CITY OF KIRKLAND
PLANNING AND BUILDING
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MEMORANDUM

To: Kurt Triplett, City Manager

From: Adam Weinstein, AICP, Planning and Building Director
Allison Zike, AICP, Deputy Planning and Building Director
Martha Rubardt, Senior Planner

Date: September 28, 2026

Subject: **Briefing on Middle Housing Focused Optimization – File No. CAM26-00779**

RECOMMENDATION:

Staff recommends that the City Council receives a briefing to review and discuss the project scope and potential changes to development standards in order to optimize the development of middle housing in the city. Based on Council's initial feedback, staff will research and refine potential code amendment options for this focused middle housing optimization project.

EXECUTIVE SUMMARY:

- This staff memo contains an initial analysis of the potential code changes that could be implemented through the Middle Housing Focused Optimization project.
- This project is one of two middle housing optimization projects identified in the 2026-2028 Planning Work Program (PWP). The scope of this project is narrow and focused on making relatively quick, "low-hanging fruit" changes. A broader middle housing optimization project is scheduled for 2028.
- Middle housing is broadly defined as a tier of housing between detached single-family homes (i.e., one home per property) and larger multi-unit buildings. In Kirkland, middle housing includes accessory dwelling units (ADUs), cottages, townhouses, stacked flats, and multiplexes. ADUs and cottages are currently the most common types of middle housing being developed in the city. Based on initial research, these projects are generally maximizing the development potential of their sites within the existing development standards for lot coverage, floor area ratio (FAR), setbacks, and height.
- Staff has begun analyzing potential code changes within the scope of this project and has identified three potential code amendment package options:
    1. *Streamline existing regulations*: Seek opportunities to simplify permit review and make targeted adjustments to development standards to improve consistency and clarity, such as making FAR exemptions more uniform across different housing types and/or removing the 250 square foot allowance for an attached

garage for cottages and instead allowing the 250 square feet to be included in the overall maximum unit size. Avoid any major regulatory changes.

2. *General optimization of middle housing projects*: In addition to the streamlining adjustments in Option 1, this package could include adjusting development standards such as lot coverage and FAR to incentivize smaller units or certain housing forms or allow more units to be built on a property. Potential amendments could include establishing a tiered FAR or lot coverage allowance that increases with every additional unit built on a site.
3. *Incentivize retention of existing homes and encourage other age-friendly housing types*: Identify code adjustments that would make it easier to retain existing housing units (e.g., mid-century ramblers that are more affordable by nature of their compact size and age) and avoid demolition, and explore incentives for single-level, accessible housing types (e.g., stacked flats) that are friendly to aging community members and families.
4. *Take no action until the broader middle housing optimization project in 2028, when issues such as height allowances and reduced setbacks could be considered.*

- Staff is seeking Council feedback on the following questions:
    1. Does Council have a preferred code amendment option or combination of options for this focused optimization project?
    2. Are there additional code amendment options Council would like staff to explore?
    3. What types of data would Council like to see as part of this project?
    4. What level and type of public outreach should staff pursue for this project?

BACKGROUND:

Middle housing is a key strategy for meeting the housing demand and goals for the City of Kirkland. The majority of the land area of the city is zoned for low density residential uses, which historically have strictly allowed only one single-family residence per lot. This restriction has resulted in much of Kirkland being developed with large and expensive homes, excluding many people from being able to afford home ownership within the Kirkland city limits.

Middle housing, which includes cottages, carriage units, two-to six-unit buildings, townhouses, stacked flats, and ADUs, provides an opportunity to accommodate an increase of smaller units in low-density residential areas. Because middle housing units are smaller, they are generally more affordable than the typical single-family home.

Kirkland has allowed some forms of middle housing since 2007, when the first iteration of regulations for cottages and two- and three-unit homes was adopted. In 2020, Kirkland overhauled its middle housing regulations and made significant changes to streamline the review process, including removing the requirement for these projects to undergo a land use approval process.

In June 2025, Council adopted Ordinance O-4905 to update Kirkland's middle housing and ADU regulations to comply with the state's mandated "Middle Housing" laws and to clarify key

development standards.[1] Notably, as required by state law, this ordinance expanded the number and type of housing units permitted within residential areas of the City, allowing at least four middle housing units on all residential lots (including lots that had previously been zoned single-family development only), and allowing townhomes, multiplexes, and stacked flats. But Ordinance O-4905 did not adjust the development standards for middle housing. Therefore, the same development standards that apply to single-family development also apply to middle housing. As a result, most- developers have chosen not to utilize the increased density bonuses that were adopted as part of the 2025 reforms.

Through Council's discussions during the 2044 Comprehensive Plan and the 2026-2028 Planning Work Program (PWP) decision-making process, Council expressed interest in simplifying and optimizing the development of middle housing to help meet the City's housing and affordability goals. This Middle Housing Focused Optimization project is one of two projects on the 2026-2028 PWP. This "focused" optimization project is intended to be narrow in scope and examine specific changes to development standards that can be implemented soon. The second middle housing optimization project is scheduled for 2028 and will involve a more comprehensive review of the development standards and incentives that could be implemented or amended to further optimize middle housing development.

Project Scope

The 2026-2028 PWP[2] includes a description of the Middle Housing Focused Optimization project, stating the intent of the project and identifying those development standards that may be changed and those that will not. The project description[3] is as follows:

> *Near-term code adjustments to identify and improve existing sticking points in middle housing permit review, and that could include incentives for the retention of existing dwelling units in middle housing projects. Code adjustments will not include changes to: heights; setbacks; affordable housing requirements; tree protection requirements; units per acre limits; stormwater mitigation requirements; and could include changes to: floor area ratio; lot coverage; incentives for developments built for aging in place; incentives for off street parking; clarifications to floor area ratio exemptions; adjustments to square footage allowances for cottages; and increasing flexibility for existing dwelling units within middle housing projects.*

Applicable Comprehensive Plan Policies

The Housing Element of the 2044 Comprehensive Plan[4] includes numerous policies that support the optimization of middle housing. The overarching themes of these policies are to provide a diversity of housing forms, support smaller and more attainable homes, preserve

[1] https://www.kirklandwa.gov/Government/City-Council/Council-Meeting-Minutes-and-Agendas/2025-Kirkland-City-Council-Meetings/June-17-2025-Kirkland-City-Council-Meeting/Agenda-June-17-2025-Kirkland-City-Council-Regular-Meeting
[2] https://www.kirklandwa.gov/Government/Departments/Planning-and-Building/Planning-Work-Program
[3] The description in the Planning Work Program is intended to provide a range of options and/or examples of what a task may entail and does not reflect a final decision about the scope of study for the project.
[4] https://kirkland.municipal.codes/CompPlan/4

existing homes, and expand housing options for people with a range of incomes, ages, and abilities. The following are some of the policies most directly applicable to middle housing:

- *H-1.8: Continue to support the construction of ADUs, DADUs, cottages, duplexes, triplexes, and other forms of missing middle housing and ensure zoning and regulations do not add to the cost of building housing.*
- *H-1.15: Cooperate with other jurisdictions, agencies, and housing organizations to increase regulatory consistency across jurisdictions and reduce regulatory and permitting complexity and reduce the cost of housing.*
- *H-2.2: Provide access to affordable housing to rent and own throughout the City, in particular for those populations disproportionally impacted by past discriminatory land use and housing practices.*
- *H-2.4: Ensure that land use, zoning, and regulations support housing options and supportive services for older adults, disabled persons, people with medical conditions, unhoused individuals and families, and displaced people.*
- *H-2.6: Support housing options, programs, and services that allow older and differently abled adults to stay in their homes or neighborhoods. Encourage universal design improvements in renovation and new construction that increase housing accessibility throughout the City.*
- *H-2.8: Support no net loss in residential capacity, including for BIPOC, older adults, disabled persons, people with medical conditions, and low-income households, through development incentives, flexible standards, and programs that encourage preservation of existing homes while allowing for infill residential development.*
- *H-2.17: Support developers in the creation of housing that is environmentally sustainable, meets the needs of people at all stages of life, and promotes quality shared spaces.*
- *H-2.18: Support a variety of regulatory and programmatic solutions for the preservation of existing housing and ensure no-net-loss in City-wide residential capacity.*
- *H-2.23: Promote equitable community wellness through City regulations and programs that ensure fair access to housing in neighborhoods with convenient access to transit, schools and childcare, parks, and goods and services.*
- *H-2.27: Ensure equitable distribution of more housing types by removing exclusionary regulations and review processes from the zoning code. Prioritize removing regulatory and permitting barriers that prevent moderate-intensity residential development in lower-intensity neighborhoods.*

Middle housing advances these policies by allowing more homes to be accommodated within existing residential neighborhoods while retaining a smaller-scale residential form. Middle housing can increase the number of homes on a lot; expand the range of available housing sizes and costs; create opportunities for more people to become homeowners in neighborhoods with convenient access to transit, schools and childcare, parks, and goods and services; and support more efficient use of land and infrastructure to meet the community's housing needs.

DISCUSSION/ANALYSIS:

Middle Housing Development Trends

With the goal of making it easier to build middle housing and optimizing the number of units that are built on each project site, staff has begun initial analysis of some options for changes to the development standards included in this project scope on the 2026-2028 PWP.

Cottage developments and ADUs continue to be the most common forms of middle housing development in Kirkland and tend to fluctuate on a roughly inverse basis (when cottage production increases, ADU production tends to diminish). Table 1 below shows the total number of ADUs, cottages, and duplexes/triplexes permitted between 2018 and 2025. Between 2020 (when Council adopted major middle housing reform) and 2025, the number of issued middle housing permits increased by over 800 percent, and many properties that would once have been developed with single-family housing are being developed with middle housing.

Table 1: New Middle Housing Permits Issued

Year	ADUs	Cottages	Duplex and Triplex	Total Units
2025	55	111	2	168
2024	86	55	8	149
2023	77	65	16	158
2022	47	55	3	105
Year	**ADUs**	**Cottages**	**Duplex and Triplex**	**Total Units**
2021	24	41	0	65
2020	18	2	0	20
2019	28	6	0	34
2018	36	0	0	36

Source: Kirkland Housing Dashboard[5]

Attachment 1 includes data from a small sample of cottage projects applied for between 2024 and 2026, and shows the number of units, lot coverage, FAR, and unit sizes. The data demonstrates that projects typically maximize the FAR, lot coverage, or both that are allowed on the site. The data also shows that many projects maximize the unit gross floor area of individual units. Staff would expect similar data for ADU projects to show that these projects also typically maximize the FAR, lot coverage, or both that are allowed on the site.

Middle Housing Types

With the 2025 code updates, the types of middle housing units allowed within Kirkland expanded from ADUs, cottages, carriage units, duplexes, and triplexes to also include townhouses, stacked flats, and multiplexes. The development standards, including maximum height, lot coverage, FAR, and setbacks, were not changed and remain the same that apply to

[5] https://kirklandwa.maps.arcgis.com/apps/dashboards/8899c6a5566349b98765b97a73f721fb#

single-family development. As a result, many developers have not chosen to utilize the increased density bonuses that were adopted as part of the 2025 reforms.

Below is a description of each of these housing types and development trends for each type as observed by staff. For purposes of describing and analyzing these housing types, they are organized into three categories: ADUs, detached middle housing units, and attached middle housing units. In addition to the development standards listed below for each category, there are standards for setbacks, height, and lot coverage that apply to all middle housing types.

ADUs

ADUs are permitted as accessory units to a primary single-family residence, which distinguishes them from the other middle housing types. Applicants may build one single-family residence and up to two ADUs, either detached or attached, on a single lot. Applicants may also build up to two attached ADUs that are not counted as units for density calculations with a middle housing project. Note that regulations for ADUs are more restrictive on Goat Hill.

- Notable development standards: ADUs are limited to 1,200 square feet of gross floor area, including garage space. The primary single-family residence is not limited in gross floor area beyond the FAR, which is further discussed below.
- Common development trends: Since expanding allowances in 2020, the number of infill projects building ADUs has substantially increased. The primary residences being built on lots with ADUs have an average size of approximately 3,200 square feet in Kirkland, with either one or two 1,200-square-foot ADUs. Projects are typically designed to provide driveways and vehicle access to each unit which can conflict with other development standards (tree retention, lot coverage, common open space, setbacks) and restrict the site design. Existing homes are sometimes retained when an ADU is added within the home or as a detached unit in the backyard, but full redevelopment remains the most common approach for ADU development. Attachment 2 includes several example site plans that illustrate what these developments commonly look like.
- Permitting sticking points: Measurement of the 1,200 gross floor area maximum, and the site wide FAR can be confusing for applicants and planners to apply. The areas used to calculate the unit gross floor area and the area used to calculate the FAR are slightly different, with some features being exempted from one calculation and not the other. Some developers also believe ADUs should be allowed to be larger than 1,200 square feet, and/or that the square footage limitation should not include garages.

Detached Middle Housing Units

Other than ADUs, cottages are currently the only detached middle housing type allowed within Kirkland.

- Development standards: Cottages are allowed on all residential lots (except for Goat Hill) at a maximum density of either four units per lot (or six units per lot if within ¼-mile of a major transit stop) or twice the number of units allowed in the underlying zoning, whichever is greater. Cottages are limited in gross floor area to 1,700 square feet each, plus 250 square feet for an attached garage, and are subject as well to a site-wide FAR maximum. For cottage developments that contain five or more cottages, a common open space is required.
- Common development trends: Cottages are currently the most common form of middle housing. The majority of cottage housing projects maximize the allowed gross floor area

per unit, rather than maximize the allowed density to fit more units on a site. The most common development size is three units, with a couple larger cottage projects containing over seven units. It is very rare that a cottage project does not provide an attached garage and vehicular access to each unit. Existing homes have occasionally been retained as part of cottage developments, but this is not a common approach. Attachment 3 includes several example site plans that illustrate what cottage developments commonly look like.

- Permitting sticking points: Many of the initial sticking points during review and permitting of cottages have been resolved with past code amendments, but there continues to be some confusion around unit gross floor area and site-wide FAR. Cottages do not receive the bonuses or exemptions from FAR that other housing types use, which can limit development potential. Additionally, the common open space requirement can be restrictive for projects and add review time. Site layouts are also constrained by the need to accommodate individual or shared driveways serving each unit since most cottage units contain their own attached garage. These driveways typically conflict with other development standards (tree retention, lot coverage, common open space, setbacks) and limit development potential. Some developers also argue that cottages should be allowed to exceed 1,700 square feet (or 1,950 square feet, including garages).

Attached Middle Housing Units

There are several forms of attached middle housing units that are permitted within Kirkland: townhouses, stacked flats, and multiplexes up to six units in size.

- Notable development standards: Attached middle housing units are allowed on all residential lots (except for Goat Hill) at a maximum density of either four units (or six units if within ¼-mile of a major transit stop) or twice the number of units allowed with the underlying zoning, whichever is greater. Individual attached middle housing units do not have gross floor area limitations beyond the sitewide FAR, meaning they can be as large as the FAR regulations allow.
- Common development trends: Prior to the code updates in 2025, the only attached middle housing that was permitted were duplexes and triplexes, of which few were developed from 2022 until 2025 (see Table 1 above). Since the code update, there has not been an increase in permit applications for attached middle housing. Applicants are continuing to favor detached middle housing over attached middle housing. Retention of existing homes is not common with attached middle housing projects. The City has not received applications for the stacked flats housing type in low-density residential zones.
- Permitting sticking points: The few permit applications received for this housing type are often maximizing FAR, lot coverage, height, and setbacks, which can add time to permit review. The Building Code contains additional restrictions for stacked dwelling units, which may be a reason why this housing type is not common. In general, many developers opt not to maximize their allowed density by building smaller attached units since there is a perception that smaller units are less desirable than larger units (particularly stand-alone units). In addition, condominium liability law may be a factor discouraging developers from building stacked units.

Development Standards to Consider Adjusting

While there are numerous development standards that regulate residential development in low-density zones, FAR and lot coverage have been identified as particularly relevant to middle housing outcomes, where adjustments might present the most opportunity for optimization. As

such, staff is providing detailed background on these two standards below. Note that additional standards may be discussed more in the future after receiving Council guidance on the desired code amendment package.

Floor Area Ratio

FAR is a development standard that the City applies to residential development within the low-density residential zones. The intent of this standard is to limit the size, bulk and mass of the structures on a lot in proportion to the size of the lot. FAR is calculated on a site-wide basis, meaning the floor area of all structures on the property is added together and expressed as a percentage of the lot size. The maximum FAR for most low-density residential lots is 50% of the lot size; a limited number of zones with relatively high minimum lot sizes have a lower allowed FAR. On a typical 7,200-square-foot lot, an owner can construct approximately 3,600 square feet of building space (with some exemptions allowing for more building area).
With the addition of middle housing as a common development type in low density zones, the FAR regulations have been modified for different development types. The table below summarizes the FAR regulations that apply to each middle housing type and to single-family homes, including available bonuses and exemptions.

Table 2: Floor Area Ratio (FAR)

Housing Type	FAR Standards and Exemptions
Single-family home	• 5% FAR bonus available for specified design features that reduce visual bulk and mass • Standard exemptions include basements, open-covered decks/patios, and 100 square feet for internal stairs • Floor area with a ceiling height greater than 16 feet is counted twice
Housing Type	**FAR Standards and Exemptions**
Single-family home and ADU(s)	• Same standard exemptions as single-family homes • 500-800 square feet of one detached ADU may be exempt when located behind the primary residence • 5% FAR bonus available for specific design features that reduce visual bulk and mass • Floor area with ceilings over 16 feet counted twice
Cottages	• 25 square foot exemption for each cottage with an internal staircase • Affordable units exempt from FAR • Required 64 square foot porch exempt
Townhouses, Stacked Flats, Multiplexes	• Affordable units are exempt • Same standard exemptions as single-family homes • Floor area with ceilings over 16 feet is counted twice • 5% FAR bonus available for specific design features that reduce visual bulk and mass

Based on initial research of middle housing projects, the majority of these developments are maximizing the FAR allowed on each site. ADU projects typically maximize the 1,200 square foot gross floor area allowance for each ADU, use the applicable ADU FAR exemption, and then use the remaining site-wide FAR to construct the primary single-family residence to the maximum size allowed. Cottage developments also typically maximize the site-wide FAR in addition to maximizing the individual gross floor area allowed for each unit. Under this approach, a typical developer will tend to build fewer (but larger) cottage units instead of a larger number of smaller cottages.

