

# State Requirements & City Development Standards Gap Analysis

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**General Note:** RCW code sections not applicable to the City of Kirkland have been omitted. This analysis covers zoning code compliance; staff anticipates that other policy, procedure, and administrative updates will be needed with code amendments.

## Compliance with Middle Housing Requirements (HB 1110 and ESHB 2321)

| TOPIC   | SECTION   | ANALYSIS (Kirkland Compliance Status with Existing Zoning)   |
|---|---|--|
| <b>Minimum number of middle housing units that must be allowed in predominately residential zones (low-, medium-, high-density residential zones)</b> | RCW 36.70A.635 <sup>1</sup> (b) Cities with a population of at least 75,000 | ---  |
|   | (i) $\geq 4$ du/lot <sup>2</sup>  | <b>Does Not Comply:</b> Current zoning is not uniformly permissive of the State unit-lot density requirement. While lots in low-density zones comply with this requirement pursuant to the City’s middle housing allowances in 113 KZC, lots with minimum lot size standards in residential zones where 113 KZC is not applicable may not meet State requirements of minimum unit-lot density. |

<sup>1</sup> Minimum residential density: <https://app.leg.wa.gov/RCW/default.aspx?cite=36.70A.635>

<sup>2</sup> Unless zoning permits higher densities

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|                                  | <p>(ii) <math>\geq 6</math> du/lot<sup>3</sup> within ¼ mile walking distance of major transit stop<sup>4</sup></p>  | <p><b>Does Not Comply:</b> As noted above, current zoning is not uniformly permissive of the State unit-lot density requirement. At the time of this analysis Kirkland has one major transit stop under construction, the I-405/Northeast 85th Street Interchange and Inline BRT Station Project<sup>5</sup> (State requirements will also need to be met once King County Metro’s Rapid Ride K Line stops are under construction.</p> |
| <p><b>Affordable housing</b></p> | <p>RCW 36.70A.635(2) – (3)</p> <ul style="list-style-type: none"> <li>• Density can increase from four units per lot to six (unless the zoning permits higher density), if two of the units are affordable.</li> <li>• Applicable to rental and ownership units</li> <li>• Affordable for a term of at least 50 years</li> <li>• Requires a covenant or deed restriction to maintain affordable housing</li> <li>• Affordable units must be comparable in size, and when practicable, number of bedrooms, to other units in the development. Affordable units must generally be distributed throughout the development</li> <li>• Affordable housing requirements may vary if the</li> </ul> | <p><b>Complies:</b> The City has adopted affordable housing requirements for both middle housing and multifamily development in most, but not all, areas of the City that allow for multi-unit developments. The City should consider adjusting these requirements to maximize value capture (i.e., potential new affordable housing units) of the City’s affordable housing provisions given the new density allowances.</p>          |

<sup>3</sup> Unless zoning permits higher densities

<sup>4</sup> Under section RCW 36.70A.030(25) the definition of “major transit stop” includes stops on bus rapid transit routes, including those stops that are under construction: <https://app.leg.wa.gov/RCW/default.aspx?cite=36.70A.030>

<sup>5</sup> <https://wsdot.wa.gov/construction-planning/search-projects/i-405-northeast-85th-street-interchange-and-inline-brt-station-project>

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|   | city has enacted an affordable housing program under RCW 36.70A.540.  |  |
| <b>Alternative density requirements</b> | <p>RCW 36.70A.635(4)</p> <ul style="list-style-type: none"> <li>• A city may choose to limit implementation of the density requirements to 75% of lots that are primarily dedicated to detached single-family houses, subject to specific conditions included in the new state law. Applicable exemptions include<sup>6</sup>: <ul style="list-style-type: none"> <li>○ Areas that lack of infrastructure capacity</li> <li>○ Critical areas and their buffers</li> <li>○ Areas within 100-year flood plane</li> <li>○ Geological hazardous areas</li> <li>○ Density requirements can be reduced in lots within a city that don't have adequate water supply or public sewer service</li> <li>○ Areas identified having a higher risk of displacement under RCW 36.70A.070(2)(g)</li> </ul> </li> </ul> | <b>Notes on Application of Provision:</b> This alternative to density requirements would be limited to low-density zones. Any request for exemption would need to be analyzed under the limitations of this section of the RCW and taken into consideration. |
| <b>Required middle housing types</b>    | RCW 36.70A.635(5)   | <b>Does Not Comply:</b> Many of the housing types are allowed in Kirkland's residential zones; however, not all are allowed in any   |

