



Technical Memo

To: City of Lake Forest Planning Commission
From: SCJ Alliance
Date: February 11, 2025
Project: Lake Forest Park Middle Housing Code Updates
Subject: Gap Analysis and Recommended Code Amendments

Middle Housing

As discussed at the previous Planning Commission meeting, the City of Lake Forest Park is currently going through an update to its zoning code for alignment with Washington's recently enacted middle housing legislation. The legislation, aimed at increasing housing diversity and affordability, requires cities of a certain size to permit middle housing types in all zoning districts predominantly zoned for residential use.

As a city with a population less 25,000 and contiguous with the UGA of the largest city in a county with population greater than 275,000, Lake Forest Park is considered a Tier 3 City, and must adhere to middle housing requirements as provided in state legislation.

Since the last meeting with the Planning Commission, several updates have been made to the development code for compliance with the requirements. The attached gap analysis, attached as Exhibit #1, provides a summary of the edits that have been made to date. Additionally the code amendments are also found within the attached Word document itself (Exhibit #4). Because the attachment is so lengthy, a summary of these edits has also been included within this report. Page numbers for the various code amendments have also been provided to aid in navigating the materials.

During the last meeting, Leland Consulting also reviewed a "Middle Housing Discussion Guide" with the Commission. It outlines various options that are up for consideration by the Commission. This discussion guide has once again been included in the packet as Exhibit #2.

State Mandated Compliance for Updating Subdivision Requirements

In addition to the “middle housing” requirements, the State legislature also included a requirement in ESSHB 1110 requiring cities to allow “zero lot line” short subdivisions. RCW 36.70A.635(5), provides in pertinent 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.”

This means that Lake Forest Park must allow zero lot line subdivisions that result in two lots for existing lots where residential uses are allowed. In addition, by adoption of different legislation in 2023 (ESSSB 5258), the Legislature amended the State Subdivision Act (Ch. 58.17 RCW) to requires the following:

(3) 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.

RCW 58.17.060(3).

Thus while the middle housing legislation only requires the City to allow the zero lot line subdivisions up to the two lots per residential lot, ESSSB 5258 requires allowance of unit lot subdivisions, not just zero lot line short subdivisions.

The current draft in the packet (Exhibit 4) includes language for unit lot subdivisions as provided in the State model ordinance. It is anticipated that additional edits will be made to this section prior to the next meeting. Additionally, the code amendments for zero lot line subdivisions will be incorporated into the draft that will be reviewed during the March meeting.

Summary of Proposed Code Amendments

As a reminder, the proposed code amendments are depicted in “Track Changes”. The document will be converted into ordinance format at a later date.

To aid in review of the code amendment document, the following is a summary of the proposed changes in order of appearance in the code amendment document followed by the corresponding page number.

LFPMC 17.04.050 Definitions (pg. 2)

New definitions have been added for the following terms:

- Parent Lot
- Unit Lot

- Split Lot
- Unit Lot Subdivision
- Zero Lot Line Subdivision

Edits have been made to the definition of “short subdivision” and “subdivision”.

LPFMC 17.12 Short Subdivisions and Dedications (pgs 9 - 11)

The chapter header has been modified to include the term “unit lot subdivision”, and the term unit lot subdivision has been incorporated throughout the chapter.

LPFMC 17.12.90 (pg. 11)

This is a proposed new chapter created to incorporate the required unit lot subdivision requirements. At present, the State model ordinance language has been incorporated into the code, but this section warrants additional review by the local jurisdiction.

LPFMC 18.08 Definitions (pg. 14)

The following definitions within the Municipal Code are being revised, deleted, or added. The definitions depicted in the color **red** are definitions that are required to be included within the code pursuant to the middle housing legislation which amended RCW 36.70A.030 Definitions. All definitions are followed by a brief rationale for the amendment.

- **Accessory Dwelling Unit (ADU), attached** (pg. 16)
This definition is being revised to specify that an ADU that exceeds the size limitations of MMC 16.34.020 shall be considered a duplex if attached.
- **Accessory Dwelling Unit (DADU), detached** (pg. 16)
This definition is being revised to specify that an ADU that exceeds the size limitations of MMC 16.34.020 shall be considered a cottage if detached.
- **Administrative Design Review** (pg. 16)
This is a new definition required pursuant to the middle housing legislation which amended RCW 36.70A.070.
- **Condominium** (pg. 20)
This is a new definition which duplicates the language of RCW 64.34.020(10). It is not required per the middle housing legislation but is relevant to the other housing related amendments to the code.
- **Cottage housing** (pg. 20)
This is a new definition, required pursuant to the middle housing legislation which amended RCW 36.70A.030, Definitions.

- **Courtyard apartments** (pg. 20)
This is a new definition, required pursuant to the middle housing legislation which amended RCW 36.70A.030, Definitions.
- **Duplex** (pg. 20)
This is a new definition. The new housing legislation requires that Tier 3 cities allow duplexes as a permitted use in residential zones, but allows the jurisdiction to craft their own definition.
- **Dwelling, multifamily** (pg. 20)
This is not a requirement but this definition has been amended to include a statement that middle housing is a type of multifamily dwelling.
- **Major Transit Stop** (pg. 23)
This is a new definition, required pursuant to the middle housing legislation which amended RCW 36.70A.030, Definitions.
- **Middle Housing** (pg. 24)
This is a new definition, required pursuant to the middle housing legislation which amended RCW 36.70A.030, Definitions.
- **Short Term Rental** (pg.26)
This is a new definition, but it is not required. The City may want to consider adding this definition in relation to the ability to restrict the use of ADU's for short term rentals.
- **Single-family zones** (pg. 26)
This is a new definition, required pursuant to the middle housing legislation which amended RCW 36.70A.030, Definitions.
- **Stacked Flat** (pg. 26)
This is a new definition, required pursuant to the middle housing legislation which amended RCW 36.70A.030, Definitions.
- **Tier 3 City** (pg. 19)
This is a new definition that has been provided by the State but is optional. Staff recommends inclusion of this definition for clarity when describing Lake Forest Park as a Tier 3 city.
- **Townhouses** (pg. 26)
This is a new definition, required pursuant to the middle housing legislation which amended RCW 36.70A.030, Definitions.