With the current FAR regulations and exemptions, the purpose and function of the FAR calculation are less consistent across the different low-density housing types. For single-family homes, ADUs, and attached middle housing, the FAR calculation and exemptions are clearly intended to reduce the bulk and mass of structures that are visible from the right-of-way and from neighboring properties, as well as incentivize site design and building design that reduce the visual perception of massing.

The FAR for cottage projects differs from this approach. Cottage FAR does not include the exemptions and incentives for site and building design that reduce the visual perception of massing and instead represents a straightforward calculation of the total gross floor area of the site. For cottages, FAR primarily limits how much total floor area can be built on a site. This can indirectly limit the overall bulk and mass of a development, but the FAR for cottages is not a direct measure of the portions of a building that contributes to its perceived bulk and mass, as it is for the other housing types. This approach was implemented in part to simplify the regulations and permit review for cottage developments by using a single gross floor area calculation.

The different approaches to FAR for cottages and other low-density residential housing types provide an opportunity to re-examine the purpose and application of FAR. Some potential approaches to revising FAR could include standardizing the calculation across housing types; removing the FAR calculation altogether and relying on the lot coverage, setbacks, and height to maintain the small residential scale; or utilizing FAR as a tool to control development capacity and incentivize certain development outcomes. An example of this latter option would be to tie additional FAR on a lot to additional units (e.g., implementing a scaled FAR that increases as the number of units on a lot increases). If Council is interested in amending FAR, staff would research and explore options in further detail.

Lot Coverage

Lot coverage is a zoning regulation that limits the amount of hardscaped surface on a lot to ensure, ostensibly, that vegetated open space is provided and maintained. As written in the Kirkland Zoning Code, the intent of lot coverage is “to limit areas of hardscape, place an emphasis on landscaping, and to increase vegetated spaces throughout the City.”[6] The lot coverage regulation is separate and different from the impervious and pervious calculations for surface water but there is overlap in what is included in both calculations.

Currently, the maximum lot coverage for most low-density residential lots is 50% of the lot size, with more restrictive regulations in the Holmes Point Overlay. This includes the building footprints, driveways, walkways, patios, decks, and any other areas that are not vegetated open space.

[6] https://kirkland.municipal.codes/KZC/115.90

Lot coverage could be a development standard that is adjusted to incentivize certain middle housing development outcomes, such as allowing additional lot coverage for every additional unit that is developed on the site. If Council is interested in amending lot coverage, staff would research and explore options in coordination with the Public Works Surface Water team to ensure any change to lot coverage would be feasible for builders to implement and is safe for the environment.

Potential Code Amendment Options

Following the scope of this project in the PWP, staff has developed three initial potential code amendment packages for Council consideration. The packages have slightly different objectives, but there is overlap and individual concepts could be combined or incorporated. The concepts identified below are based on initial research and would likely be refined based on feedback from Council and the Planning Commission, as well as additional staff research and analysis.

1. *Streamlining Existing Development Standards*

   This option would seek opportunities to simplify permit review and make targeted adjustments to development standards to improve consistency and clarity while avoiding any major regulatory changes. Potential amendments could include, but would not be limited to:

   - Clarifying the calculation for ADU gross floor area;
   - Making FAR exemptions more uniform across different housing types; and/or
   - Removing the 250 square foot allowance for an attached garage for cottages and instead allowing the 250 square feet to be included in the overall maximum unit size.

2. *General Optimization of Middle Housing Projects*

   In addition to the streamlining adjustments in Option 1, this option would focus broadly on opportunities to incentivize and optimize middle housing. Code amendments could be designed to encourage smaller units, certain housing forms, or more units to be built on a property. Potential amendments could include the following:

   - Exempting units below a specific size threshold (such as 1,000 square feet) from FAR;
   - Implementing a tiered FAR that increases with each additional unit proposed on a site, which could incentivize the development of increased number of units and more compact housing units. This could follow one of the methods implemented by a neighboring city or the approach included in the Washington State Model Code for Middle Housing;[7]
   - Implementing a tiered lot coverage that increases with each additional unit proposed on a site; and/or
   - Removing or reducing the common open space requirement for cottages or increasing the current five-unit threshold that triggers common open space requirements. Open space alternatives could be explored, such as rooftop deck space.

[7] https://deptofcommerce.app.box.com/s/hx0itq9b0a3nwefm9lm9wcxqtz9dzsf3

3. *Incentivizing Retention of Existing Homes and Age-friendly Housing*

   Staff has received feedback from community members that the middle housing being developed in Kirkland—with bedrooms on different floors and vertical construction—is not conducive to aging in place and is not favorable to families with young children. The community has also expressed a desire for more efforts to be made to preserve older housing (particularly single-story, rambler-style housing that tends to be more affordable and conducive to aging in place) while also allowing infill development to occur.

   This option would focus on opportunities to incentivize the retention of existing homes and encourage other age-friendly housing types. Kirkland has a large amount of older housing stock, some of which is smaller and single-level and may be well suited for aging in place. This package could explore code adjustments that make it easier to retain existing homes within middle housing projects, which could help preserve homes with historic value and reduce the environmental impacts associated with new construction.

   This package could also explore incentives for developing other single-level accessible housing types, particularly stacked flats. Stacked flats, particularly when they are located on the ground floor, or accessible by elevators, are favorable for aging in place and families with young children because their living spaces and bedrooms exist on one floor, reducing the need to walk up and down stairways. Consistent with the limited project scope of this focused optimization project, amendments could include the following:

   - Exempting retained homes from density, lot coverage, and/or FAR calculations;
   - Providing setback flexibility to make it more feasible to retain existing residences while allowing the remainder of the site to be accessed and developed; and/or
   - Increasing lot coverage, FAR, and potentially other development allowances for stacked flat projects.

     (Note: increasing height would likely provide a more direct incentive for the development of stacked flats, but modifications to height standards are currently outside the scope of this project.)

This third package of amendments could also support Kirkland's commitments to AARP's Network of Age-Friendly States and Communities, a consortium that the City joined in 2025.

4. *Take no action until the broader middle housing optimization project in 2028, when issues such as height allowances and reduced setbacks could be considered.*

   Making these focused changes may not encourage developers to construct more middle housing in the near term. Developers who track the City's Planning Work Program may choose to wait until more permissive amendments such as height are evaluated. Council may conclude it is better to wait and defer these ideas until consideration of a more comprehensive package in 2028.

Development Community Input

Staff has not conducted community outreach specific to this project but has received two resources from Master Builders of King and Snohomish Counties (MBAKS) that are applicable to middle housing optimization. Attachment 4 includes the *Middle Housing Barriers and Solutions* document, and Attachment 5 includes the *Housing Toolkit* document. These

documents identify a range of barriers to housing production, including those that affect middle housing, and offer strategies to reduce or remove those barriers. In addition to FAR and lot coverage standards, these documents also identify utility requirements, right-of-way improvements, setbacks and height standards, curb cut restrictions, tree retention requirements, lack of uniformity in development regulations across jurisdictions, along with many others, as potential barriers to housing production.

With this Middle Housing Focused Optimization project, some of these barriers may be able to be addressed, such as lack of uniformity across jurisdictions, as well as FAR and lot coverage restrictions. Many of the other items are more consequential and could potentially be explored and addressed with the broader middle housing optimization project in 2028 when optimization will be analyzed more comprehensively.

Community Input

As noted above, staff has not conducted community outreach specific to this project. However, general feedback that staff and Council have received regarding middle housing (beyond the aging-in-place concerns noted above) has included concerns about increased on-street parking and pedestrian access, logistical challenges with garbage collection, and the general increase in residential density and its potential impact on trees and infrastructure.

Some residents have also expressed general support for middle housing in the City and approve of the progress the City has made increasing middle housing production since 2020.

As scoped on the adopted Planning Work Program, the timeline for this focused optimization project (focusing on minor adjustments) was not intended to include a significant amount of time devoted to community engagement; however, this can be adjusted with Council direction.

Questions for Council

1. Does Council have a preferred code amendment option or combination of options for this focused optimization project?
2. Are there additional code amendment options Council would like staff to explore?
3. What types of data would Council like to see as part of this project?
4. What level and type of public outreach would Council like staff to pursue for this project?

NEXT STEPS:

With feedback from Council, staff will begin researching and collecting data on the topics and incentives that Council is interested in. Staff will conduct outreach to the development community and other organizations or community members identified by staff, Council, or the Planning Commission, and work with the Commission to develop code amendments options for Council to consider to optimize middle housing production.

ATTACHMENTS:

Attachment 1 – Cottage Project Data
Attachment 2 – ADU Example Project Site Plans
Attachment 3 – Cottage Example Project Site Plans
Attachment 4 – MBAKS Middle Housing Barriers and Solutions
Attachment 5 – MBAKS Housing Toolkit

Example Cottage Project Development Data										
Lot Size	Number of Units	Unit 1 Size (sq. ft.)	Unit 2 Size (sq. ft.)	Unit 3 Size (sq. ft.)	Unit 4 Size (sq. ft.)	Unit 5 Size (sq. ft.)	Unit 6 Size (sq. ft.)	Floor Area Ratio	Lot Coverage	Development Considerations
11,706	3	1,695	1,695	1,695				49.03%	42%	
11,547	4	1,262	1,262	1,262	1,262			49.97%	48.48%	
11,002	3	1,567	1,567	1,567				49.98%	49.50%	
8,817	2 (one retained)	1706 (Existing)	1,699					39.70%		Retained unit creates limitations on developable area.
17,452	5	1,690	1,690	1,690	1,690	1,690		50%	43%	
14,412	4	1,536	1,435	1,625	1,625			49%	47.83%	
10,530	3	1,479	1,479	1,582				49.81%	42.33%	
10,567	3	1,385	1,616	1,616				49.94%	46.18%	
10,842	3	1,516	1,514	1,504				46.76%	49.58%	
16,800	4	1,625	1,625	1,482	1,482			36.39%	24.20%	Additional development restrictions apply due to being within Holmes Point Overlay.
22,506	6	1,620	1,620	1,620	1,620	1,620	1,620	49.53%	49.92%	
14,445	3	1,670	1,670	1,670				42%	35.10%	Existing utility easement.
13,750	3	1,676	1,700	1,698				42%	40%	Landslide hazard area limited developable area.
11,246	3 (one retained)	3,133 (Existing)	1,440	1,379				50%	48.64%	
18,634	5	1,598	1,524	1,524	1,620	1,620		45%	49.90%	

Note: the highlighted cells above call attention to unit sizes or site conditions that are near, or reaching, the maximum allowed under the current development standards for cottages.

Reader instructions:

Zoning Summary included in box with dotted red outline is included for each site.

Site features are color coded with the following:

- Single-family residences shown in red
- ADUs shown in blue
- Driveways and parking areas shown in gray
- Retained trees shown in green

NORTH

LOT COVERAGE:

SF/ADU:	1981	SQFT
DADU:	672	SQFT
WALKWAYS	138	SQFT
HVAC PADS	27 SQFT (10 sqft per dwelling unit can be exempted)=	0 SQFT
DRIVEWAY AND PARKING	1964	SQFT
PATIOS	46	SQFT

TOTAL 4801 SQFT (49.96%)

TOTAL LOT SIZE= 9613 SQUARE FEET

CITY OF KIRKLAND FAR SQUARE FOOTAGES

MAIN HOUSE MAIN FLR. ENCLOSED SQFT	1000 SQFT
MAIN HOUSE UPPER FLR. ENCLOSED SQFT	1149 SQFT
MAIN HOUSE LOWER FLR. ENCLOSED SQFT (INCLUDES GARAGE)	1085 SQFT
AADU MAIN FLR. ENCLOSED SQFT	536 SQFT
AADU UPPER FLR. ENCLOSED SQFT	489 SQFT
DADU MAIN FLR. ENCLOSED SQFT	579 SQFT
DADU UPPER FLR. ENCLOSED SQFT	621 SQFT
TOTAL ENCLOSED SQFT (FROM INSIDE OF EXTERIOR WALL IN)	5459 SQFT

TOTAL SITE F.A.R.

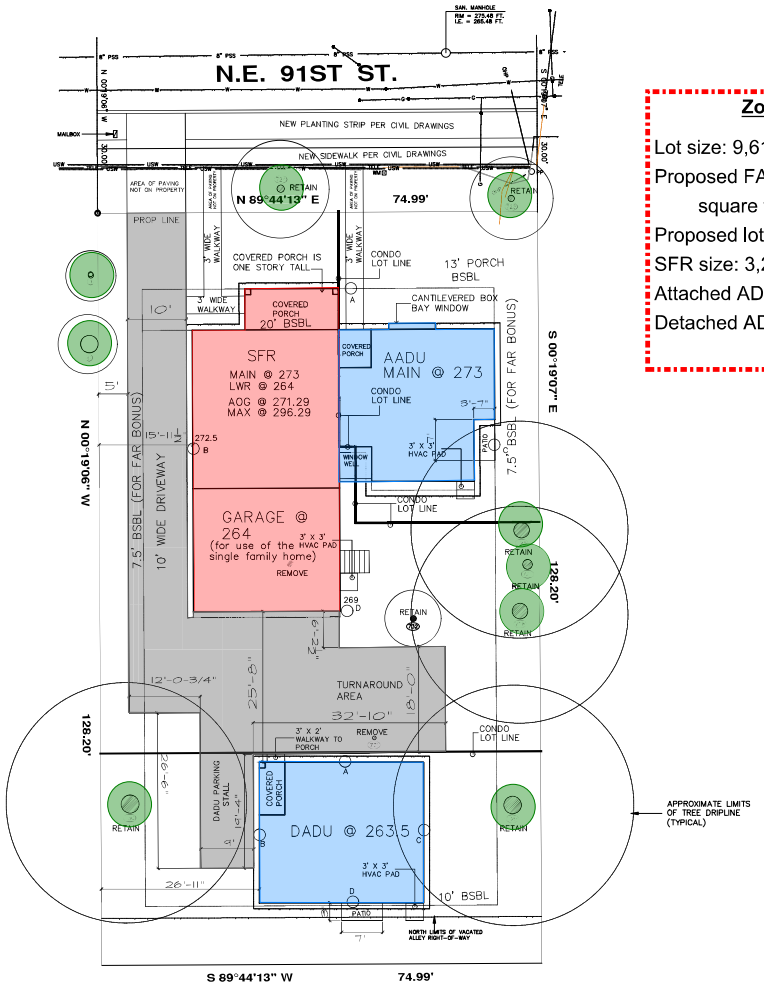
SITE AREA 9613 S.F.

MAX. FAR (50%) = 4806 S.F.

* ON LOTS MORE THAN 8500 S.F. THE FIRST 800 S.F OF AN ACCESSORY DWELLING UNIT CAN BE EXEMPTED IF IT IS 10' BEHIND THE PRIMARY STRUCTURE
* AN ADDITIONAL 5% FAR BONUS CAN BE USED IF PRIMARY ROOFS ARE 4:12 OR MORE AND STRUCTURES ARE 7.5' AWAY FROM PROPERTY LINES.

9613 (.55) = 5287.15 + 800= 6087.5 SQFT (MAX FAR)

MAIN HOUSE (3234 S.F.) (W/ 100 S.F. REDUCTION FOR STAIRS)	3134 S.F.
AADU	1025 S.F.
DADU	1200 S.F.
TOTAL	5359 S.F.



Zoning Summary

Lot size: 9,613 square feet
Proposed FAR: 47.5% (using 800 square foot ADU exemption)
Proposed lot coverage: 49.9%
SFR size: 3,234 square feet
Attached ADU size: 1,025 square feet
Detached ADU size: 1,200 square feet

SINGLE FAMILY/ADU

AVERAGE EXISTING GRADE

	MIDPOINT ELEVATION	RECT. SEGMENT LENGTH	TOTAL
A	273.50	51.5	14085.25
B	272.50	55	14987.5
C	272.50	55	14987.5
D	269.00	51.5	13853.5

57913.75/213= 271.89

AVERAGE EXISTING GRADE= 271.89
MAXIMUM BUILDING HEIGHT= 296.89 (25')
ACTUAL BUILDING HEIGHT= 296.20

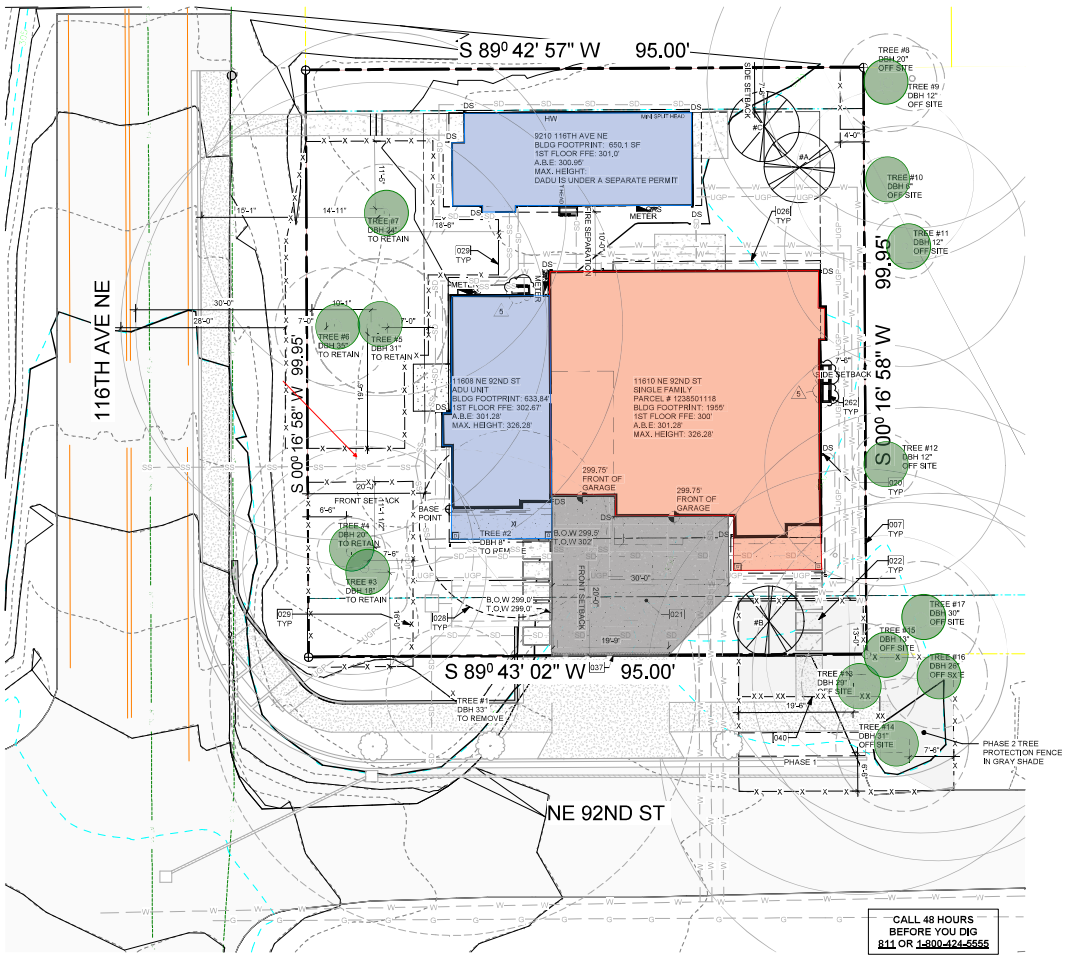
DADU

AVERAGE EXISTING GRADE

	MIDPOINT ELEVATION	RECT. SEGMENT LENGTH	TOTAL
A	263.50	28	7378
B	262.15	24	6291.6
C	262.88	24	6309.12
D	261.47	28	7321.16

27299.88/104= 262.49

AVERAGE EXISTING GRADE= 262.49
MAXIMUM BUILDING HEIGHT= 287.49 (25')
ACTUAL BUILDING HEIGHT= 286.54



SITE PLAN 1
1" = 10'-0"

ZONING REQUIREMENTS

MAXIMUMS:
MAX. FAR: 50%(4748 SF) OR 55% (5222 SF)
MAX. LOT COVERAGE: 50% (4748 SF)
MAX. HEIGHT: 25' ABOVE ABE

SETBACKS:
REQUIRED FRONT: MIN. 20' PROVIDED: 20'
REQUIRED SIDE: MIN. 5'/10' PROVIDED: 7'-6"
REQUIRED REAR: MIN. 10' PROVIDED: N/A

Zoning Summary

Lot size: 9,496 square feet
Proposed FAR: 53.5% (using 800 square foot ADU exemption and 5% design-based bonus)
Proposed lot coverage: 47.3%
SFR size: 3,580 square feet
Attached ADU size: 1,199 square feet
Detached ADU size: 1,199 square feet

SYMBOL LEGEND

SEE TITLE BLOCK SHEET A0.0 FOR COMPLETE SYMBOL INDEX.