<sup>6</sup> Unless identified as having a higher risk of displacement, exempted areas may not include: any areas for which the exclusion would further racially disparate impacts or result in zoning with a discriminatory effect; any areas within 1/2 mile walking distance of a major transit stop; or 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.

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|   | <p>City must allow at least 6 of 9 types of middle housing<sup>7 8 9</sup>:</p> <ol style="list-style-type: none"> <li>1. Duplexes</li> <li>2. Triplexes</li> <li>3. Fourplexes</li> <li>4. Fiveplexes</li> <li>5. Sixplexes</li> <li>6. Townhouses</li> <li>7. Stacked flats</li> <li>8. Courtyard apartments</li> <li>9. Cottage housing</li> </ol>  | <p>one low-, medium-, or high-density residential zone. As part of this amendment process the City should analyze these different housing types and determine which types are permitted in a given zone category.</p>   |
| <b>Design requirements</b>                    | <p>RCW 36.70A.635(6) (a) (b)<br/> Design requirements may only be administrative and may not be more restrictive than that required for detached single-family houses. The city may apply objective development regulations that are required for detached single-family residences such as:</p> <ul style="list-style-type: none"> <li>• setbacks</li> <li>• lot coverage</li> <li>• stormwater</li> <li>• clearing</li> <li>• tree canopy and retention</li> </ul> | <p><b>Does Not Comply:</b> The City administers design requirements for middle housing in section 113.35 KZC that are more restrictive than those required for single-family houses. As part of this amendment process the City should analyze these standards and compare them to the design standards allowed in the State’s middle housing model ordinance<sup>10</sup>.</p> |
| <b>Development &amp; permitting processes</b> | <p>RCW 36.70A.635(6) (c)<br/> Same as 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.</p>   | <p><b>Does Not Comply:</b> While middle housing is allowed by-right, some housing types identified in RCW 36.70A.635(5) require additional permit review processes.</p>   |

<sup>7</sup> HB 1110 amended RCW 36.70A.030 – Definitions defining many housing types. The Department of Commerce’s Model code adopts these definitions and includes some additional definitions the City could consider for adoption with code amendments. State model code: <https://deptofcommerce.app.box.com/s/tfivrrq4t97nggquanr3syaz4zeo8nxd>

<sup>8</sup> A city may allow accessory dwelling units (ADUs) to achieve the unit density requirement.

<sup>9</sup> A city must also allow zero lot line short subdivision where the number of lots created is equal to the unit density requirement.

<sup>10</sup> <https://deptofcommerce.app.box.com/s/tfivrrq4t97nggquanr3syaz4zeo8nxd>

