Short-Term
	Ensure that residential zoning codes conform to state and federal requirements that residential structures occupied by persons with disabilities or handicaps be treated no differently than similar residential structures occupied by families or other unrelated individuals. (See RCW 36.70A.410)	Planning Commission, Human Services Advisory Committee, City Council	Ongoing
3.8 MAINTAIN MOBILE HOME PARKS			
3.8A Increase opportunities for tenant ownership of mobile home parks through cooperation with the State, County, and other groups.	Coordinate with other groups concerned with mobile home issues (e.g., mobile home park associations and the South King County Housing Forum) to increase opportunities for tenant ownership.	Staff	Ongoing
3.8B Encourage essential safety upgrades to older mobile homes.	Work to obtain CDBG funds to assist with essential safety upgrades to older mobile homes that are not up to code.	Human Services Advisory Committee, City Staff	Short-Term
	Continue to Include mobile homes in the City's Minor Home Repair program.	Staff	Ongoing
3.8C Encourage existing mobile home parks to meet minimum standards.	Adopt minimum standards for existing mobile home parks in the Zoning Code (e.g., internal streets, street lights, etc.).	City Council, Planning Commission	Short-Term
	Include mobile home parks in neighborhood planning efforts.	Planning Commission	Ongoing

PROPOSED POLICIES	IMPLEMENTATION STRATEGIES	PRIMARY RESPONSIBILITY	TIME LINE
3.9 MINIMIZE IMPACTS OF MOBILE HOME RELOCATION			
3.9A Work on creating location options for mobile home park tenants forced to move due to mobile home park closure.	Work with King County to find alternative sites for tenants forced to move.	Staff	Short-Term
3.9B Ensure that sufficient relocation plans are in place prior to the closure of a mobile home park.	To the extent permitted by law, maintain the Zoning Code provision that clearly notes the requirement that a tenant relocation plan be in place for any mobile home park proposing to close.	Planning Commission, City Council	Ongoing
	To the extent permitted by law, maintain specific requirements for tenant relocation plans. Inventory tenants and include specific mobile home relocation or other housing options for each tenant in relocation plans.	Planning Commission, City Council	Ongoing