TREE DENSITY CALCULATION

ONSITE TREES

TREE	#	SPECIES	ACTION	CREDITS
EXISTING	#2	JAPANESE MAPLE	REMOVE	0
	#3	WESTERN RED CEDAR	RETAIN	7.5
	#4	WESTERN RED CEDAR	RETAIN	9
	#5	DOUGLAS FIR	RETAIN	11
	#6	DOUGLAS FIR	RETAIN	11
	#7	DOUGLAS FIR	RETAIN	11
TOTAL CREDITS				50

OFFSITE TREES

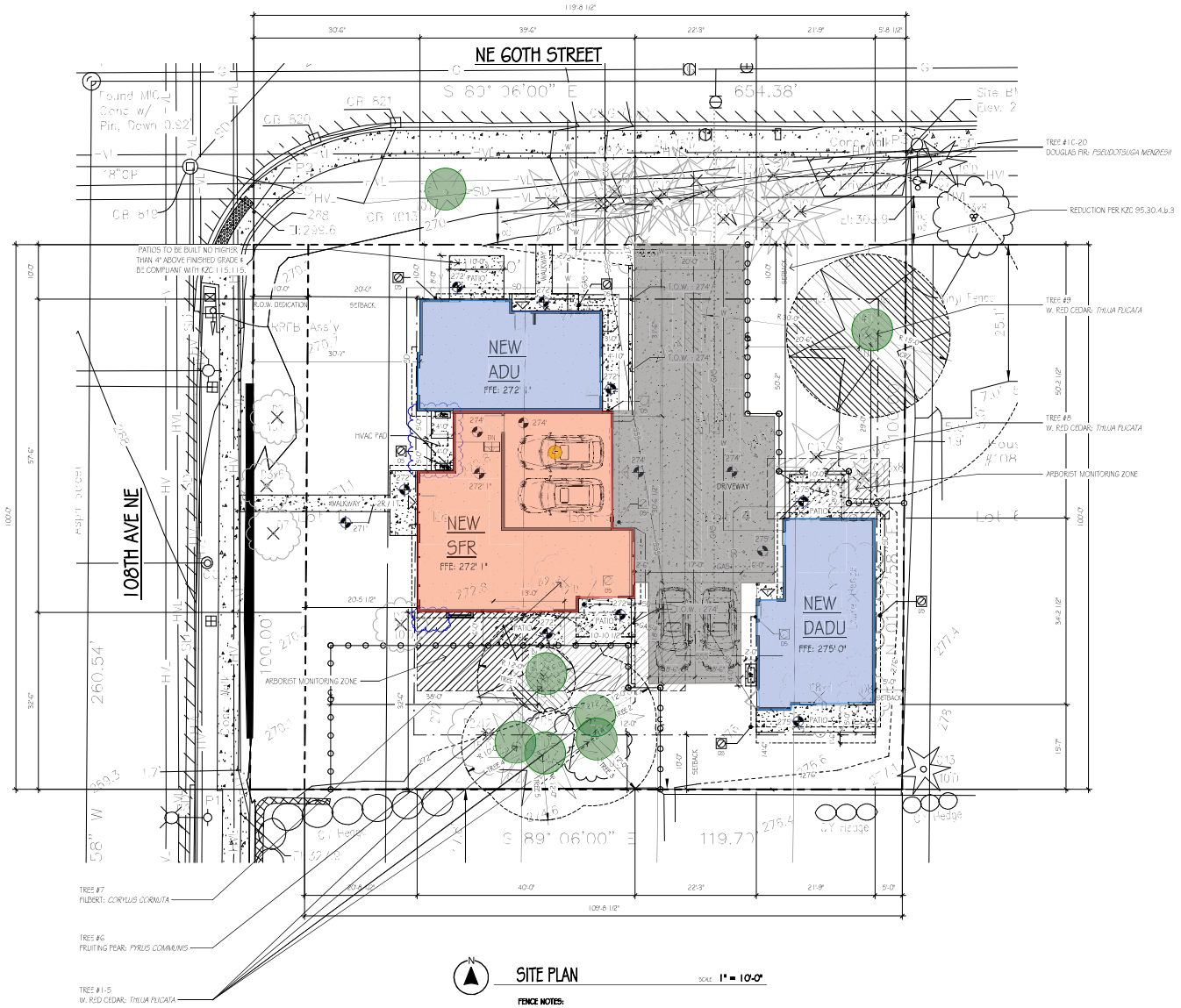
TREE	#	SPECIES	ACTION
EXISTING	#1	DOUGLAS FIR	REMOVE
	#8	WESTERN RED CEDAR	RETAIN
	#9	WESTERN RED CEDAR	RETAIN
	#10	APPLE	RETAIN
	#11	PACIFIC DOGWOOD	RETAIN
	#12	JAPANESE MAPLE	RETAIN
	#13	WESTERN REDCEDAR	RETAIN
	#14	DOUGLAS FIR	RETAIN
	#15	DOUGLAS FIR	RETAIN
	#16	DOUGLAS FIR	RETAIN
	# 17	GIANT SEQUOIA	RETAIN

LOT SIZE 9496 SF / 0.22 ACRES
TREES PER ACRE 50
TOTAL CREDITS RETAINED 50
TOTAL CREDITS REQUIRED 11

NOTES:
* SUPPLEMENTAL TREES TO MEET REQUIRED MINIMUM SIZE WORTH ONE TREE CREDIT AS OUTLINE IN KZC 95.33(4).
* 2" CALIPER FOR DECIDUOUS & 6-7 ft. TALL CONIFERS.

PROPOSED MITIGATION TREES

TREE	#	SPECIES
MITIGATION	#A	KATSURA TREE/CIRCIDIPHYLLUM JAPONICUM
	#B	MAGYA GINKGO/GINKO BILOBA " MAGYAR"
	#C	JAPANESE RED PINE/PINUS DENSIFLORA



SITE PLAN

SCALE: 1" = 10'-0"

FENCE NOTES:

1. ALL FENCES LOCATED IN FRONT YARDS CANNOT BE BUILT TO A HEIGHT GREATER THAN 3'-6", PER KZC 115.40, U.N.O.

NOTE:

ALL PATIOS TO BE BUILT NO HIGHER THAN 4" ABOVE FINISHED GRADE & BE COMPLIANT WITH KZC 115.115.

Zoning Summary

Lot size: 10,970 square feet
Proposed FAR: 44%
Proposed lot coverage: 47.2%
SFR size: 2,437 square feet
Attached ADU size: 1,191 square feet
Detached ADU size: 1,199 square feet

LAND USE DATA

SETBACKS & SEPARATIONS (REF SITE PLAN):

REQUIRED:		PROVIDED:	
FRONT W:	20'-0" MIN.	FRONT:	20'-0"
SIDE N:	10'-0" MIN.	SIDE:	10'-0"
SIDE E:	5'-0" MIN.	SIDE:	5'-0"
REAR S:	10'-0" MIN.	REAR:	10'-0"

PARKING

REQUIRED: 2.0 STALLS FOR THE SFR
NO STALLS ARE REQUIRE FOR THE ACCESSORY UNITS PER **KZC 115.07.6.b**
PROVIDED: 4.0 (2.0 IN GARAGE & 2.0 STALLS)

AVERAGE BUILDING ELEVATION & HEIGHT LIMIT:

STRUCTURE	AVERAGE BUILDING ELEVATION	ALLOWED HEIGHT PER ZONING	MAX BUILDING HEIGHT	PROPOSED BUILDING HEIGHT
SFR+ADU	273'-0"	25'-0"	298'-0"	297'-8 1/2"
DADU	276'-0 1/2"	25'-0"	301'-0 1/2"	300'-1"

NOTE: SEE SHEET A1.1 FOR AVERAGE BUILDING ELEVATION PLAN & DATA.

LOT COVERAGE:

ZONE	PROJECT LOT SIZE	LOT COVERAGE PER ZONE	ALLOWED COVERAGE AREA	PROPOSED LOT COVERAGE
RS 8.5	10970.60 SF	50%	5485.30 SF	5187.27 SF

NOTE: SEE SHEET A1.1 FOR LOT COVERAGE PLAN & DATA.

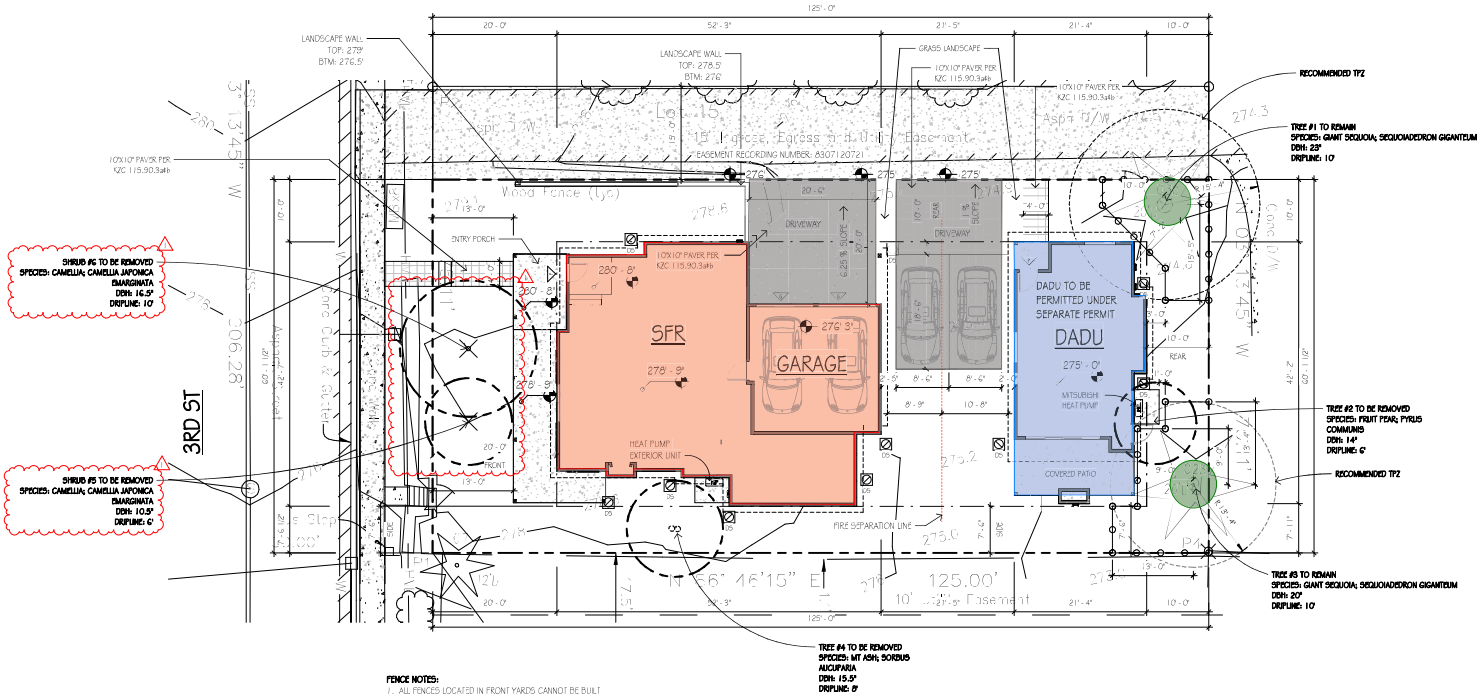
SITE FAR CALCULATION & DATA:

ZONE	LOT SIZE	FAR	FAR BONUS	MAX. SITE FAR	PROPOSED SITE FAR
RS 8.5	10970.60 SF	50%	0.00 SF	5485.30 SF	4826.95 SF

STRUCTURE FAR & DATA: *NOTE: SEE SHEET A1.2 FOR COMPLETE FAR PLAN & DATA.*

STRUCTURE	FLOOR LEVEL	AREA
SFR	LEVEL 1	1250.14 SF
SFR	LEVEL 2	1186.78 SF
		2436.92 SF
ADU	LEVEL 1	602.69 SF
ADU	LEVEL 2	587.98 SF
		1190.67 SF
DADU	LEVEL 1	625.22 SF
DADU	LEVEL 2	574.14 SF
		1199.36 SF
ADU COVERED ENTRY	LEVEL 1	38.66 SF
ADU UNCOVERED DECK	LEVEL 2	39.00 SF
		77.66 SF
DADU COVERED PATIO	LEVEL 1	102.05 SF
DADU COVERED ENTRY	LEVEL 1	14.52 SF
DADU COVERED DECK	LEVEL 2	79.58 SF
		196.15 SF
TOTAL		5100.76 SF

**REFER TO SHEETS G1.1 & G1.2 FOR GENERAL NOTES AND CONDITIONS*



FENCE NOTES:
1. ALL FENCES LOCATED IN FRONT YARDS CANNOT BE BUILT TO A HEIGHT GREATER THAN 3'-6", PER RZC 115.40, U.N.O.

SITE PLAN SCALE: 1" = 10'-0"

Zoning Summary

Lot size: 7,513 square feet
Proposed FAR: 55% (with 5% design-based bonus)
Proposed lot coverage: 49.2%
SFR size: 3,708 square feet
Detached ADU size: 1,104 square feet

LAND USE DATA

PARKING:
REQUIRED: 2.0 PER DWELLING UNIT
PROVIDED: 2.0 IN ATTACHED GARAGE, 2.0 SURFACE STALLS, 4 STALLS IN TOTAL.

SETBACKS & SEPARATIONS (REF SITE PLAN):

REQUIRED:		PROVIDED:	
FRONT:	20'-0" MIN.	FRONT:	20'-0"
REAR NORTH:	10'-0" MIN.	REAR:	10'-0"
SIDE SOUTH:	5'-0" MIN.	SIDE:	7'-6.5"
REAR EAST:	10'-0" MIN.	REAR:	11'-1"

AVERAGE BUILDING ELEVATION & HEIGHT LIMIT:

STRUCTURE	AVERAGE BUILDING ELEVATION	ALLOWED HEIGHT PER ZONING	MAX BUILDING HEIGHT	PROPOSED BUILDING HEIGHT
SFR	278'-10"	25'-0"	303'-10"	303'-10"
DADU	274'-5 1/2"	25'-0"	299'-5 1/2"	299'-5"

NOTE: SEE SHEET A1.1 FOR AVERAGE BUILDING ELEVATION PLAN & DATA.

LOT COVERAGE:

ZONE	PROJECT LOT SIZE	LOT COVERAGE PER ZONE	ALLOWED COVERAGE AREA	PROPOSED LOT COVERAGE
RS 7.2	7513.63 SF	50%	3756.82 SF	3701.28 SF

NOTE: SEE SHEET A1.1 FOR LOT COVERAGE PLAN & DATA.