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| <p><b>Parking<sup>11</sup></b></p>                                       | <p>RCW 36.70A.635(6) (d) – (f)<br/>         No on-site parking requirement within ½ mile of major transit stop<sup>12</sup>; no more than 1 space/unit on lots of 6,000 sq. ft. or less; no more than 2 spaces/unit on lots larger than 6,000 sq. ft.</p>   | <p><b>Does Not Comply:</b> Parking requirements will need to be reduced near “major transit stops” once planned stops are under construction to comply with State requirements for lots 6,000 sq. ft. or less. Additionally, KZC 113.25 currently bases parking requirements on unit size and requires additional parking for guests, both of which will need to be amended to comply.</p> |
| <p><b>Minimum lot size, subdivision and unit density requirement</b></p> | <p>RCW 36.70A.635(6) (g)<br/>         Cities are not required to achieve the per unit density on lots after subdivision below 1,000 square feet unless the city chooses to enact smaller allowable lot sizes.</p>   | <p><b>Does Not Comply:</b> Kirkland’s smallest minimum lot size is 1,800 square feet; therefore, existing residential zones are not exempt from the unit density requirements.</p>   |
| <p><b>Exemption from minimum density requirements</b></p>                | <p>RCW 36.70A.635(8)</p> <ul style="list-style-type: none"> <li>• Portions of a lot, parcel, or tract designated with critical areas and critical area buffers</li> <li>• Areas designated as sole-source aquifers</li> <li>• A watershed serving a reservoir for potable water</li> <li>• Designated urban separators lots</li> <li>• A lot that was created through the splitting of a single residential lot.</li> </ul> | <p><b>Notes on Application of Provision:</b> As part of the amendment process the City should conduct an analysis of lands containing critical areas and buffers, urban separators etc.</p>  |

<sup>11</sup> Compliance with State parking requirements by if cities can demonstrate through study that parking limitations will be less safe for vehicle drivers or passengers, pedestrians, or bicyclists than if the jurisdiction’s parking requirements were applied to the same location for the same number of detached houses.

<sup>12</sup> Kirkland has no existing “Major Transit Stops.” Future Major Transit Stops will include stops along the STRIDE (I-405) Bus Rapid Transit line and K Line (connecting Totem Lake to Bellevue).

Compliance with State Accessory Dwelling Units Requirements (EHB 1337)

| TOPIC  | SECTION  | ANALYSIS (Kirkland Compliance Status with Existing Zoning)                               |
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| <b>Impact Fees</b>   | RCW 36.70A.681 <sup>13</sup> (1) (a)<br>Cities may not assess impact fees on the construction of accessory dwelling units (ADUs) that are greater than 50 percent of the impact fees that would be imposed on the principal unit.  | <b>Complies:</b> ADUs are exempt from impact fees (Chapter 27 KMC).                      |
| <b>Owner Occupancy</b>                                       | RCW 36.70A.681 (1) (b)<br>Cities may not require the owner of a lot on which there is an ADU to reside in or occupy the ADU or another housing unit on the same lot.   | <b>Complies:</b> Code does not require owner occupancy.                                  |
| <b>Number and Configurations of Accessory Dwelling Units</b> | RCW 36.70A.681 (1) (c) (d)<br>Cities must allow at least two ADUs on all lots that are located in all zoning districts within an urban growth area that allow for single-family homes. Must allow the following: <ul style="list-style-type: none"> <li>• 1 attached accessory dwelling unit (AADU) and 1 detached accessory dwelling unit (DADU)</li> <li>• 2 AADUs</li> <li>• 2 DADUs, which may be comprised of either one or two detached structures.</li> </ul> | <b>Complies:</b> Code allows for two ADUs consistent with State mandated configurations. |

<sup>13</sup> Accessory dwelling units—Limitations on local regulation:  
<https://app.leg.wa.gov/RCW/default.aspx?cite=36.70A.681>