- **Unit density** (pg. 27)
This is a new definition recommended by the State for inclusion, but is one that the City may define.

LPFMC 18.12 Zoning Map (pg. 28)

Future edits to 18.12.010 will be warranted after further review of the existing zoning districts. If any zoning districts are renamed, consolidated, or eliminated, the appropriate designations will need to be incorporated.

LPFMC 18.16 RS-20 Single Family, Residential Low (pg. 30)

The title of this zoning district has been amended to remove the term “single-family”.

LPFMC 18.16.010 Permitted Uses (pg. 30)

This has been updated to state that middle housing is included within the list of permitted uses.

Other subsections have been flagged to ensure that the referenced chapters are reviewed for conformance, as updates are made.

LPFMC 18.18 RS-15 Single Family Residential, Moderate (pg. 32)

As with 18.16, the title of this zoning district has been amended to remove the term “single-family”, and the chapter has also been updated to specify the exact types of middle housing that would be allowed within the zoning district. This is an alternative way of depicting the allowance of middle housing, versus the language used in 18.16.

***SUMMARY TABLE OF ZONING USES**

At this point it would be helpful to refer to an additional attachment that has been included with the packet materials. The “Lake Forest Park Residential Zoning Review” has been developed as a summary table for a quick comparison of the development standards for each of the residential zoning districts.

Because there are so many similarities between uses, edits have not been made to each individual section of code. It is possible that some of the zoning districts could be combined. In addition, the Commission needs to make some final decisions on the amount of density to be allowed within the residential zones. Final edits will be incorporated into the code document at a later date.

In addition to the residential zones, the attachment also includes an outline on the Southern Gateway Zoning districts, as the SG-SFR zoning district is subject to the middle housing requirements. The table also points out that the SG-T and SG-C zones are NOT subject to middle housing.

Chapters 18.20 (pg. 34) through 18.30 (pg. 46) have been flagged for potential edits.

LPFMC 18.45 SG-SFR SOUTHERN GATEWAY RESIDENTIAL (pg. 49)

The title of this zoning district has been amended to remove the term “single-family”, and allowances for middle housing have also been incorporated. Please refer to the attached zoning summary table.

If the City makes a decision to allow for density beyond the required two units per lot, this section will warrant additional updates.

LPFMC 18.50.050 Accessory Dwelling Units (pg 56)

While the term “middle housing” does not include ADU’s, Lake Forest Park is also including legislation (required by House Bill 1337) related to ADU’s in the middle housing update. The code amendments within this section of the code are as follows:

- Up to two (2) ADU’s may be permitted on a lot per each single-family dwelling located on the same lot, provided that the unit density standards are not exceeded. This section goes on to further state that if a lot is developed with a duplex, or with two units classified as middle housing, then no ADU is permitted on that lot.
- ADU’s will need to comply with the development standards of the underlying zoning district.
- The maximum gross floor area of an ADU is set at 1,000 square feet. (Although the maximum may be higher, it cannot be less than 1,000 square feet.)
- Accessory dwelling units shall only be allowed on lots that meet the minimum lot sizes for the principal unit under the code. In addition, for any lot which is the result of a subdivision or a lot split and which is below the minimum lot size for the zone, no additional dwelling units, including accessory dwelling units, shall be allowed
- ADU’s will not be allowed on lots with critical areas, lots that are not connected to a public sewer system,
- ADU’s will not be allowed on lots that are within the shoreline jurisdiction.
- The garage conversion allowance has been revised to provide more clarity about the parking requirements if the previous parking space has been lost through conversion to an ADU.
- ADU’s may not be used as “short term rentals”.
 - This is not a state mandate, but the State allows for local jurisdictions to include this prohibition. This has been included for discussion purposes.

LFPFC 18.58.030 Parking spaces required (pg. 62)

A new Row 5 has been incorporated to specify the off-street parking requirements for middle housing dwellings. This language is being included for compliance with RCW 36.70A.635(6).

The additional provisions are as follows:

- A maximum of one off-street parking space per unit shall be required on lots no greater than 6,000 square feet before any zero lot line subdivisions or lot splits.

- 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 subdivision or lots splits.
- No off-street parking shall be required within one-half mile walking distance of a major transit stop.

As stated previously, the information outlined above is a summary of the major changes proposed for the middle housing code updates. Additional smaller edits have been flagged throughout, and final changes will be made once final decisions are made.

Next Steps

SCJ will use the recommendations from Staff and the Planning Commission to make additional code amendments. The intention is to bring a final draft to the Commission at the March meeting. Following that, it will be necessary to begin SEPA review, 60-day noticing to the Dept of Commerce, and the necessary public hearings. The deadline for adoption and transmittal to the State is June 30, 2025.

Attachments

- **Exhibit 1:** Gap Analysis in Excel
- **Exhibit 2:** Middle Housing Discussion Guide
- **Exhibit 3:** Lake Forest Park Residential Zoning Review
- **Exhibit 4:** Code Amendments in Word