SITE FAR CALCULATION & DATA:

ZONE	LOT SIZE	FAR	FAR BONUS	MAX. SITE FAR	PROPOSED SITE FAR
RS 7.2	7513.63 SF	50%	375.68 SF	4132.47 SF	4121.58 SF

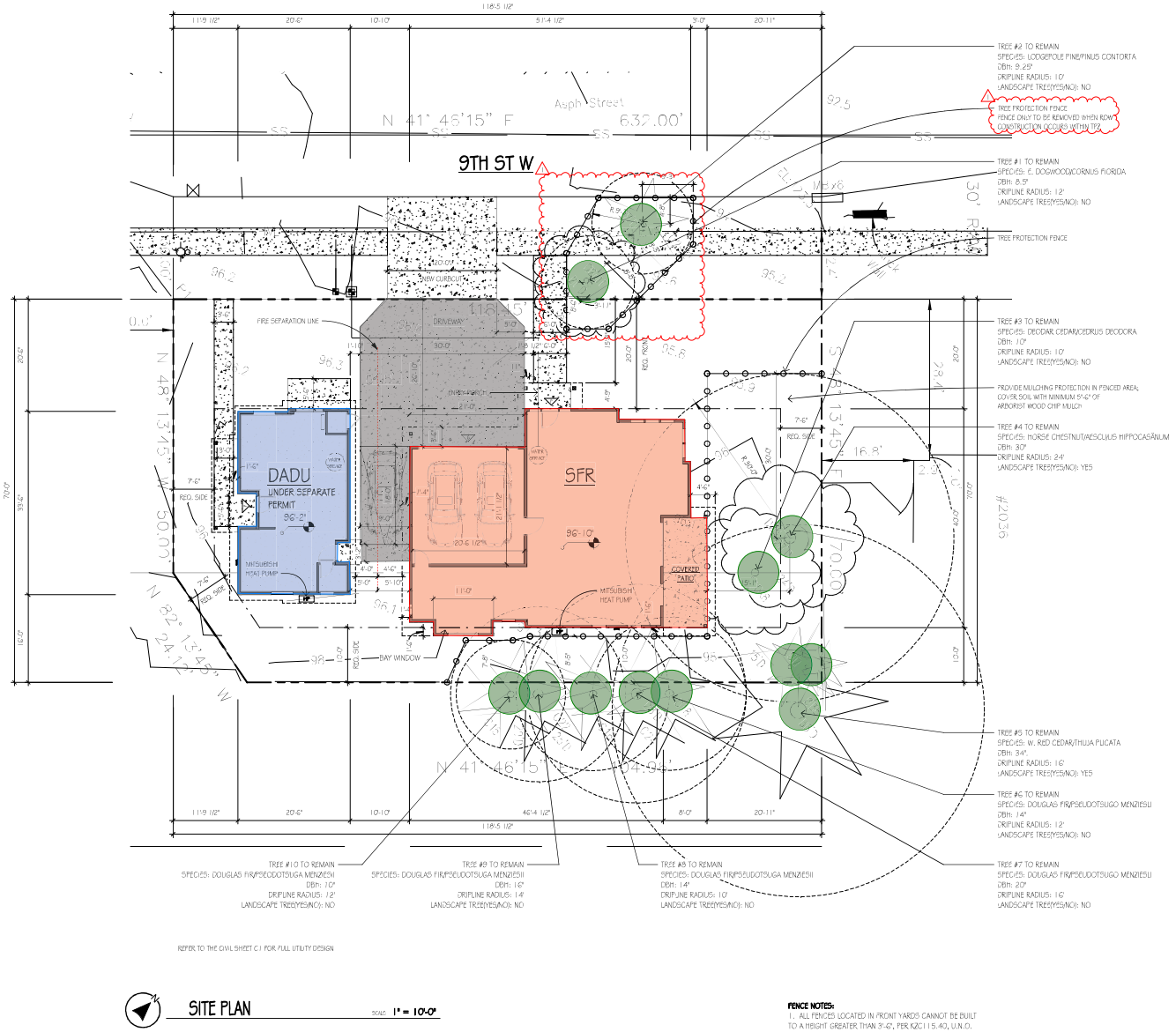
NOTE: SEE SHEET A1.2 FOR COMPLETE FAR PLAN & DATA.

TREE DENSITY REQUIREMENTS
TREE CREDITS REQUIRED = 9 CREDITS
TREE CREDITS PROVIDED = 24.5 CREDITS

TREE DENSITY CALCULATION:
7,513 SF / 43,560 SF = 0.165 x 50 = 8.6 = 9 TREE CREDITS REQ.

EXISTING TREE(S) CREDITS:
TREE #1 : 7 X 1.5 = 10.5 TREE CREDITS
TREE #3 : 6 X 1.5 = 9 TREE CREDITS
TOTAL PROVIDED TREE CREDITS = 19.5

*REFER TO SHEETS G1.1 & G1.2 FOR GENERAL NOTES AND CONDITIONS



SITE PLAN SCALE: 1" = 10'-0"

FENCE NOTES:
1. ALL FENCES LOCATED IN FRONT YARDS CANNOT BE BUILT TO A HEIGHT GREATER THAN 3'-6", PER KZC 115.40, U.N.O.

Zoning Summary

Lot size: 8,157 square feet
Proposed FAR: 55% (with 5% design-based bonus)
Proposed lot coverage: 47.4%
SFR size: 3,363 square feet
Detached ADU size: 1,199 square feet

LAND USE DATA

PARKING:
REQUIRED: 2.0 PER DWELLING UNIT
PROVIDED: 2.0 IN ATTACHED GARAGE

SETBACKS & SEPARATIONS (REF SITE PLAN):

REQUIRED:		PROVIDED:	
FRONT:	20'-0" MIN.	FRONT:	20'-0"
SIDE:	5'-0" MIN.	SIDE:	7'-6"
REAR:	10'-0" MIN.	REAR:	10'-0"

AVERAGE BUILDING ELEVATION & HEIGHT LIMIT:

STRUCTURE	AVERAGE BUILDING ELEVATION	ALLOWED HEIGHT PER ZONING	MAX BUILDING HEIGHT	PROPOSED BUILDING HEIGHT
SFR	96.5'	25'-0"	121.5'	121.4'
DADU	96.0'	25'-0"	121.0'	121.0'

NOTE: SEE SHEET A1.1 FOR AVERAGE BUILDING ELEVATION PLAN & DATA.

LOT COVERAGE:

ZONE	PROJECT LOT SIZE	LOT COVERAGE PER ZONE	ALLOWED COVERAGE AREA	PROPOSED LOT COVERAGE
RS 7.2	8157.00 SF	50%	4078.50 SF	3873.02 SF

NOTE: SEE SHEET A1.1 FOR LOT COVERAGE PLAN & DATA.

SITE FAR CALCULATION & DATA:

ZONE	LOT SIZE	FAR	FAR BONUS	MAX. SITE FAR	PROPOSED SITE FAR
RS 7.2	8157.00 SF	50%	508.00 SF	4586.50 SF	4561.58 SF

STRUCTURE FAR & DATA:

STRUCTURE	FLOOR LEVEL	AREA
SFR	LEVEL 1	1691.19 SF
SFR	LEVEL 2	1671.90 SF
		3363.08 SF
DADU	LEVEL 1	605.17 SF
DADU	LEVEL 2	593.33 SF
		1198.50 SF
TOTAL		4561.58 SF

NOTE: SEE SHEET A1.2 FOR COMPLETE FAR PLAN & DATA.

Reader instructions:

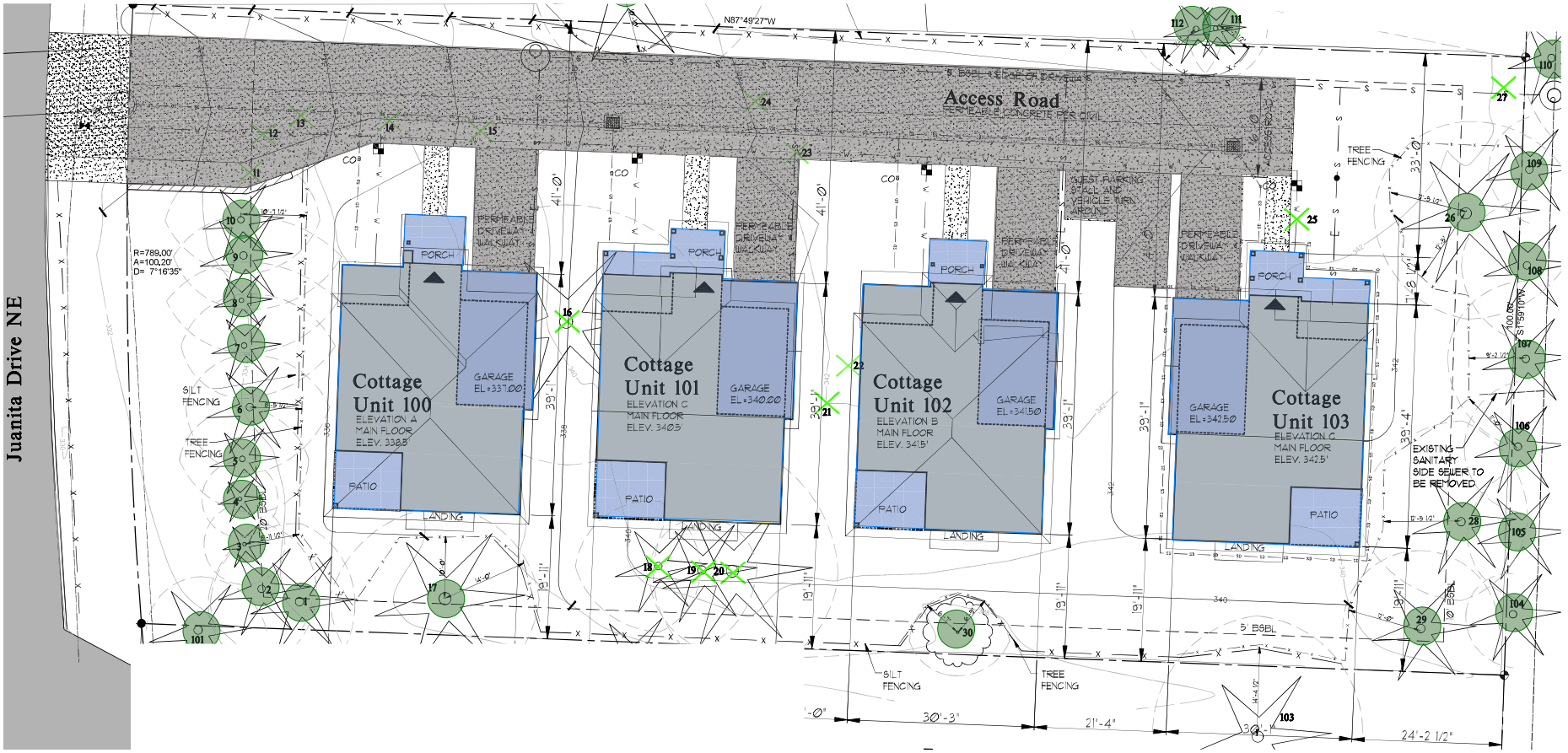
Zoning Summary included in box with dotted red outline is included for each site.

Site features are color coded with the following:

- Cottage units are shown in blue
- Driveways and parking areas shown in gray
- Retained trees shown in green

Zoning Summary

Lot size: 22,396 square feet
Proposed FAR: 36.27%
Proposed lot coverage: 44%
Unit 1 size: 1,608 square feet +246 square foot garage
Unit 2 size: 1,608 square feet +246 square foot garage
Unit 3 size: 1,608 square feet +246 square foot garage
Unit 4 size: 1,608 square feet +246 square foot garage



Zoning Summary

Lot size: 36,179 square feet
Proposed FAR: 50%
Proposed lot coverage: 46.7%
Unit 1 size: 1,620 square feet + 195 square foot garage
Unit 2 size: 1,620 square feet + 195 square foot garage
Unit 3 size: 1,646 square feet + 190 square foot garage
Unit 4 size: 1,646 square feet + 190 square foot garage
Unit 5 size: 1,646 square feet + 190 square foot garage
Unit 6 size: 1,646 square feet + 190 square foot garage
Unit 7 size: 1,646 square feet + 190 square foot garage
Unit 8 size: 1,646 square feet + 190 square foot garage
Unit 9 size: 1,626 square feet + 200 square foot garage
Unit 10 size: 1,626 square feet + 200 square foot garage



SITE PLAN

Zoning Summary

Lot size: 11,706 square feet

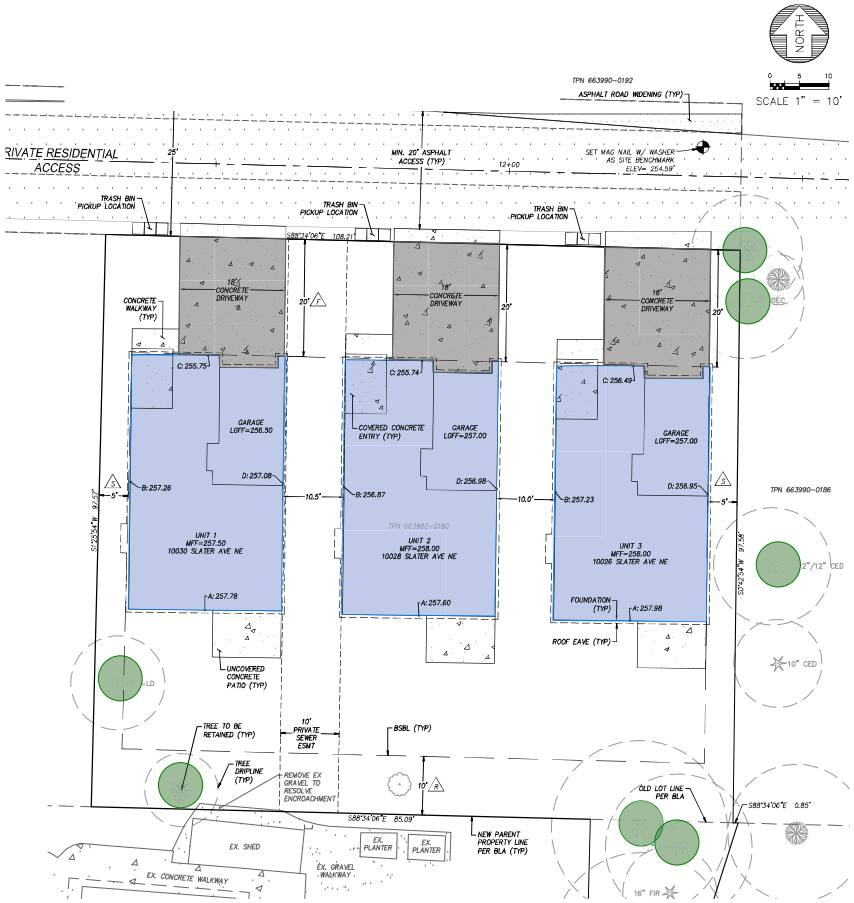
Proposed FAR: 49%

Proposed lot coverage: 42%

Unit 1 size: 1,695 square feet + 218 square foot garage

Unit 2 size: 1,695 square feet + 218 square foot garage

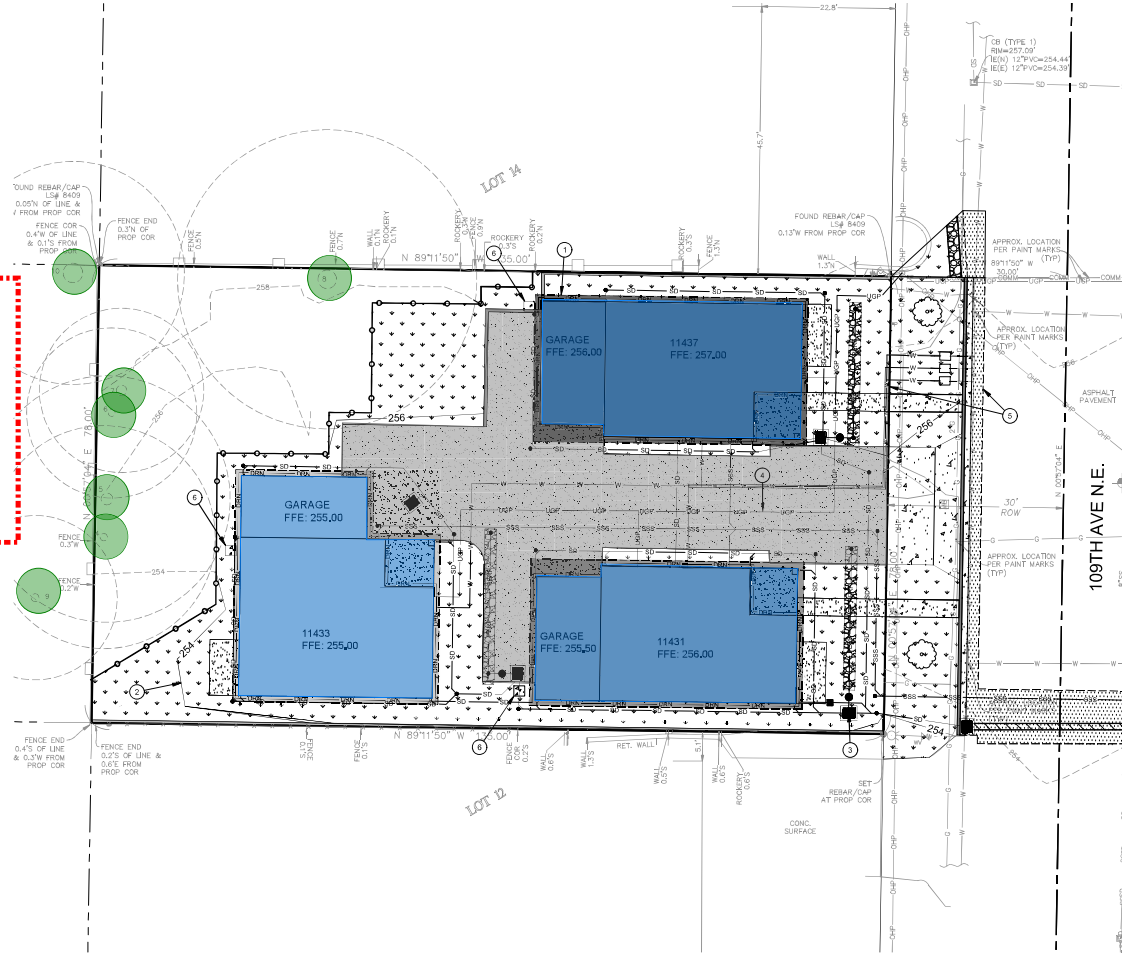
Unit 3 size: 1,695 square feet + 218 square foot garage