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|                              | <ul style="list-style-type: none"> <li>ADUs in structures detached from the principal unit.</li> </ul>  |   |
| <b>Minimum Lot Size</b>      | RCW 36.70A.681 (1) (e)<br>Cities must allow an ADU on any lot that meets the minimum lot size required for the principal unit.  | <b>Complies:</b> Code does not have minimum lot size requirements.  |
| <b>Size</b>                  | RCW 36.70A.681 (1) (f)<br>Cities may not establish a maximum gross floor area requirement for ADUs less than 1,000 square feet.   | <b>Does Not Comply:</b> Code restricts accessory structures to 1,200 +10% of lot area that exceeds 7,200 sf (see 115.08 KZC). Lots not containing enough land area restrict at least one ADU to less than 1,000 sf.   |
| <b>Height</b>                | RCW 36.70A.681 (1) (g)<br>Cities may not establish roof height limits on an accessory dwelling unit of less than 24 feet.   | <b>Does Not Comply:</b> KZC 115.08 limits accessory structure height to 15 feet above the existing height of the primary residence, or the maximum height in the underlying zone, whichever is less. Minimum residential maximum height is 25 feet, but ADUs can be restricted to maximum heights lower than 25 feet based on current code. |
| <b>Dimensional Standards</b> | RCW 36.70A.681 (1) (h)<br>Cities may not impose setback requirements, yard coverage limits, tree retention mandates, restrictions on entry door locations, aesthetic requirements, or requirements for design review for ADUs that are more restrictive than those for principal units. | <b>Does Not Comply:</b> Code contains location and entrance requirements inconsistent with State requirements (see KZC 115.07.4 and 5).   |
| <b>Location</b>              | RCW 36.70A.681 (1) (i)<br>Cities must allow detached accessory dwelling units to be sited at a lot line if the lot line abuts a public alley, unless city routinely plows snow on the public alley.   | <b>Does Not Comply:</b> Code allows ADUs within 5 feet of an alley (see KZC 115.115.3.o(4))   |

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| <b>Conversions</b>          | RCW 36.70A.681 (1) (j)<br>Cities must allow ADUs to be converted from existing structures, including but not limited to detached garages, even if they violate current code requirements for setbacks or lot coverage. | <b>Does Not Comply:</b> While code anticipates conversion (see permitting section of KZC 115.07.8) some conversions may require a variance (see KZC 120.12 - Expansion or Modification of an Existing Structure). The nonconformance chapter 162 limits the ability for ADU conversions (see KZC 162.35.7 (setbacks), KZC 162.35.13 (lot coverage), and 162.45 (prohibition on increasing/intensifying/compounding nonconformance)).                                 |
| <b>Condominium Sales</b>    | RCW 36.70A.681 (1) (k)<br>Cities 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. | <b>Complies:</b> Code allows for condominium sales per KZC 115.07.2.   |
| <b>Street Improvements</b>  | RCW 36.70A.681 (1) (l)<br>Cities may not require public street improvements as a condition of permitting ADUs.   | <b>Does Not Comply:</b> Code does not exempt ADUs from street improvement requirement. For the purposes of determining public improvements, an ADU project is classified as a single-family dwelling addition/alteration. Per KZC 110.70, public improvements are required if the total addition/alteration value exceeds \$268,000, based on building construction (alteration)...(see KZC 110.70 Modifications, Deferments and Waivers, and Construction-in-Lieu). |
| <b>Parking<sup>14</sup></b> | RCW 36.70A.681 (2) (a)<br>Cities may not require: <ul style="list-style-type: none"> <li>• off-street parking as a condition of</li> </ul>   | <b>Does Not Comply:</b> The parking standards of KZC 115.07.6 will need to be updated to comply with   |

<sup>14</sup> Compliance with State parking requirements by if cities can demonstrate through study that parking limitations will be less safe for vehicle drivers or passengers, pedestrians, or bicyclists than if the jurisdiction's parking requirements were applied to the same location for the same number of detached houses.

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|  | <p>permitting development of accessory dwelling units within one-half mile walking distance of a major transit stop</p> <ul style="list-style-type: none"> <li>• more than one off-street parking space per unit as a condition of permitting development of accessory dwelling units on lots smaller than 6,000 square feet before any zero lot line subdivisions or lot splits</li> <li>• more than two off-street parking spaces per unit as a condition of permitting development of accessory dwelling units on lots greater than 6,000 square feet before any zero lot line subdivisions or lot splits</li> </ul> | <p>the restriction on off-street parking requirements within ½ mile of a major transit stop requirement.</p> |
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Compliance with State Residential Parking Regulations (SB 6015)

| TOPIC   | SECTION   | ANALYSIS (Kirkland Compliance Status with Existing Zoning)                                     |
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| Garages | RCW 36.70A.622 (1) (a)<br>Garages and carports may not be required as a way to meet minimum parking requirements for residential development. | <b>Complies:</b> City code does not require garages and carports to meet parking requirements. |

