



## Staff Report

February 21, 2024 Planning Commission Meeting

State Requirements for Middle Housing and Accessory Dwelling Units

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Time Estimate: 40 minutes

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**BACKGROUND:** The Washington State Legislature passed two significant housing bills during the 2023 legislative session dealing with middle housing (HB 1110) and accessory dwelling units (ADUs) (HB 1337). In short, these bills updated the Growth Management Act (GMA) to require that cities allow at least two dwelling units per lot and at least two ADUs per lot in residentially zoned areas. While the City's zoning code already has provisions for middle housing and ADUs, and the City has adopted Comprehensive Plan policies and a Housing Action Plan that support a diversified housing stock, these bills will require Camas and most cities in Washington to revise their regulations to allow for a greater number and increased types of housing in areas traditionally dedicated to single-family detached housing.

**SUMMARY:** Middle housing includes a range of housing options between single-family homes and large apartment buildings. These housing types include accessory dwelling units (ADUs), duplexes, triplexes, fourplexes, fiveplexes, sixplexes, townhouses, stacked flats, courtyard apartments, and cottage housing. These housing options are designed to be compatible in scale, form, and character with single-family homes. The goal of missing middle housing is to expand the housing options for the community. Missing middle housing creates a variety of home types for all stages of life. These stages include moving in together, home ownership, growing family, separation, empty nest, and multigenerational homes.

Accessory dwelling units (ADUs) are small, self-contained residential units located on the same lot as an existing single-family home. As the term "accessory" implies, ADUs are generally defined to be smaller in size and prominence than the main residence on the lot yet have all the basic facilities needed for day-to-day living independent of the main home, such as a kitchen, sleeping area, and a bathroom.

The Camas Municipal Code (CMC) allows for a range of housing types in nearly all multifamily zones, including single-family homes, duplexes, cottage housing, apartments, townhomes, and ADUs. Single-family residences are allowed in single-family, multi-family, and mixed-use zones. However, other missing middle housing options like duplexes, townhomes, apartments, and cottage housing are restricted to multi-family zones. A conditional use permit is required to build a duplex in the single-family zone. A conditional use permit process includes a public hearing

where the Hearings Examiner makes a final decision based on whether the duplex meets certain criteria in code, such as blending in with the surrounding neighborhood.

The table below identifies where middle housing and ADUs are allowed in the City of Camas.

**Table 1: CMC 18.07.030 - Residential and multifamily land use table**

**Authorized Uses in Residential and Multifamily Zones**

	<b>Single Family Zone</b>	<b>Multi-Family Zone</b>
<i>Apartments</i>	Not Permitted unless part of North Shore Low Density or PUD	Permitted
<i>Cottage Housing</i>	Not Permitted unless part of North Shore Low Density or PUD	Permitted in Multi-Family Cottage Overlay or North Shore High Density
<i>Duplex</i>	Conditional Use Permit – Requires Public Hearing	Permitted
<i>Townhomes</i>	Not Permitted unless part of North Shore Low Density or PUD	Permitted
<i>Single-Family Homes</i>	Permitted	Permitted
<i>ADU's</i>	Permitted w/ Single-Family Home	Permitted w/ Single-Family Home

All the above-mentioned housing types must comply with the setbacks, height, and landscaping standards in the zone in which the building is located. ADUs are limited to 40% of the primary structure's square footage. For example, if the single-family home is 2,000 square feet, the ADU could be up to 800 square feet. All other housing types must follow the same requirements as a single-family home in the applicable zoning.

HB 1110 – Middle Housing

HB 1110 requires some cities in Washington to allow certain minimum densities for middle housing in all residential zones. Cities with population of at least 25,000 but less than 75,000 are required to allow at least two dwelling units per lot, and four dwelling units per lot if at least one unit is affordable. Cities are required to update their zoning and development regulations to implement these requirements within six months of their next periodic review deadline. Camas's deadline for implementation is December 30, 2025.

To comply with HB 1110, cities must allow at least six of the following nine types of middle housing units: duplexes, triplexes, fourplexes, fiveplexes, sixplexes, townhouses stacked flats, courtyard apartments, cottage housing. Cities can also count ADUs towards the required unit density per lot.

Generally, the bill requires that standards for middle housing may not be more restrictive than those required for detached single-family residences. However, cities may 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. Engineering requirements can also be

different but should be based on the number of dwelling units rather than based on a specific type of residential building.

The Department of Commerce is currently developing a model ordinance for implementing the requirements of HB 1110. A final draft of this model ordinance is due by January 23, 2024. If any city has not passed ordinances, regulations, or other official controls by the required implementation deadline, the model ordinance supersedes, preempts, and invalidates local development regulations until the city takes all actions necessary to implement the state middle housing requirements.

### HB 1337 – Accessory Dwelling Units

HB 1337 requires all GMA municipalities – regardless of population – to allow at least two ADUs per lot in all urban growth areas for lots that meet the minimum lot size required for the principal housing unit. Local regulations must also permit ADUs to be attached, detached or a combination of both types. The bill also includes several other requirements for ADUs, as follows:

Maximum ADU size standard: Cities must allow ADUs to be at least 1,000 square feet in size and cannot set a maximum height of less than 24 ft. (ADUs in Camas are currently limited to 40% of the size of the principal unit, with no maximum size)

Owner occupancy: A local government may not require owner occupancy for a principal unit or ADUs. (Owner occupancy is a current requirement in Camas)

Allow separate sale of ADUs: Local governments may not prohibit the sale or other conveyance of a condominium unit independently of a principal unit solely on the grounds that the condominium unit was originally built as an ADU.

Development standards and design review: Local governments may not impose aesthetic standards or requirements for design review, or setback requirements, yard coverage limits, tree retention mandates, or restrictions on entry door location that are more restrictive than those required for the principal unit.

Impact fees: Impact fees for ADUs are limited to no more than 50% of those assessed to the principal housing unit.

### Our Camas 2045 – Comprehensive Plan Update

Current state law requires Camas to implement new middle housing and ADU requirements by six months after the next periodic update (December 30, 2025). As part of *Our Camas 2045*, the following steps will be taken to update the Comprehensive Plan Housing element with new goals and policies to comply with new requirements and meet the housing needs of the whole community.

1. Housing Element and Housing Action Plan Audit
2. Housing Needs Assessment and Housing Market Evaluation

3. Updated Housing Policies and Housing Element
4. Input into Land Use Growth Scenarios
5. Development of code updates

#### Possible ADU Code Changes initiated by City Council

City Council members have expressed concern about the size of ADUs which have been built recently in Camas. Most ADUs that have been built in recent years are under 800 sq. ft., but the metric used to determine maximum size (40% of the primary unit's square footage) means that the municipal code does not have uniform size limit for ADUs. Council has scheduled a workshop for March 18, 2024, to discuss possible code changes related to ADU size limitations and other design standards related to neighborhood compatibility. If Council decides to move forward on any changes, staff will bring a proposal to the Planning Commission for a recommendation.