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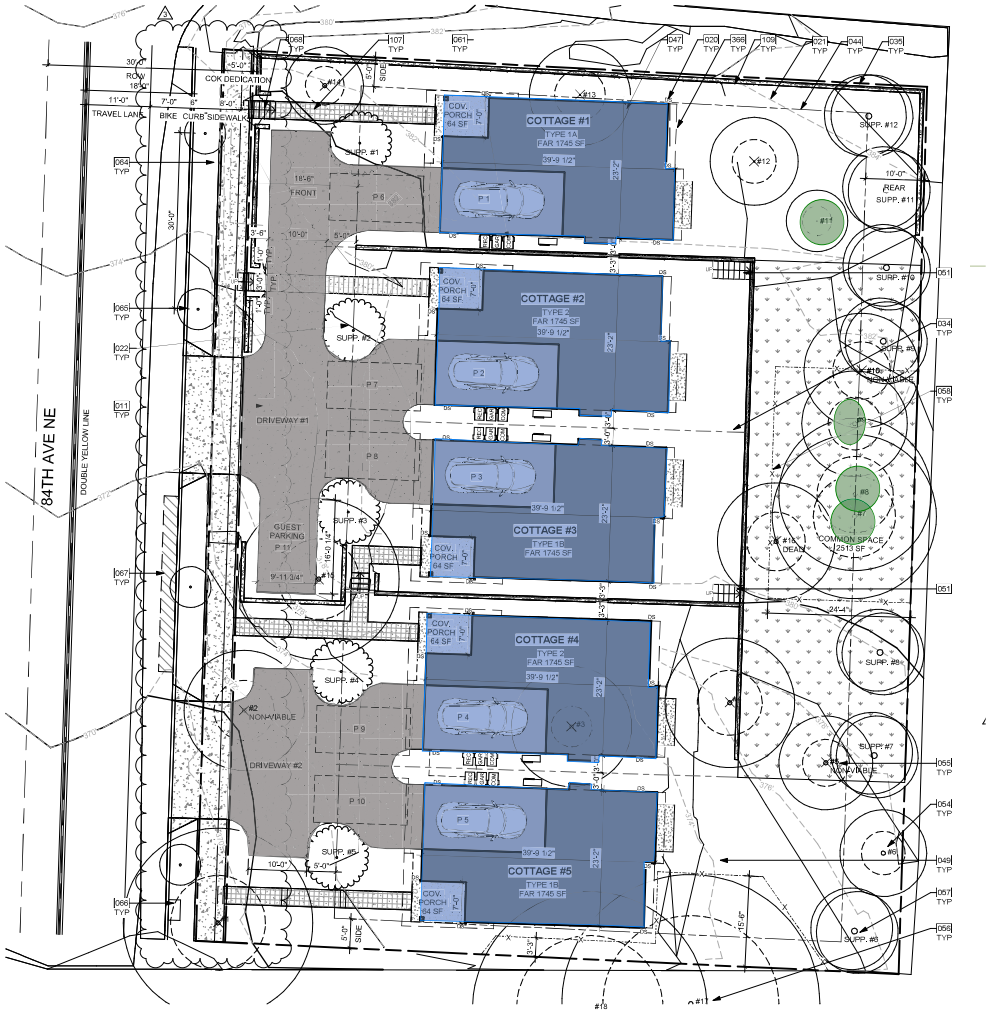
Zoning Summary

Lot size: 10,530 square feet
Proposed FAR: 49.8%
Proposed lot coverage: 42.3%
Unit 1 size: 1,479 square feet + 241 square foot garage
Unit 2 size: 1,479 square feet + 241 square foot garage
Unit 3 size: 1,582 square feet + 241 square foot garage



SITE PLAN
SCALE: 1" = 10'

FILE LOCATION: Z:\SHARED\PROJECTS\4xx\[redacted]\11431 109TH AVE NE KIRKLAND\PLANS\DWG - ORIGINAL SHEET SIZE: ARCH FULL BLEED D (24.00 X 36.00 INCHES) - LAST MODIFIED BY: CHRIS MAXWELL
PRINCIPAL: BI PROJECT MANAGER: BI DESIGNED BY: LG DRAWN BY: GS, CK CHECKED BY: BI



SITE PLAN
1" = 10'-0"

Zoning Summary

Lot size: 18,212 square feet
Proposed FAR: 50%
Proposed lot coverage: 42.3%
Unit 1 size: 1,478 feet + 202 square foot garage
Unit 2 size: 1,478 square feet + 202 square foot garage
Unit 3 size: 1,478 square feet + 202 square foot garage
Unit 4 size: 1,478 square feet + 202 square foot garage
Unit 5 size: 1,478 square feet + 202 square foot garage



Image: Isla Community, Kirkland
Greencity Homes

MASTER BUILDERS ASSOCIATION of King and Snohomish Counties

MIDDLE HOUSING BARRIERS & SOLUTIONS

Prepared by Master Builders of King and Snohomish Counties | Last updated May 2026

Middle Housing Barriers & Solutions

Prepared by Master Builders Association of King and Snohomish Counties

OVERVIEW

Everyone deserves a place to call home, and that starts with making it possible to build more homes. Middle housing reform expands opportunity, but its impact depends on local implementation.

Barriers vary jurisdiction to jurisdiction, and they add up. Codes, development regulations, fees, and site requirements that may seem modest on their own collectively make middle housing infeasible to build.

Master Builders Association of King and Snohomish Counties (MBAKS) has identified common barriers and practical solutions. While some require legislative action, many can be addressed through local policy and implementation.

MBAKS's overarching recommendation is straightforward: keep it simple. The easier, faster, and more predictable it is to build, the more likely homes will pencil and get built. Policies that add cost, time, or uncertainty reduce supply and worsen affordability. The most effective housing policies do the opposite: they allow more homes, reduce delays, provide certainty, and maintain financial feasibility.

This document is a practical resource to support our shared goal: more homes, better outcomes, and policies that make housing possible.

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BUILDING CODE & SITE DESIGN 3

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OTHER CONSIDERATIONS 7

MBAKS HOUSING POLICY FILTER 8

UTILITIES & INFRASTRUCTURE	
Barrier	*Solution*
Mandates to underground utilities *Requiring underground utilities is often very expensive and can delay projects by as much as a year.*	Do not mandate undergrounding of utilities when it makes a project financially infeasible. Establish clear criteria for when the requirement should not apply and adopt exemptions to provide flexibility. See Electric Service, p. 21 of Department of Commerce's Guidance for Neighborhood Infill Development ("Infill Guidance").
Infrastructure limitations/water and sewer standards *Policies that limit access to water and sewer or impose excessive utility connection costs prevent properties from being developed for middle housing.*	Funding mechanisms for infrastructure, beyond the direct impacts of proposed projects, should be broad-based. Ensure regulations and policies related to infrastructure are updated to facilitate — not inhibit — development of middle housing. See Water and Sewer, *Infill Guidance* p. 11.
Inconsistent utility meter requirements *Utility meter requirements vary across jurisdictions, creating unpredictability for building middle housing.*	Allow independently metered utilities (water, power, and gas) for each unit and allow flexibility in selecting utility hook-up points on-site. For ADUs, allow shared sewer infrastructure on-site with a single connection to the main, reducing unnecessary cost without compromising function. See Utilities and Easements, *Infill Guidance* p. 16.
Excessive frontage and right-of-way improvements or unreasonable off-site improvements such as ADA curb cuts *Frontage and right-of-way improvements — such as sidewalks, curbs, and street widening — and requiring additional curb cuts/ramps create significant financial barriers to development.*	Create targeted exemptions for small-scale infill projects so it is feasible for builders to deliver middle housing and incremental infill development. Reduce costs to create middle housing by waiving or greatly reducing street improvement requirements. See Public Street Improvements, *Infill Guidance* p. 18.

ENVIRONMENTAL REGULATIONS	
Barrier	*Solution*
Tree codes and retention requirements *Overly restrictive tree retention or replacement requirements can limit housing. Codes lacking clear and objective standards increase cost and delay, presenting too much risk for builders to proceed.*	Adopt flexible tree codes with a "right tree, right place" approach that is simple, predictable, and based on clear and objective criteria. We can have both trees and housing. Ensure tree retention and replacement standards support middle housing. See MBAKS's *Tree Codes and Housing*.
Critical Areas Regulations/excessive buffer requirements *Overly large buffers can take buildable lots off the table. Many small lots simply lack space for effective on-site mitigation, reducing housing supply.*	Establish buffer widths for streams and wetlands that are consistent with Best Available Science, clearly defining buffer widths, vegetation standards, and mitigation pathways to reduce ambiguity and improve predictability. Incorporate flexibility, such as buffer averaging, into local critical areas regulations, which supports infill development and housing diversity without compromising critical area functions.

BUILDING CODE & SITE DESIGN	
Barrier	*Solution*
Engineering and design standards not aligned with middle housing *Engineering and design standards that are not aligned with middle housing can create conflicts, adding time and cost during project review.*	Ensure that regulations and design standards are aligned with middle housing policies to facilitate, not inhibit, development.
Road widths/fire access	Uniformity in road standards would help middle housing be built more consistently

Excessive road widths add cost and reduce on-site density, undermining middle housing feasibility.	across jurisdictions. Provide flexibility by allowing internal roads to be private with widths as low as 10 feet when fire code requirements are met. Ensure codes work together to enable rear-lot access. See Road and Fire Access Requirements, *Infill Guidance* p. 19. Expand the use of private road access and avoid placing caps on the number of homes that can be served. This will increase flexibility for site layouts, reduce costs, and support housing diversity.
Curb cut restrictions *Not allowing individual curb cuts for driveway access can limit marketability and reduce the feasibility of middle housing projects.*	Provide flexibility for curb cuts where appropriate to enable access, improve site design, and support feasible middle housing projects.
Floor Area Ratio (FAR), lot coverage, and other height/bulk/scale requirements *FAR, lot coverage, and other height, bulk, and scale standards can significantly limit density and the number of homes produced.*	Modernize FAR, height, bulk, and scale requirements so they facilitate rather than impede development of middle housing and ensure they are consistent across jurisdictions. See Department of Commerce's *User Guide for Middle Housing Model Ordinances*, § 7.G.3 (Dimensional Standards), p. 47 for recommended exclusions.
Design standards *Design standards imposing restrictive rules on height, setbacks, lot coverage, parking, and architectural elements add cost and complexity, making projects infeasible.*	Avoid design review where possible. Where it exists, ensure it is streamlined, time-limited, and based on clear, objective standards — as required by RCW 36.70A.630. Design regulations should support feasible middle housing development.
State Building Code limitations *Constant code update cycles add cost and uncertainty. Also, structures with three or more units fall under the International Building Code (IBC) and are subject to more extensive and costly standards than*	Support state legislation that limits frequent building code updates — such as HB 2141 — to stabilize construction costs and improve affordability. Align building codes so middle housing of up to six units can be built under IRC standards, reducing complexity and cost.

one-or two-unit structures, which fall under the International Residential Code (IRC).	
Fire sprinkler mandates *Blanket fire sprinkler mandates for single-family and middle housing add cost without clear, demonstrated safety benefits, making homes less attainable.*	Requiring and maintaining smoke alarms, alongside public education of their importance, remains the most practical and proven way to reduce home fire fatalities. See MBAKS's *Fire Sprinklers in Single-Family Homes: Legal and Policy Considerations for Housing and Fire Safety*.

PROCESS	
Barrier	*Solution*
Permitting delays *Long, unpredictable permit timelines increase carrying costs, create uncertainty, and undermine housing feasibility.*	Local jurisdictions should adopt measures to expedite permitting processes, such as providing for administrative approval of preliminary plats as authorized by RCW 58.17.095 and allowing concurrent review of construction/engineering plans for a subdivision while the preliminary plat application is being reviewed/approved. At the state level, support legislation to extend clear and objective design and development standards to all development regulations, improving predictability and efficiency. *See MBAKS's Legal Requirements for Objective Development Regulations: Providing Clarity in Local Codes*.
Local jurisdictions improperly conducting substantive analysis in making determinations of completeness on applications *Jurisdictions should not apply substantive review when determining application completeness. Doing so creates*	With the passage of HB 2418 in 2026, local jurisdictions should immediately review and update permit intake practices to ensure completeness determinations are based solely on checklist compliance. *See MBAKS's Legal Brief: What Local Jurisdictions Can and Cannot Do in Making a Determination of Completeness*.

unnecessary delays and added steps in the permit process.	
Unpredictable cultural resources requirements add delay and uncertainty *In 2026, the Legislature authorized funding to develop a model code on cultural resources. These model code efforts could expand review and consultation requirements, as well as permit timelines, if not carefully calibrated.*	Before adding new requirements, policymakers should identify gaps in current processes. Cultural resource review should be clear, consistent, and time-bound.
Lack of streamlined administrative unit lot subdivision (ULS) process *SB 5559 provides a statewide framework for implementing clear, administrative ULS processes to improve predictability and efficiency. However, the required deadline is not until July 2027.*	Encourage early implementation of SB 5559 to expand housing options sooner than the required deadline. Timely local adoption will be critical to supporting middle housing. *See MBAKS's Unit Lot Subdivisions (ULS): Expanding Homeownership Options Across Washington.*

FEES	
Barrier	*Solution*
Mandatory Housing Affordability (MHA)/inclusionary zoning fees *Mandatory inclusionary zoning (IZ) programs and fees raise constitutional issues under Supreme Court rulings requiring a showing of a "nexus" and "rough proportionality." They also undermine middle housing homeownership opportunities by adding to the cost of new housing, often making it infeasible to build. This is especially true when these fees are added on top of other costs to build, such as impact fees.*	Oppose unfunded mandatory inclusionary zoning fees. Cities should instead adopt voluntary, incentive-based strategies to facilitate more housing choices. Funding for affordable housing should be broad-based. *See MBAKS's press release "New Reports Show Local Policies Undermine Housing Goals."*

Excessive and redundant review fees *These create unnecessary cost barriers to adding more housing choices.*	Reduce the cost of middle housing by waiving or lowering permit, impact, and utility connection fees and general facilities charges. Oppose increases that add to housing costs.

OTHER CONSIDERATIONS

Barrier	*Solution*
Lack of uniformity across jurisdictions *A patchwork of local rules creates unnecessary barriers, driving up costs and making it harder and more expensive to build homes.*	Encourage cross-jurisdictional collaboration to create more uniform, simple codes. Consistent implementation of middle housing standards reduces risk and lowers barriers to entry.
Arbitrary requirements *Arbitrary requirements that add time, cost, or complexity without clear purpose increase risk and can prevent middle housing projects from moving forward.*	Encourage cities to "keep it simple." The easier and more cost-effective it is to build middle housing, the more likely it is to be built, and the more attainable it will be for those looking for a place to call home.
Higher minimum densities than what the market will support *Mandating density beyond what the market supports can stop projects altogether, ensuring feasible housing gets replaced with no housing.*	Ensure zoning and local code provides enough flexibility to align with market demand.
Uncertainty caused by Covenants, Conditions & Restrictions (CC&Rs) that predate the effective date of HB 1110 *Conflicts may exist between legacy CC&Rs and updated zoning under HB 1110. Older private restrictions can limit density and create uncertainty for middle housing implementation.*	Be aware of the enforceability of restrictive covenants predating HB 1110. *See MBAKS's Legal Brief: Enforceability of Restrictive Covenants Predating HB 1110 — Overview*. See also MRSC's *"Covenants and Zoning"* for additional background on private covenants and local zoning.

MBAKS HOUSING POLICY FILTER

Everyone deserves a place to call home. That starts with making it possible to build more homes.

Housing outcomes are driven by feasibility. MBAKS's Housing Policy Filter provides a quick, practical way to evaluate whether a policy, code, fee, or process change will meaningfully increase or decrease housing supply.

A simple test for any policy, code, fee, or process change:

- Does it add cost, time, unpredictability, or reduce the number of homes that can be built? → decreases supply



Every added cost has real impact. For every $1,000 home price increase, 982 households are priced out in the Seattle-Tacoma-Bellevue Metro area.[1]

Cost: Does this increase costs (fees, requirements, delays) or reduce the number of homes that can be built?

Time: Will this lengthen permitting or approval timelines?

Certainty: Does this introduce discretion, risk, or unpredictability?

Complexity: Does this add unnecessary steps or complication?

Everyone deserves a place to call home.

To get there, we need policies that make housing possible, not harder to build. More homes. Better outcomes. Smart policy makes both possible.

[1] Zhao, N. (2026, February 2). *Households Being Priced Out of the Housing Market*. NAHB. https://www.nahb.org/news-and-economics/housing-economics/housings-economic-impact/households-priced-out-by-higher-house-prices-and-interest-rates



MASTER BUILDERS ASSOCIATION of King and Snohomish Counties

MBAKS HOUSING TOOLKIT

Addressing the Housing Supply Shortage

Prepared by Master Builders Association of King and Snohomish Counties with input from LDC, Inc.

We believe everyone deserves a place to call home.

Last Updated September 2025

The four-county Puget Sound region (King, Snohomish, Pierce, and Kitsap) is projected to add 1.5 million more people by 2050. There must be a clear plan for building new housing that works for current residents while ensuring that the region can accommodate the growth in a way that is affordable for newcomers and future generations.

To meet the demand from this projected growth, we need more housing, including the full range of housing types, such as condominiums, accessory dwelling units (ADUs), townhomes, and multiplexes, as well as single-family homes.

Regulations and long permit review times can create significant obstacles for both those trying to build the homes and those seeking housing by driving up costs. This pushes housing affordability even further out of reach for many buyers and renters. There are, however, simple steps cities and counties can take today to help ease some of these regulatory burdens and reduce cost pressures on new housing without compromising environmental protections or other important policy goals.

This toolkit is intended to serve as a useful guide for local governments, listing specific code updates and process improvements jurisdictions can take to help provide more diverse, more affordable housing for our growing population. All these tools can be adopted locally and do not require state legislative action. Included throughout the toolkit are examples of local jurisdictions already utilizing these tools and model codes, where applicable, that other cities can reference.

SYMBOL KEY

Single-Family Neighborhoods

Middle Housing Types

Multifamily Neighborhoods

ACKNOWLEDGMENTS

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ABOUT MBAKS

Founded in 1909 and headquartered in Bellevue, Washington, the Master Builders Association of King and Snohomish Counties (MBAKS) is the nation's oldest and largest local homebuilders association, serving every area of the residential building industry. Like our founders, our members continue to take a leading role in all facets of homebuilding, addressing the many concerns and issues affecting our region's ever-evolving housing industry. From groundbreaking technology to revolutionary advances in sustainability, from leading government advocacy efforts to giving back to our communities every chance we get, our goal never wavers. We are the professional homebuilders, architects, remodelers, suppliers, manufacturers, and sales and marketing professionals in your community who believe homeownership is a right for everyone. Our purpose is to make home happen, and we believe everyone deserves a place to call home.