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| <b>Enclosed and Unenclosed Parking</b> | RCW 36.70A.622 (1) (b)<br>Parking spaces that count towards minimum parking requirements may be enclosed or unenclosed.   | <b>Complies:</b> City code allows for enclosed and unenclosed parking to meet requirements.   |
| <b>Tandem Parking</b>                  | RCW 36.70A.622 (1) (c)<br>Parking spaces in tandem must count towards meeting minimum parking requirements at a rate of one space for every 20 linear feet with any necessary provisions for turning radius. For purposes of this subsection, "tandem" is defined as having two or more vehicles, one in front of or behind the others with a single means of ingress and egress. | <b>Does Not Comply:</b> City code does not uniformly regulate tandem parking. KZC 105 contains no standards pertaining to tandem parking.   |
| <b>Gravel Surfaces</b>                 | RCW 36.70A.622 (1) (d)<br>Existence of legally nonconforming gravel surfacing in existing designated parking areas may not be a reason for prohibiting utilization of existing space in the parking area to meet local parking standards, up to a maximum of six parking spaces.  | <b>Does Not Comply:</b> City code's surface material requirement does not allow for use of nonconforming gravel as parking area (KZC 105.100). Currently, if gravel parking exists, it must be brought into conformance if any of the three criteria in KZC 162.35.6 apply. |
| <b>Size of Parking</b>                 | RCW 36.70A.622 (1) (e)<br>Parking spaces may not be required to exceed eight feet by 20 feet, except for required parking for people with disabilities.   | <b>Does Not Comply:</b> City code on dimensions of parking exceeds the standards of State requirements (see 105.60, 115.115.5, and 180)   |
| <b>Parking and Trees</b>               | RCW 36.70A.622 (1) (f)<br>Cities may not require off-street parking as a condition of permitting a residential project if compliance with tree retention would otherwise make a proposed residential  | <b>Complies:</b> The City's code does not preclude the maximum development potential (see KZC 95.30.2.b)  |

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|                              | development or redevelopment infeasible.  |  |
| <b>Grass Block Pavers</b>    | RCW 36.70A.622 (1) (g)<br>Parking spaces that consist of grass block pavers may count toward minimum parking requirements.  | <b>Does Not Comply:</b> City code's surface material requirement does not allow for grass block parking area (KZC 105.100).  |
| <b>Nonconforming Parking</b> | RCW 36.70A.622 (2)<br>Existing parking spaces that do not conform to the requirements of this section by June 6, 2024, are not required to be modified or resized, except for compliance with the Americans with disabilities act. Existing paved parking lots are not required to change the size of existing parking spaces during resurfacing if doing so will be more costly or require significant reconfiguration of the parking space locations. | <b>Does Not Comply:</b> City nonconforming code related to parking and associated landscaping per KZC 95.47, KZC 162.25, KZC 162.35.4, and KZC 162.35.6 are inconsistent with State Requirement. |

Compliance with State Local Design Review Requirements and Restrictions (ESHB 1293)<sup>15</sup>

| TOPIC                | SECTION  | ANALYSIS (Kirkland Compliance Status with Existing Zoning) |
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| <b>Design Review</b> | RCW 36.70A.630 <sup>16</sup> (1)<br>For purposes of this section, "design review" means a formally adopted local government process by which projects are reviewed for compliance with design standards for the type of use adopted through local ordinance. | ---  |

<sup>15</sup> Note: this tables reflects the application of ESHB 1293 as it relates to middle and multi-unit housing types in low-, medium-, and high-density residential zones only and does not reflect citywide compliance with State requirements in office and commercial zones.