Cover: 602 Flats is located in Seattle. This project by BUILD LLC includes four flats built on a 2,600 square-foot corner lot. Photo: Andrew van Leeuwen

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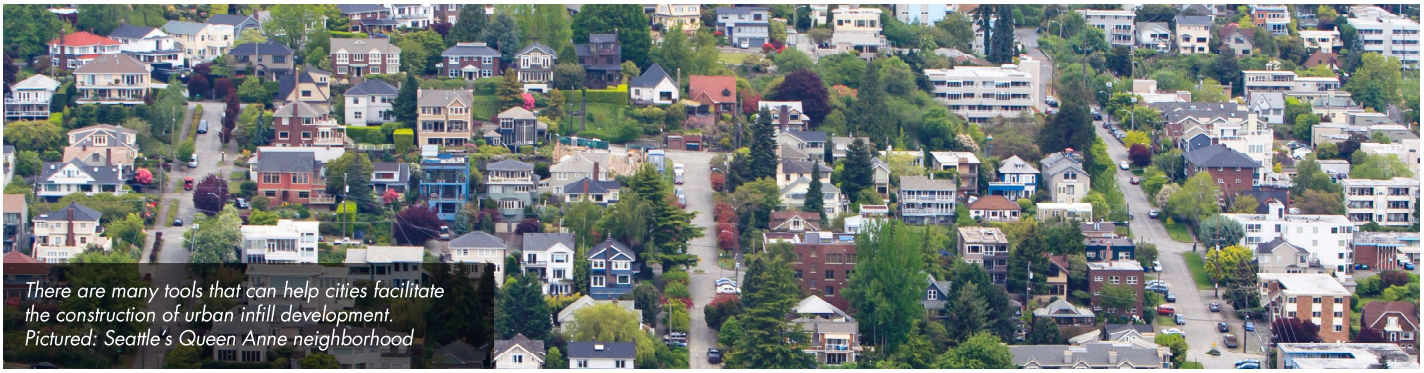
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There are many tools that can help cities facilitate the construction of urban infill development. Pictured: Seattle's Queen Anne neighborhood

SEPA PLANNING TOOLS

There are actions that cities and counties can take under the State Environmental Policy Act ("SEPA") to facilitate construction of "infill" housing inside urban growth areas (UGAs). These tools can help alleviate some of the redundancies and time delays encountered by developers seeking to build more infill housing. In the decades since SEPA has become law, many other state laws have been enacted requiring jurisdictions to adopt regulations that protect the environment. This includes the Growth Management Act (GMA), critical areas regulations, stormwater regulations, the Shoreline Management Act, and dozens of other development regulations and standards which are utilized to mitigate project impacts. As a result, today environmental protections are provided by a myriad of regulations that were not in existence when SEPA was first adopted.
The enactment of the GMA in 1990 required most cities and counties in the state to adopt comprehensive plans and implement development regulations with the primary objective being to direct most population and employment growth to occur within UGAs. Adoption of those comprehensive plans and development regulations undergoes SEPA review at the "programmatic" (non-project) level. Since enacting the GMA in 1990 the Legislature has struggled to harmonize SEPA review at the project level is warranted given the programmatic level planning local jurisdictions are required to do under the GMA. How much environmental review under SEPA at the project level is necessary and appropriate given the GMA's requirements for local jurisdictions to do more upfront planning, and corresponding SEPA review, of comprehensive plans and development regulations at the programmatic level?

In recognition of the planning and environmental review of comprehensive plans and development regulations required by the GMA, the Legislature in 1995 determined that for purposes of SEPA, most environmental impacts of individual projects within UGAs will be mitigated through compliance with existing local code, state, and federal regulations.[1] Thus, after a local jurisdiction determines a development proposal complies with applicable codes and regulations it does not then undertake "environmental review." Rather, under RCW 43.21C.240 "environmental review" under SEPA became a determination that (a) a development proposal meets all applicable codes and regulations and (b) those codes and regulations will mitigate any specific environmental impacts of the project." This, however, merely defines the scope of the review required by a local jurisdiction when making a "threshold determination" under SEPA. It did not address what projects would be exempt from SEPA review altogether.

For many years, whether a residential development was exempt from SEPA was determined by the categorical exemption in the SEPA Rules[2] adopted by the Department of Ecology (DOE) for "minor new construction."[3] However, the threshold under this categorical exemption was very low as to the size of the residential project that would be exempt. Very few residential construction projects qualified for the exemption.

The Legislature therefore in 2012 directed DOE to update the SEPA Rules to increase the minimum number of lots/units that qualify for the minor new construction categorical exemption. DOE also established a higher maximum number of lots/units that cities and counties could allow so larger projects could utilize this exemption. Under the updated categorical exemption for minor new construction DOE amended the SEPA Rules to allow local jurisdictions to exempt up to 30 lots/homes for single-

1. See RCW 43.21C.240.
2. Chp. 197-11 WAC (SEPA Rules).
3. See WAC 197-11-800(1).

family development and up to 60 units for multi-family projects. This would increase the SEPA categorical exemptions for minor new construction to the state maximum allowed, specifically for those projects located within the UGA.

Many jurisdictions that are fully planning under the GMA have chosen to raise the exemption levels up to the maximum allowed for "minor new construction" to encourage development in UGAs and streamline permit processes.[4] Increases to exemption levels can significantly reduce the duplication and administrative costs of environmental review while still protecting the environment and offering strong public participation during the permitting process. **A city or county should increase the thresholds in its categorical exemption to the maximum project sizes allowed under WAC 197-11-800(1) if it has not done so already.** (See MBAKS Issue Brief on SEPA Reform: Categorical Exemptions).

The following are additional actions cities and counties can take under SEPA to facilitate more housing choices

Adopt an infill development categorical exemption

Given that the main purpose of the GMA is to direct most growth to occur within the UGAs, efforts have been made for many years to create a SEPA exemption for infill development that is not limited by the number of proposed lots/housing units. This would mean moving away from relying upon the categorical exemption for minor new construction. In 2003 the Legislature authorized local jurisdictions to adopt a categorical exemption for infill residential and mixed-use development within UGAs that is consistent with the adopted comprehensive plan and development regulations.[5] However, this categorical exception is not "self-effectuating." It requires a local jurisdiction to adopt an ordinance creating a categorical exemption consistent with the requirements of the statute. The Legislature authorized, but did not mandate, that local jurisdictions adopt an infill categorical exemption. Unfortunately, no jurisdiction took this step for almost 10 years.

As originally enacted, RCW 43.21C.229 applied to residential and mixed-use development. In 2012 the Legislature amended the statute through 2ESSB 6406 to allow the exemption to apply to up to 65,000 square feet of commercial development (excluding retail). That change prompted the City of Kent to enact an infill development categorical exemption pursuant to RCW 43.21C.229 for its Downtown Subarea and to implement the City's revised 2005 Downtown Strategic Action plan.[6]

In 2020 the Legislature again tweaked RCW 43.21C.229 to provide that a proposed development must be "roughly equal to" (adding the word "roughly") to the density and intensity contemplated under the comprehensive plan and development regulations to qualify for the infill development categorical exemption.[7] This change prompted Snohomish County in 2022 to adopt an infill categorical exemption.[8]

This infill development categorical exemption is an important tool allowing flexibility with local options for jurisdictions that want to plan for and accommodate growth. Adopting SEPA exemptions in this way would alleviate some of the redundancies and time delays encountered by developers, which often acts as a barrier in efforts to build more infill housing inside urban growth areas. Jurisdictions conduct significant environmental review and public outreach in the comprehensive plan update. SEPA exemptions for infill development avoids doing the same work twice.

RESOURCES:

- MBAKS Issue Brief on SEPA Reform: Infill
- Code Example: Snohomish County (Ordinance No. 22-037)

4. The following are some of the jurisdictions that have increased the thresholds for minor new construction above the minimum levels required by WAC 197-11-800(1): Des Moines; Everett; Federal Way; Kent; Kirkland; Lake Stevens; Lynnwood; Marysville; Mountlake Terrace; Mukilteo; North Bend; Redmond; Seattle (uses SEPA threshold exemption in five urban centers and villages and in Downtown); Shoreline; Snohomish County (adopted maximum allowed for multi-family projects but not for single-family development); City of Snohomish; and Woodinville.

5. See RCW 43.21C.229.

6. Kent's infill categorical exemption is codified at Kent Municipal Code § 11.03.215 and was enacted through Ordinance No. 4097 approved on December 10, 2013.

7. See SHB 2673, Laws of Washington 1st sp.s. c 1 § 304.

8. See Snohomish County Council Ordinance No. 22-037 codified in part at Snohomish County Code § 30.61.035 (exemption thresholds for minor new construction and infill development).

Do subarea planning

The Legislature in 2023 again amended RCW 43.21C.229[1] to create a SEPA categorical exemption for infill development that is "self-effectuating" and does not require jurisdictions to adopt an ordinance defining the scope of the exemption.[2] However, there are several steps that must be satisfied for individual projects to use this categorical exemption.

First, this exemption applies only where the local jurisdiction has done upfront programmatic SEPA review for its comprehensive plan and development regulations. Such environmental analysis shall include documentation that the requirements for environmental analysis, protection, and mitigation for impacts to elements of the environment have been adequately addressed for the development exempted. The requirements may be addressed in locally adopted comprehensive plans, subarea plans, adopted development regulations, other applicable local ordinances and regulations, or applicable state and federal regulations.

Second, the city or county must document its consultation with the department of transportation regarding impacts to state-owned transportation facilities, including consideration of whether mitigation is necessary for impacts to transportation facilities.

This new categorical exemption is a great opportunity for cities and counties to consider subarea planning and undertake corresponding SEPA review upfront at the comprehensive planning level. Completing this environmental analysis upfront will create more consistency and streamline projects with upfront expectations of mitigation costs and requirements, saving time and money.

The Legislature in 2023 also created an exemption that can be used until September 30, 2025, in the City of Seattle for proposals to develop new residential housing or middle housing.[3] After that date such proposals can utilize the self-effectuating infill categorical exemption. Seattle has done subarea plan work to do the SEPA planning upfront, so the city can implement this change once the exemption in RCW 43.21C.229(4) expires on September 30, 2025.

1. 2SSB 5412; Laws of Washington 2023 c 368 s 1.
2. See RCW 43.21C.229(3).
3. See RCW 43.21C.229(4).

RESOURCES

- SEPA Guidance on Categorical Exemptions: Department of Ecology
- SEPA Categorical Exemptions: Puget Sound Regional Council
- Redmond 2050 SEPA Infill Exemptions
- Code Example: City of Kent (Chapter 16.04.080)
- Code Example: City of Covington (Chapter 6.88.070)

Pursue a planned action ordinance and EIS

Local jurisdictions can also use the planned action provisions in SEPA under RCW 43.21C.440. This is a tool that allows upfront SEPA review to facilitate environmental review of subsequent individual development projects. Local governments can assess environmental impacts within a defined area or for a specific project and reduce a layer of regulation for developments proposed within the area that meets the planned uses. Several jurisdictions noted below have done planned action environmental impact statements in conjunction with subareas or defined projects.

RESOURCES:

- Planned Action Resources: MRSC
- Planned Action EIS: Puget Sound Regional Council

The following are some examples of jurisdictions that have done planned actions under SEPA:

- Lynnwood City Center Planned Action EIS (2004-2012)
  - Ordinance
  - Final EIS
- Bothell Downtown Planned Action (2008-2009)
  - Website
  - Ordinance
  - Final EIS
- Shoreline 185th St Station Subarea Plan (2015)
  - Website
  - Ordinance
  - Final EIS



Twin Lakes Landing is a sustainably built development from Housing Hope that provides safe, stable housing for homeless and low-income families, offering a full spectrum of support services to empower them to achieve stability.

AFFORDABLE HOUSING

Most of the tools in this Toolkit are intended to enable the full range of housing, from market-rate to affordable housing built by nonprofit builders. However, there are additional steps local governments can take to facilitate housing that serves community members experiencing the greatest need for affordable housing. These tools are designed to help provide affordable housing for seniors, low- and moderate-wage workers, and formerly homeless individuals and families. They are important so communities can be more affordable and inclusive for all.

MBAKS maintains the first and best way to promote housing affordability is to lower regulatory barriers to adding more homes across the full spectrum of housing available to all economic levels. Easing of regulatory requirements, such as design review or impact fees, should not be limited to housing intended for a predetermined affordability level but should apply to all housing types.

To be successful, any funding provisions should be broad-based and affordability tools must be feasible. Requiring projects to provide on-site affordable housing or a fee-in-lieu can be cost prohibitive in many cases, especially small-scale projects, and could hamper the goals of these provisions from being met.

Adopt affordable housing levies

To help create more affordable housing choices, local jurisdictions could pursue the adoption of a local housing levy to fund acquisition or construction of affordable housing. Affordable housing levies are authorized under RCW 84.52.105, which states "A county, city, or town may impose additional regular property tax levies of up to fifty cents per thousand dollars of assessed value of property in each year for up to ten consecutive years to finance affordable housing for very low-income households when specifically authorized to do so by a majority of the voters of the taxing district voting on a ballot proposition authorizing the levies."

Housing levies represent an important funding tool for ensuring cities are inclusive, affordable, and livable for everyone. For example, Seattle's housing levy, when combined with other city funding, has led to the creation and preservation of more than 16,000 affordable homes for seniors, low- and moderate-wage workers, and formerly homeless individuals and families. It has also provided down payment assistance to more than 1,000 first-time low-income homebuyers, as well as emergency rental assistance for thousands of families in need.

RESOURCES:

- Seattle Housing Levy
- The Bellingham Home Fund
- Bellingham's Home Levy and Fund Resolution No. 2018-09
- Jefferson County Resolution No. 35-17





Left: Housing levies can be used to fund a range of affordable housing programs, including homeownership assistance for first-time homebuyers. Pictured: Family receives new home at Habitat for Humanity-Seattle King County dedication.

Right: The Sammamish Cottages Community, a Habitat for Humanity Seattle-King County project, features 10 affordable homes ranging from 1,000 to 1,500 square feet. Habitat for Humanity is a member of MBAKS.

Multifamily tax exemption

Multifamily tax exemptions (MFTE) are helpful in incentivizing the development of more affordable multifamily housing. Jurisdictions must designate certain areas in which the tax exemption may apply. MFTE is also an important option for jurisdictions to meet the requirements of House Bill 1220. Under this state law adopted in 2021, local jurisdictions for the first time must plan for homes of all types that all ranges of household incomes can afford. New multifamily construction within the designated area may defer taxes on the value-added portion of new or rehabilitated property investment for eight years if adding multifamily housing units, and up to 12 years if 20% of housing units are affordable to low- and moderate-income households.

RESOURCES:

Following are examples of jurisdictions that have adopted MFTE:

- See RCW 82.02 for details.
- As part of its building and land use/zoning code updates for ADUs and missing middle/upzone, the city of Kirkland has been adopting a series of master lease agreements and MFTE ordinance amendments to promote more affordable housing, including reserving 46 units in the new urban downtown development for city staff and other public sector employees at certain area median incomes (AMIs).
- City of Bellevue
- City of Everett
- City of Marysville

ALLOW A VARIETY AND MIX OF HOUSING TYPES AND INNOVATION

The following tools will help cities and counties provide more housing choices for residents and support a more affordable future for our communities. Allowing more housing types, such as accessory dwelling units, townhomes, and microhousing, would create more home choices for Washington families in neighborhoods close to jobs, transit, schools, parks, and other amenities.

ADU code changes

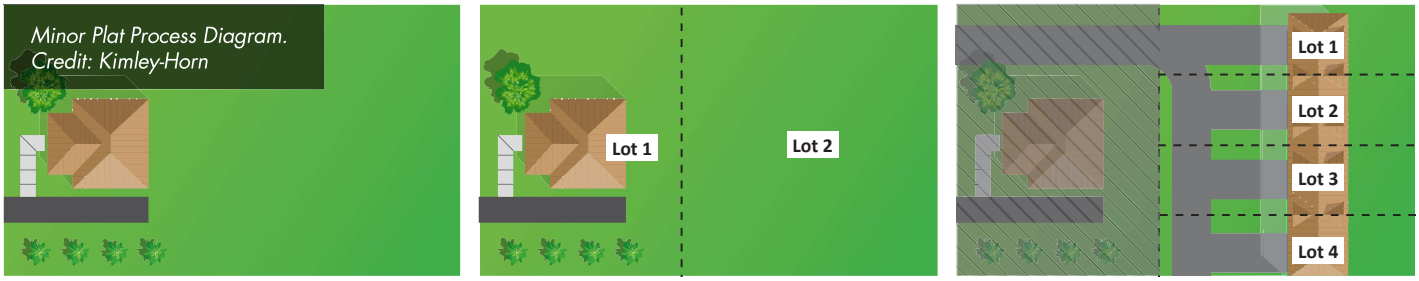
Cities could adopt an accessory dwelling unit code to enable more ADUs as a housing option. State legislation adopted in 2023 (EHB 1337) will require GMA planning jurisdictions to remove local barriers on ADU construction by eliminating owner-occupancy requirements, legalizing two ADUs per lot, establishing a baseline minimum ADU size of 1,000 square feet, among other changes. ADUs make it easier for younger buyers to qualify for their first home, enable seniors to age in place, and expand options for multigenerational living. ADUs also give homeowners a way to earn rental income. Furthermore, by offering an affordable housing choice in cities, ADUs are critical tools for accommodating growth in the very places where many families want to live—near job centers and existing infrastructure. ADUs are also an environmentally friendly housing option, given their small size and the fact that residents tend to drive less, resulting in lower carbon emissions. Enabling ADUs benefits communities by adding much-needed, affordable housing options.



Accessory dwelling units can be attached or detached, like the one shown here, and offer significant community benefits.

RESOURCES:

- Accessory Dwelling Unit Ordinances (includes model code): Master Builders Association of King and Snohomish Counties, Updated June 2024
- Department of Commerce ADU guidance
- REALTORS® + Housing website, developed in partnership with Seattle King County REALTORS®, Washington REALTORS®, and Kimley-Horn
- City of Seattle Ord 125854
- City of Seattle ADUniverse Guidance for Homeowners
- City of Burien ADU code (19.17.070)
- City of Everett ADU Resources
- The Kirkland ADU Toolkit
- Snohomish County ADU code (30.28.010)
- Snohomish County Relaxes Urban Accessory Dwelling Rules Ahead of State Deadlines: Fesler, Stephen—The Urbanist, March 31, 2025
- City of Burien Accessory Dwelling Units Handout
- All About Accessory Dwelling Units: AARP Livable Communities resources
- Why Mother-in-Laws Matter: Fahey, Anna and Morales, Margaret—Sightline Institute, January 16, 2020
- Housing Choices for Everyone: Backyard Cottages—MBAKS, June 11, 2019



Lot splitting

Local jurisdictions could implement a simple, expedited administrative process for dividing existing residential lots into two separate lots. Allowing "lot splitting" would expand housing supply; increase homeownership opportunities; enable housing at lower price points, creating more starter home options for first time buyers; offer existing homeowners flexibility to stay in their homes and/or create a home for extended family; and allow infill construction that is low-impact and supports the environmental goals of the Growth Management Act ("GMA").

The Legislature in 2025 enacted E2SHB 1096 ("HB 1096") establishing a uniform lot-splitting process. Under HB 1096, all cities must include a process in their development regulations for administrative approval of lot splits. Previously, under state law, the only means to divide property into separate legal lots that could be legally conveyed was through either a subdivision pursuant to Washington State subdivision laws or creation of a condominium in accordance with the Condominium Act and the Washington Uniform Common Interest Ownership Act. Nevertheless, several jurisdictions explored how lot divisions could be implemented as an expedited two-lot short plat under previous statutory authority. To learn more about the requirements for lot splitting in HB 1096, see MBAKS Issue Brief below.

RESOURCES:

- MBAKS Issue Brief: Creating More Housing Through Lot Splitting
- MBAKS Issue Brief: Modernizing Washington State Subdivision Statutes
- Leave behind piece

Adopt form-based code

"Form-based code" means a package of land use regulations that fosters predictable built results and a walkable public realm by using physical form, rather than separation of use, as the organizing principle for the code. These land use regulations are adopted into city or county code and represent an innovative alternative to conventional zoning regulation. Form-based codes are linked to a plan that designates the appropriate form and scale of development, as well as the appearance and placement of buildings and their connection to the street, rather than only distinctions in land use types.

Form-based codes can be beneficial because they enable local governments to eliminate restrictive zoning, while providing the regulatory means to achieve development objectives, such as compact, pedestrian-friendly walkable neighborhoods, with greater certainty. Form-based codes can be adopted as a new zoning district or as an overlay district.

RESOURCES:

See also Subarea Planning/Programmatic EIS (p. 6)

- City of Bothell Downtown Subarea Plan
  - Website
  - Code and Regulations (separate documents)
- Clark County Highway 99 Subarea Hybrid Code
  - Website
  - Village Center Code—very permissive on use, detailed form/design regulations
  - Woodland District—hybrid code; Urban Neighborhood 1—Woodland Square is form-based
- City of Shoreline—Mixed Residential Zoning/Subarea Planning
  - Subarea Planning Website
  - Mixed Residential Zones description
  - Code Section—see Table 20.50.020(2)
- City of North Bend
  - Downtown Form Based Code
- Form-Based Codes Institute

Fee simple townhomes

By adopting unit lot subdivision codes for townhome developments, local governments can help create more affordable homeownership options that make efficient use of our limited land supply. This allows townhomes to be developed and sold as individual units rather than developed as rental units. It also eliminates the need for a builder to develop the townhomes as condominium units, which adds needless costs that end up being added to the price of the townhomes when they are sold.

By avoiding the condominium process it is easier for buyers and builders alike to obtain financing from banks and acquire insurance. Adopting a unit lot subdivision code removes a hurdle to homeownership and provides better access to townhomes, which are a more affordable and popular housing type. This change also improves the ability of owners to refinance and sell their homes, allowing more families to enjoy the benefits of ownership. Townhomes make efficient use of scarce land and help us meet GMA planning goals. The change also helps enable what has become a very popular housing choice.

In 2023, the Washington Legislature adopted Senate Bill 5258, which among other things, requires all local governments to update their short plat regulations to allow unit lot subdivisions. This will enable property owners to divide parent lots into separately owned unit lots. Jurisdictions must implement this change by their next periodic comprehensive plan update but have the option to do so sooner, as many have already done.

Some key components of fee simple:

- Submit under commercial code
- Allow drive aisle or internal driveway
- Covenants, conditions, and restrictions (CC&Rs) in lieu of Homeowners Association
- Zero lot line law in Seattle
- Serves both entry level and retirees

RESOURCES:

- City of Lynnwood—LMC 19.40
  - Code
  - Depending on underlying zoning, can be processed as short/long plats or as binding site plans



- Snohomish County
  - SCC 30.41A.205—Design Standards—unit lot subdivision
  - Townhouse code
  - Zero lot line development definition
  - Single-family attached definition
  - Townhouse dwelling definition
- City of Everett—EMC 19.15A
  - Code
- City of Lake Stevens Unit Lot Subdivision Code for townhomes
- City of Mountlake Terrace—MTMC 17.09
  - Code
- City of Bothell (New Detached Condominium or Townhomes Building Permit Checklist)
- City of Bellevue—Fee Simple Ordinance
- City of Enumclaw
- City of North Bend
- City of Redmond
- City of Seattle
- City of Shoreline
- City of Tukwila
- MBAKS fee simple slide presentation

Allow separate ownership of ADUs

The state has adopted statutes calling for jurisdictions to allow accessory dwelling units (ADUs) and detached accessory dwelling units (DADUs). Additionally, with the passage of House Bill 1337 in 2023, a city or county may not prohibit the sale or other conveyance of a condominium unit independently of a principal unit solely on the grounds that the condo was originally built as an ADU. In the absence of a mechanism to segregate ADUs for separate ownership like lot divisions, they can only be used for rental homes, unless the property owner opts to go through the condominium process.

Separate ownership of ADUs is one of the most critical pathways for success of middle housing, financial security, and bridging economic and opportunity divides. ADUs are more affordable to build and own; they offer affordable first-time homeownership opportunities, safe aging-in place living for seniors, reliable single-parent ownership, and opportunities for BIPOC homeownership to build valuable equity.

RESOURCES:

City of Kirkland: KZC 115.07 allows for the maximization of density on small and substandard lots including the provision of two cottages, two carriages, two-unit homes, or combinations of these with ADU/DADUs. While not expressly enumerated in code, the city continues to support separate ownership of all ADUs. The allowance of separate ownership for ADUs will be explicitly allowed under forthcoming interpretations.



Situated in Seattle's Maple Leaf neighborhood, Best Practice Architecture's Granny Pad is an award-winning detached additional dwelling unit (DADU).
Photo: Ed Sozinho Photography



The Roost, by Neiman Taber Architects, features 33 microhousing units like the one pictured here, and was designed with a focus on affordability, livability, community, support for the arts, and sustainability.
Photo: Alex Hart Photography

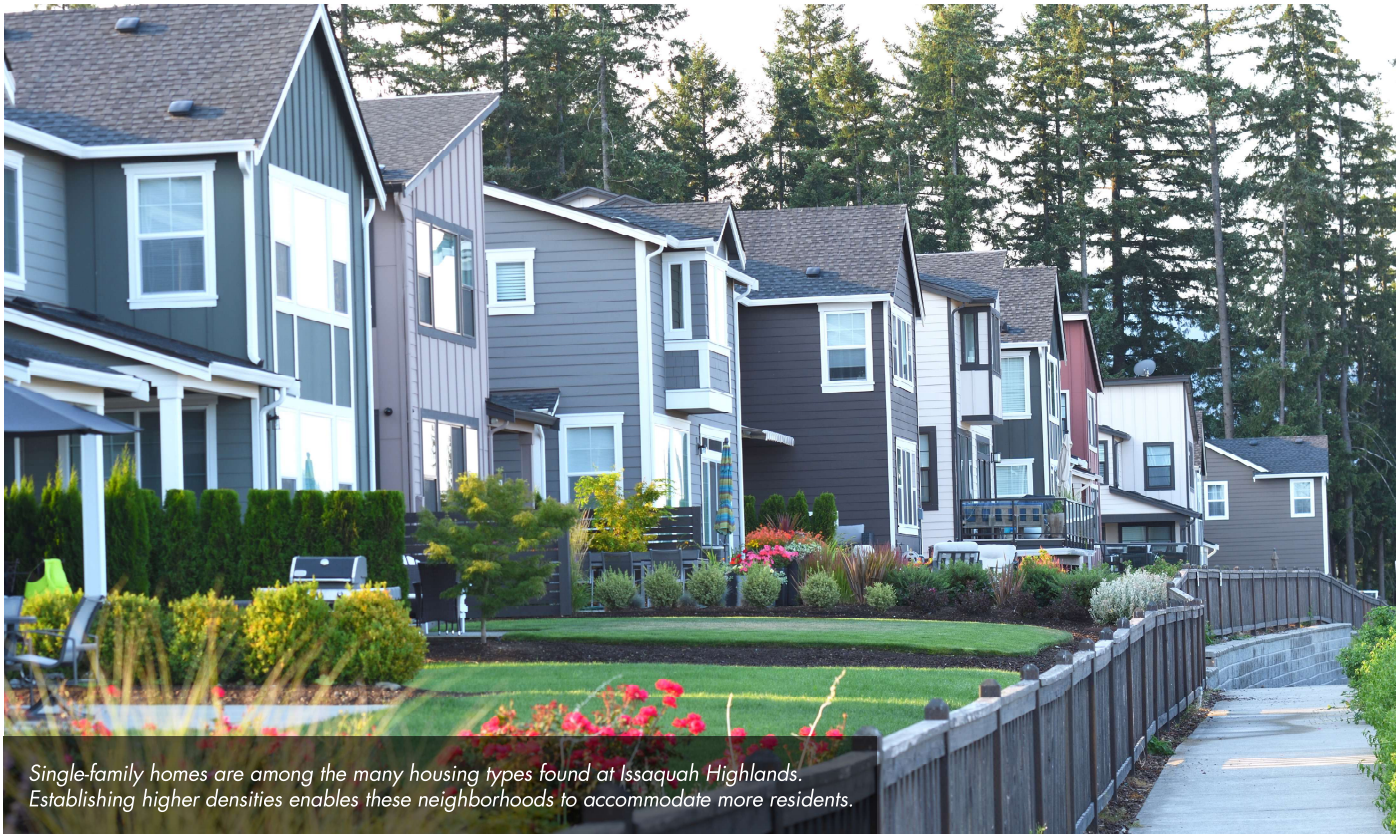
Enable microhousing

Microhousing can fill an important need for residents who do not want, or cannot afford, a larger apartment. Microunits are small living spaces, typically less than 350 square feet, with a fully functioning kitchen and bathroom. They offer an innovative solution to urban housing affordability. This housing choice provides increased access to desirable neighborhoods and offers renters and homebuyers another option that may better fit their needs.

In 2024, the Washington State Legislature gave its nod of support to microhousing by passing House Bill 1998, legalizing "co-living" homes—small apartments with shared kitchens offering a low-cost housing option—in all urban growth areas that allow at least six multifamily homes. The new law also prohibits a city or county from imposing certain regulations or restrictions on co-living housing.

RESOURCES:

- Types of Affordable Housing: MRSC
- King County microhousing demonstration project ordinance
- Micro-Housing: It's Not About the Size but How You Use It: Neiman, David—Sightline Institute, November 2, 2023
- Housing Choices for Everyone: Microhousing—MBAKS, September 18, 2019
- Seattle Proposes Co-Living Ordinance Seeking to Meet New State Mandate: Trumm, Doug—The Urbanist, May 1, 2024
- Mayor Harrell Signs Legislation to Expand Co-Living Housing Opportunities in Seattle: Craighead, Callie—Office of the Mayor, November 20, 2024



Single-family homes are among the many housing types found at Issaquah Highlands. Establishing higher densities enables these neighborhoods to accommodate more residents.

MAXIMIZING RESIDENTIAL DENSITIES

The following tools are designed to maximize residential densities in single-family neighborhoods inside urban growth areas. To the extent that cities and counties can create more housing choices in these neighborhoods, they will be better positioned as our region grows. Many local jurisdictions already have a significant portion of their residential neighborhoods zoned for single family. These tools are designed to ensure single-family neighborhoods are more equitable and are being used as efficiently as possible to accommodate new residents near jobs, schools, parks, transit, and other amenities.

Allow clustering of lots in single-family zones

Clustering is a planning tool that provides a builder with density bonuses for clustering smaller lots together in exchange for public amenities such as open space. A cluster subdivision will typically include several houses grouped together next to undeveloped land held for the common ownership of the lot owners. Grouping homes together in this manner can lower the cost of housing by making more efficient use of the land and reducing the initial investment in streets and utility lines needed to service these communities.

Jurisdictions that choose to allow cluster zoning should also make sure that the tool is easy to find in code and straightforward to implement.

RESOURCES:

- Carnation (15.48.070)
- Everett (18.28.210)
- Lake Stevens (14.48.070)
- Seattle (23.44.024), see also Seattle Zoning Chart
- Bothell (12.30.070)

Lot size averaging

Lot size averaging is an innovative development technique that puts buildable land to more efficient use by allowing smaller lots on constrained sites while complying with the underlying zoning. Specifically, this technique encourages a more efficient use of land for subdivision and short subdivision development. The size of individual lots within a subdivision or short subdivision using lot size averaging can be less than the required minimum lot size. This is provided the average lot size of all lots meets or exceeds the minimum lot size allowed, and the development density achieved is not greater than the gross site area divided by the underlying zone.

The flexibility allowed by lot size averaging can be useful for developing single-family housing on unusually shaped parcels or on properties constrained by critical areas. It will also ensure that the densities anticipated in code can be met. Smaller lot sizes may also provide more affordable housing opportunities.

Jurisdictions that choose to allow lot size averaging should also make sure that the tool is easy to find in code and straightforward to implement.

RESOURCES:

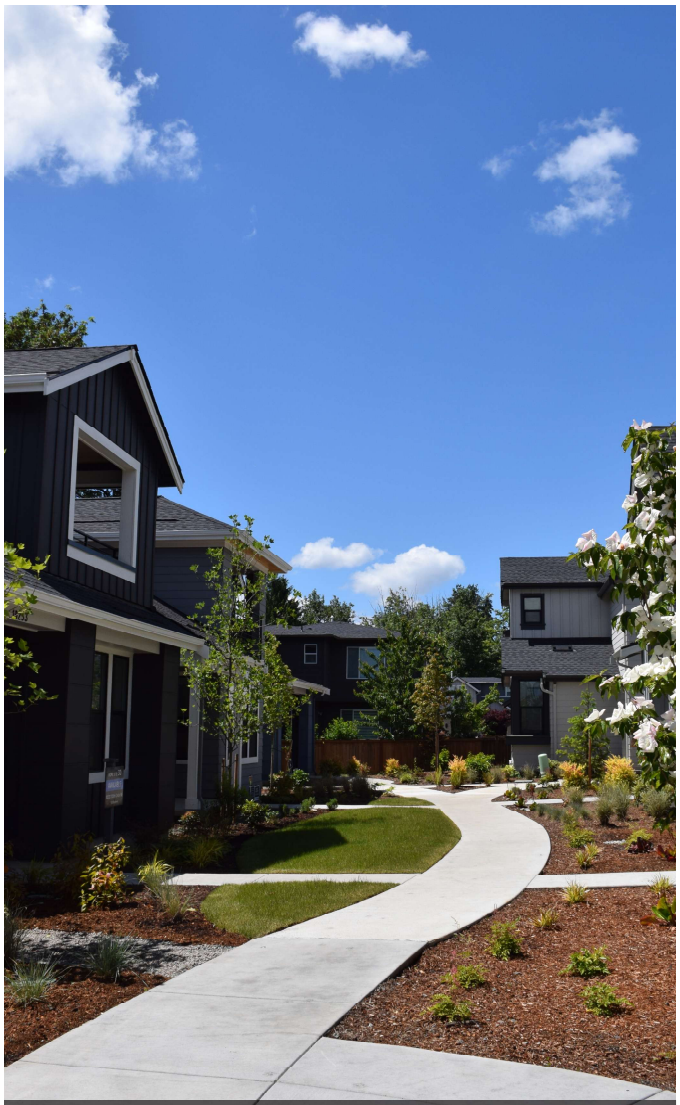
- Burien (19.15.005)
- Carnation (Chapter 15.48)
- Redmond (20C.30.25-050)
- Snohomish County (30.23.210)
- Sultan (19.44)
- Mark Villwock/LDC Inc. slides

Allow cottage housing

Cottage housing refers to multiple detached dwelling units that share common areas. This housing choice provides more compact urban development, expanding the range of housing types available to consumers. It generally works best when allowed in single-family zones.

RESOURCES:

- MBAKS Cottage Housing Issue Brief
- City of Kirkland: Zoning Code Ch. 113, Cottage, Carriage, and Two/Three Unit Homes
- City of Redmond: 21.08.290, Cottage Housing Developments
- MRSC Cottage Housing Overview and Resources



Cottage housing, like the cottage cluster seen here, is a charming and innovative type of development.
Photo: Toll Brothers Centre Cottages, Redmond



"Plexes" like this are no longer allowed to be built in most single-family neighborhoods.
Photo courtesy Sightline Institute Modest Middle Homes Library, CC by 4.0

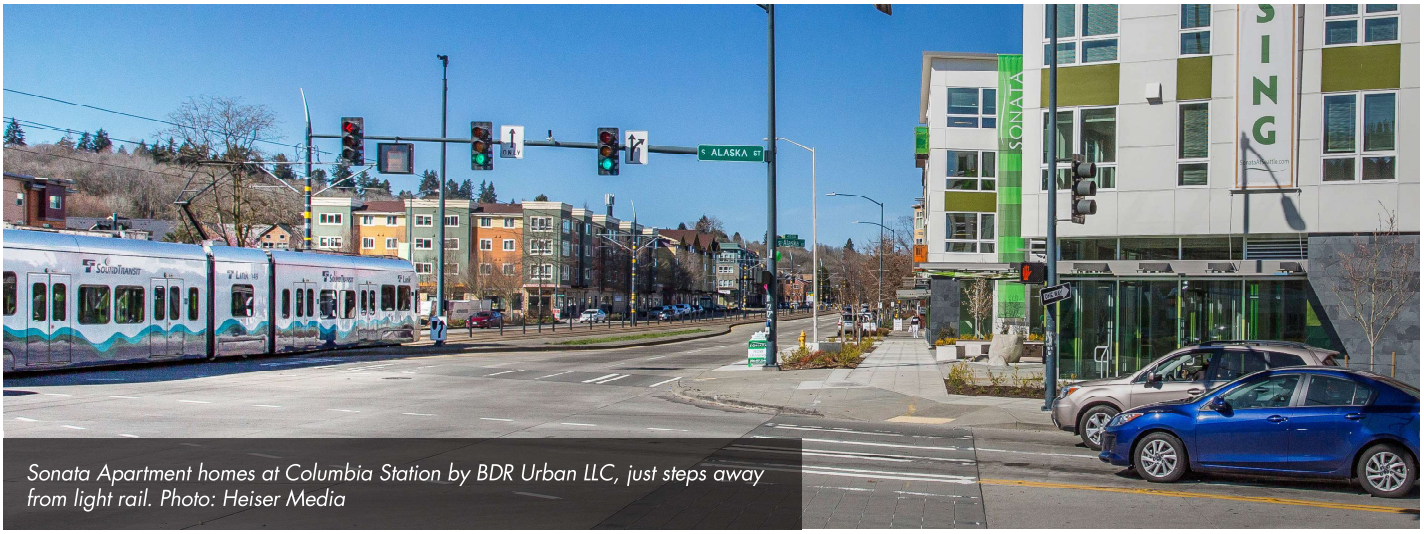
Allow multiplexes

Many people who want to live in our cities are finding it more difficult to find a home that fits their lifestyle and budget. Allowing more home choices, such as duplexes and triplexes, in addition to single-family detached homes, would create more housing choices for Washington families in neighborhoods closer to jobs, transit, schools, parks, and other amenities. Multiplexes, such as duplexes, triplexes, fourplexes, and sixplexes, are more affordable than detached, single-dwelling houses because land costs, which account for a significant portion of the cost of a new home, can be spread across more homes.