<sup>16</sup> Local design review – Requirements and restrictions <https://app.leg.wa.gov/RCW/default.aspx?cite=36.70A.630>

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| <b>Clear and Objective Development Regulations</b> | RCW 36.70A.630 (2)<br>Cities planning may apply in any design review process only clear and objective development regulations governing the exterior design of new development.  | <b>Does Not Comply:</b> The City's middle housing code contains subjective standards that are not clear and may be interpreted differently between user and administrator (see KZC 113.35). |
| <b>Measurable Guidelines &amp; Standards</b>       | RCW 36.70A.630(2)(a)<br>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.   | <b>Does Not Comply:</b> Some of the City's middle housing code is not uniformly verifiable by reference to an external and uniform benchmark or criterion.                                  |
| <b>Dimensional Impacts</b>                         | RCW 36.70A.630(2)(b)<br>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.   | <b>Does Not Comply:</b> Both the City's middle housing and ADU design standards affect massing outcomes of these building types beyond what is allowed under general development standards. |
| <b>Exceptions</b>                                  | RCW 36.70A.630(3)<br>The provisions of subsection (2) of this section do not apply to development regulations that apply only to designated landmarks or historic districts established under a local preservation ordinance.                                    | <b>Complies:</b> There are no conflicts between the city's historic residence designation standards and the city's middle housing and ADU regulations.                                      |
| <b>Decision Process</b>                            | RCW 36.70A.630(4)<br>Any design review process must be conducted concurrently, or otherwise logically integrated, with the consolidated review and decision process for project permits set forth in RCW 36.70B.120(3), and no design review process may include | <b>Complies:</b> The design requirements of middle housing and ADUs are administrative and reviewed concurrently.   |

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|  | more than one public meeting. |  |
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Compliance with State Co-Living Housing Requirements (ESHB 1998)

| TOPIC  | SECTION  | ANALYSIS (Kirkland Compliance Status with Existing Zoning)  |
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| <b>Allowance of co-living</b>                        | RCW 36.70A.535 <sup>17</sup> <sup>18</sup> (1)<br>Cities must allow co-living housing as a permitted use on any lot that allows at least six multifamily residential units, including on a lot zoned for mixed-use development.  | <b>Does Not Comply:</b> The City regulates co-living facilities as “residential suites” as defined in KZC 5.10.778. This use is only allowed in specific zones within the city. |
| <b>Room dimensions, unit mixture, and other uses</b> | RCW 36.70A.535 (2)<br>Cities may not require co-living housing to: <ul style="list-style-type: none"> <li>• Contain room dimensional standards larger than that required by the state building code, including dwelling unit size, sleeping unit size, room area, and habitable space.</li> <li>• Provide a mix of unit sizes or number of bedrooms.</li> <li>• Include other uses.</li> </ul> | <b>Does Not Comply:</b> Residential suites have specific dimensional standards and are often required with mixed use developments.  |
| <b>Parking<sup>19</sup></b>                          | RCW 36.70A.535 (3)<br>Cities may not require co-living housing to: <ul style="list-style-type: none"> <li>• Provide off-street parking within one-half mile walking distance of a major transit stop.</li> </ul>   | <b>Does Not Comply:</b> Residential Suites have higher parking standards than State requirements allow.   |

<sup>17</sup> Co-living housing: <https://app.leg.wa.gov/RCW/default.aspx?cite=36.70A.535>

<sup>18</sup> This RCW contains an Intent and Findings section that may be useful to review when considering amending City standards on co-living requirements.

<sup>19</sup> Compliance with State parking requirements by if cities can demonstrate through study that parking limitations will be less safe for vehicle drivers or passengers, pedestrians, or bicyclists than if the jurisdiction’s parking requirements were applied to the same location.

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|                                  | <ul style="list-style-type: none"> <li>• Provide more than 0.25 off-street parking spaces per sleeping unit.</li> </ul>   |   |
| <b>Restrictive use standards</b> | RCW 36.70A.535 (4)<br>Cities may not require through development regulations any standards for co-living housing that are more restrictive than those that are required for other types of multifamily residential uses in the same zone.   | <b>Does Not Comply:</b><br>Residential Suites often have more stringent development standards compared to other multifamily uses.               |
| <b>Permitting</b>                | RCW 36.70A.535 (5)<br>Cities may only require a review, notice, or public meeting for co-living housing that is required for other types of residential uses in the same location, unless otherwise required by state law including, but not limited to, shoreline regulations under chapter 90.58 RCW. | <b>Does Not Comply:</b><br>Residential Suites often have more stringent permitting requirements compared to other types of residential uses.    |
| <b>Affordable housing</b>        | RCW 36.70A.535 (6)<br>Cities may not exclude co-living housing from participating in affordable housing incentive programs under RCW 36.70A.540.  | <b>Complies:</b> Residential Suites may participate in affordable housing incentive program.  |
| <b>Unit density</b>              | RCW 36.70A.535 (7)<br>Cities may not treat a sleeping unit in co-living housing as more than one-quarter of a dwelling unit for purposes of calculating dwelling unit density.  | <b>Does not Comply:</b> Existing unit density requirements will need to be amended in zones where Residential Suites are allowed.               |
| <b>Fees</b>                      | RCW 36.70A.535 (8)<br>Cities may not treat a sleeping unit in co-living housing as more than one-half of a dwelling unit for purposes of calculating fees for sewer connections, unless   | <b>Does Not Comply:</b><br>Residential Suites are not distinguished from other multi-family residential uses per the Public Works fee schedule. |

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|                           | <p>the city or county makes a finding, based on facts, that the connection fees should exceed the one-half threshold.</p>   |  |
| <p><b>Definitions</b></p> | <p>RCW 36.70A.535 (11)<br/> The following definitions apply:</p> <ol style="list-style-type: none"> <li>1. "Co-living housing" means a residential development with sleeping units that are independently rented and lockable and provide living and sleeping space, and residents share kitchen facilities with other sleeping units in the building. Local governments may use other names to refer to co-living housing including, but not limited to, congregate living facilities, single room occupancy, rooming house, boarding house, lodging house, and residential suites.</li> <li>2. "Major transit stop" means: <ol style="list-style-type: none"> <li>a. A stop on a high capacity transportation system funded or expanded under the provisions of chapter 81.104 RCW;</li> <li>b. Commuter rail stops;</li> </ol> </li> </ol> | <p><b>Notes on Application of Provision:</b> City should make reference to or adopt State definitions.</p> |

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|  | <ul style="list-style-type: none"> <li>c. Stops on rail or fixed guideway systems, including transitways;</li> <li>d. Stops on bus rapid transit routes or routes that run on high occupancy vehicle lanes; or</li> <li>e. Stops for a bus or other transit mode providing actual fixed route service at intervals of at least 15 minutes for at least five hours during the peak hours of operation on weekdays.</li> </ul> |  |
|--|--|--|

#### Appendix of Resources

Planning for Middle Housing, Washington State Department of Commerce:

<https://www.commerce.wa.gov/growth-management/housing-planning/middle-housing/>

Missing Middle Housing, MRSC: [https://mrsc.org/explore-topics/housing-](https://mrsc.org/explore-topics/housing-homelessness/housing/middle-housing)

[homelessness/housing/middle-housing](https://mrsc.org/explore-topics/housing-homelessness/housing/middle-housing)

Parking Regulations, MRSC: <https://mrsc.org/explore-topics/planning/zoning/parking-regulations>

Types of Affordable Housing, MRSC (related to Co-living ESHB 1998): <https://mrsc.org/explore-topics/housing-homelessness/housing/types-of-affordable-housing>