Legislation adopted in 2023 (E2SHB 1110) will for the first time require certain jurisdictions to allow diverse housing options like multiplexes (duplexes, triplexes, quadplexes, and sixplexes), townhouses, stacked flats, courtyard apartments, or cottage housing on most lots in Washington's residential neighborhoods. This new law is a major reform to zoning in the state that will provide more housing options for more people. Cities subject to the new law must comply with its provisions beginning six months after the next periodic comprehensive plan update but have the option to adopt sooner than this date. Local jurisdictions also have the option to go beyond the minimum requirements of the middle housing law, allowing more middle housing types and/or a higher unit count per lot.

RESOURCES:

- Middle Housing in Washington: Resources from the Washington State Department of Commerce
- Department of Commerce: User Guide for Middle Housing Model Ordinances | Update: October 24, 2024
- MBAKS Middle Housing Implementation Plan
- MBAKS Video: Working Together on Middle Housing to make home happen
- REALTORS® + Housing website, developed in partnership with Seattle King County REALTORS®, Washington
- City of Auburn Middle Housing Code Amendments
- City of Bothell Middle housing code (12.14.134)
- City of Shoreline Neighborhood Residential Zoning Rules
- MRSC: Missing Middle Housing
- State of Oregon Housing Choice resources
- Sightline Institute Missing Middle Housing Photo Library
- Spokane already ahead on expanding 'middle housing': KREM 2 News, May 8, 2023
- Spokane Laps Seattle, Legalizes Missing Middle Housing: The Urbanist, July 19, 2022



Sonata Apartment homes at Columbia Station by BDR Urban LLC, just steps away from light rail. Photo: Heiser Media

INCREASE HOUSING CAPACITY NEAR TRANSIT AND JOBS

The following tools are designed to increase housing capacity near transit and jobs and can help cities meet a variety of important goals. Housing located near transit reduces our reliance on cars, reducing traffic congestion and greenhouse gas emissions and creating more sustainable communities. It also supports walkable neighborhoods and helps to accommodate growth by enabling higher-density housing in the very places where the Growth Management Act intends for our region to grow inside our urban areas. Doing so successfully helps protect forests and farmland.

Transit/employer-oriented development

PROACTIVELY PLANNING FOR INCREASED HOUSING CAPACITY AROUND MAJOR TRANSIT AND EMPLOYMENT HUBS

At its core, transit-oriented development (TOD) is designed to better connect higher density housing options and jobs to existing and planned transit stations or transit corridors. TOD involves a mix of uses, allowing residents to commute to work and take advantage of a variety of amenities without needing a car.

Employer-oriented development (EOD) is a similar concept that refers to increasing zoning to allow more homes near employment centers. Some major job centers simply do not have mass transit nearby and are also surrounded by low-density, single-family zoning. Allowing more people to live near work both enriches their lives by shortening commutes and relieves government from the financial burden of paying for commuters.

Examples of high-job areas with single-family zoning nearby include the "U-District" around the University of Washington, the Washington State Capitol Campus, and Northwest and West Bellevue.

RESOURCES:

- Transit-Oriented Development: MRSC
- City of Shoreline Light Rail Station Subarea Planning
- City of Mountlake Terrace Town Center Subarea Plan
- Wilburton Vision: City of Bellevue
- Redmond Sees New Neighborhood Burgeon Around Marymoor Park as Light Rail Arrives: The Urbanist, May 9, 2025
- Everything You Need to Know About Downtown Redmond Link: Packer, Ryan and Doug Trumm—The Urbanist, May 10, 2025
- Next stop for Washington housing: More construction near transit: Goldstein-Street, Jake—Washington State Standard, May 13, 2025
- Mountlake Terrace's Town Center Slowly Emerges Ahead of Light Rail: The Urbanist, August 27, 2024
- Kenmore Missing Middle Housing Resources

Roads and access flexibility

Local jurisdictions can employ several options to create more flexibility when it comes to roads and access for certain subdivisions. These actions can simplify the process to apply for a private versus public road or outright permit them in certain types of development. Cities and counties should also look to broaden the use of shared drive aisles and simplify fire access rules. These tools can result in a more efficient road system that is less expensive to build and maintain than public roads and decreases the amount of pollutant generating impervious surfaces per home. They are especially important for facilitating infill housing, like fee simple/unit lot subdivisions, supporting the need to add more density in urban growth areas.

The ability to utilize private drive aisles is an important element when determining feasibility, especially for middle housing types. By allowing for more design flexibility, private drive aisles also make it easier to apply Low Impact Development (LID) techniques important for stormwater management, save trees, and incorporate more open space into new communities.

Simplifying these processes and creating more flexibility for roads and access can help local jurisdictions ease a significant cost pressure on new housing, facilitating more housing choices while allowing for a road system that is more environmentally friendly.

RESOURCES:

- Snohomish County Roads and Access Ordinance



The Sonata Apartment Community by BDR Urban LLC is in Seattle's Columbia City neighborhood, adjacent to light rail. Photo: Heiser Media

Allow low-rise zoning/higher density within proximity to frequent transit

Providing infill housing at higher densities in transit-served areas is another tool for increasing housing options near transit. This would enable more people to live within easy walking distance of transit, helping to maximize its use. It would also encourage more equitable, sustainable, and less expensive housing exactly where it makes the most sense.

RESOURCES:

- City of Seattle LR Zoning



Reduce or eliminate parking requirements near transit

Local governments can choose to eliminate off-street parking requirements for developments near transit, such as bus rapid transit, or where transit services are planned. More jurisdictions are moving toward eliminating parking requirements near transit altogether. For example, Bellevue and Olympia have lowered or eliminated parking requirements near transit, and the state of California adopted a law prohibiting cities from imposing parking requirements within a half mile of major public transit stops. Furthermore, provisions in House Bill 1110 eliminate off-street parking for middle housing within a half mile of a major transit stop.

Parking requirements add to the cost of housing by increasing the land area required or the need for structured parking, both of which are very expensive and can render projects infeasible . With each stall in a parking garage costing tens of thousands of dollars to build, parking requirements can impose significant costs on new housing, directly increasing the cost of housing for both renters and owners. These requirements end up forcing people who buy or rent housing to pay for parking regardless of their actual needs. They also attract buyers and renters with cars rather than more without vehicles who would utilize transit.

In many cases, minimum parking requirements also go beyond what is necessary to ensure that residents have adequate parking and may encourage higher rates of car ownership and driving, which not only increase congestion and pollution, but ignores the benefits of living near high-capacity transit. In addition, one-size-fits-all parking requirements can lead to excess land dedicated to parking that might otherwise be used for housing. Where parking standards are reduced or eliminated, areas typically devoted to parking stalls can be utilized for housing, providing more housing choices and benefiting the environment.

One approach to reduced parking requirements—contingency-based parking, also known as adaptive parking—is an option even outside of areas served by frequent transit. Under contingency-based parking, rather than building costly reserved parking onsite, developers submit plans for addressing parking demand should it become a problem after the building is constructed. A builder could agree to install bike storage, partner with a nearby building with excess parking to share a parking lot or pay a fee-in-lieu to fund public parking and transportation infrastructure that serves the entire neighborhood. The conditions of such an agreement may not ever be triggered, reducing car-dependency, vehicle miles traveled, and impervious surfaces, and stormwater runoff. Even in cases where a parking contingency plan is triggered, adaptive parking offers flexibility, reduces the cost of housing, and encourages both sharing existing underutilized parking and alternative modes of transportation.

RESOURCES:

- The State of Parking Mandates in Washington: Gould, Catie—Sightline Institute, October 2024
- Spokane Just Ditched Parking Mandates. What's Stopping the Rest of Washington?: Packer, Ryan-The Urbanist, August 16, 2024
- King County Right Size Parking Calculator
- Shoreline Makes Good on Pledge to Stop Mandating Car Parking Citywide: Packer, Ryan—The Urbanist, Aug. 13, 2025
- Bothell Drops Parking Mandates, Legalizes Neighborhood Corner Stores Citywide: Packer, Ryan—The Urbanist, July 10, 2025
- City of SeaTac, amendments to Ch 15 of the SMC, allowing residential developments located within the City Center Overlay District to reduce the number of required parking spaces by up to 35%
- City of Bellevue: Reduced Minimum Residential Parking Standards
- City of Olympia: Chapter 18:38, Parking and Loading
- Why Communities Are Eliminating Off-Street Parking Requirements—and What Comes Next: Gould, Catie–Lincoln Institute of Land Policy, October 12, 2022
- Parking Reform: Part 2: Pool, Lisa—MRSC, October 19, 2022
- In These US Cities, Parking Reform Is Gaining Momentum—Institute for Transportation & Development Policy, February 1, 2024
- Reinventing Parking
- Victoria Transport Policy Institute
- Sightline Institute | Beyond Parking Mandates
- Sightline Institute | A Flexible Approach to Meeting Parking Mandates
- Lynnwood (21.18.200–300, 21.18.820-900) (Shared and remote parking, administrative capacity adjustment, commute trip reduction, bicycle parking)
- Redmond (21.40.010.F) (Shared parking and fee in lieu)
- Puyallup (20.55.011.3-4) (Parking demand analysis, shared parking, overflow parking, commute trip reduction)
- Friday Harbor (17.68.040-050) (Shared parking and fee in lieu)
- Renton (4-4-080.E.3) (Shared parking)
- Kirkland (50.60.4) (Fee in lieu)



Periodic review of underutilized land for potential redesignation and possible rezoning

In between mandatory 10-year updates to comprehensive plans as required by GMA, jurisdictions should review more frequently to evaluate if policy changes are warranted. A jurisdiction could consider expanding its allowed uses for underutilized land near transit and job centers, such as Business Park zones, to include residential development of a range of housing types. This tool could support the critical need for diverse housing types, particularly missing middle housing, near transit and employment hubs

RESOURCES:

- Snohomish County Ordinance 22-014: Ordinance allows for single family homes, cottage housing, duplexes, multiple family and townhomes in zones designated for Business Parks.

  Specific requirements for development include that the site must be a minimum of 25 contiguous acres under the same ownership or control, and the Business Park zoning on the site must have been in effect prior to the effective date of the ordinance.

ENHANCE PREDICTABILITY

A key component of a more efficient permitting process that facilitates housing is predictability. There are some specific tools local governments could deploy that focus on predictability, which is a key factor in enabling project applicants to plan appropriately for housing they are seeking to build. Tools that enhance predictability related to project timelines and what land use laws and ordinances are in place are vital for planning timelines and financing for projects.

Local vesting of regulations and fees

Washington's vested rights doctrine gives property owners and developers the right to develop properties according to the land use laws and ordinances in place when they submit a complete permit application. Vesting provides certainty for all parties to development that rules won't change, which could otherwise jeopardize a project after initiation. Vesting is crucial to ensuring certainty, stability, and fairness in the development process. Homebuilders depend on vested rights to successfully plan new communities on time and within budget, two factors critical to housing affordability and availability.

However, several court rulings in recent years have reached inconsistent conclusions and severely limited Washington's common law vested rights doctrine. In one case, one Washington Court of Appeals severely restricted vested rights by going so far as to conclude that the doctrine is only statutory in nature, meaning that vested rights are afforded only to building permit and subdivision applications. In short, the Courts said there is no "common law" vesting; there is only statutory vesting.
Thus, for vesting to be recognized, according to the Courts it must be delineated in code, whereas the common law vested rights doctrine previously extended to a broader range of applications.

In the absence of the common law doctrine, a city or county may establish vested rights by ordinance. Having a code on vesting provides both customers and staff clear guidance and predictability regarding how long an application or approval is good for. This is especially important given the fact that most submittals require multiple permit applications and permit processes.

RESOURCES:

- Snohomish County School Impact Fee Vesting
  - Ordinance 18-306
  - SCC 30.66C.100

Limit scope and duration of moratoria

Local governments should resist enacting building moratoria and instead work within their communities to expand housing supply and choices for families. Should a moratorium be enacted, jurisdictions should limit the time it is in effect. While a moratorium is legal and can be put in place for a variety of reasons, they harm our region's economy and ability to add much-needed housing supply, making it even harder for current and future residents to find a home they can afford. Moratoria can also run counter to our region's transportation investments that contemplate the need for more transit-oriented development in certain areas.

Even for projects put on hold by a moratorium that are completed after it is lifted, the cost of delay can add significantly to the selling price of these housing units once they finally reach the market. Some projects in earlier stages of planning, for which significant resources have already been invested, simply never move forward due to a moratorium. In these ways, a building moratorium limits supply and worsens our housing affordability crisis.

Building moratoria also represent a missed opportunity for cities, who stand to lose significant revenue from potential new construction that does not materialize, such as the real estate excise tax, construction sales tax, and sales tax from the home buyers' purchases. Cities that enact a building moratorium lose local income, jobs, taxes, and other benefits of new housing. Not only does housing provide for a basic human need, it is also a major economic driver that benefits our entire region by helping to fund valuable local services, including schools and parks.



Ensure required timeline data is provided

Issuing estimates of permit review timelines is an important step that local planning departments could take at the time of permit submittal. Transparency in timeline permit data provides much-needed predictability for permit applicants so they can analyze the feasibility of projects and plan appropriately. There are many steps of the development process that rely on permits being processed within the timelines expressed by counties or cities. The predictability of timelines also drives some of the costs for development.

Permit reform legislation adopted by the 2023 state legislature (2SSB 5290) makes clear that cities or counties required to establish Urban Growth Capacity Reports under the Growth Management Act must produce an annual performance report outlining time periods for certain permit types associated with housing. This includes:

- Permit timelines for certain permit processes in counties and cities;
- The total number of decisions issued during the year for preliminary subdivision, final subdivisions, and binding site plans;
- Permit processes associated with the approval of multifamily housing;
- Construction plan review for each of these permit types when submitted separately;
- The total number of decisions for each permit type which included consolidated project permit review; and
- The total number of days:
  - from a submittal to a decision being issued
  - the application was in review with the county or city, and
  - the permit is the responsibility of the applicant.

RESOURCES:

- MBAKS Issue Brief: Streamlining Local Permitting Processes
- MRSC blog post on SB 5290
- Department of Commerce: 2SSB 5290 Frequently Asked Questions
- Local Project Review Guidebook – 2025, Washington State Department of Commerce
- Annual Performance Report – 2024, Washington State Department of Commerce

Balanced and predictable tree policies

When adopting tree codes regarding tree retention and replacement, local jurisdictions should consider regulations that take a balanced approach to ensuring a sustainable tree canopy while working to accommodate a growing population, as required by our state's Growth Management Act. Recognizing there is not a one-size-fits-all ordinance for regulating trees, cities should adopt smart, targeted, and flexible approaches when developing tree canopy targets. In doing so, cities should consider a variety of factors, as recommended by American Forests, such as development densities and land use patterns, climate, equitable distribution of canopy across income levels, age and species diversity, and tree condition. There are a variety of ways this can be accomplished, such as assuring potential plant-able and tree retention areas, soil quality and stability, incentive programs and bonuses, and location prioritization such as the Arbor Day Foundation's "Right Tree Right Place" concept, which retains and plants trees in optimal areas on a site.

Allowing for flexibility to strike the right balance between houses and trees is the key. Local ordinances should provide for no net loss of housing and exceptions for required access or utility connections. They should also factor in the need for compliance with other regulations and design standards.

RESOURCES:

- MBAKS Issue Brief: Tree Codes and Housing
- 2023 MBAKS Fact Sheet
- Seattle Tree Code
- Snohomish County: example of tree canopy approach
- Snohomish County 2023 Tree Canopy Monitoring Report
- Arbor Day Foundation: "Right Tree Right Place" concept
- Newcastle MC 18.16, Kenmore: examples of incentives and bonus measures for retention
- Bellevue: Exemplary public/municipal tree retention and replanting program, as well as tree prioritization location
- Why We No Longer Recommend a 40 Percent Urban Tree Canopy Goal: Leahy, Ian—American Forests, January 12, 2017
- King County Tree Code
- American Forests: They work to restore forest landscapes, create tree equity, advance forest policy, and implement programs to build canopy and re-leaf forests and cities. "Tree canopy cover targets are difficult to specify broadly because the opportunities to create canopy are highly variable among cities, even within a climatic region or land use class. Targets are best developed for specific cities and should consider constraints to creating canopy such as:
  - Development densities (i.e., dense development patterns with more impervious surfaces have less opportunity for cover);
  - Land use patterns (i.e., residential areas may have more opportunity for canopy than commercial areas, but canopy cover tends to be less in residential areas of disadvantaged communities versus wealthy ones);
  - Ordinances (i.e., parking lot shade ordinances promote cover over some impervious areas); and
  - Climate (i.e., canopy cover in desert cities is often less than tropical cities)."



Trees and other vegetation help infiltrate stormwater runoff in neighborhoods.



These traditional rowhouses are just blocks away from the city's downtown core.

PERMIT EFFICIENCIES AND PROCESS IMPROVEMENTS

Cities and counties looking for ways to improve the climate for housing and to make housing less expensive should consider ways to streamline the permit process so that it's more efficient and predictable. To the extent that permit timelines can be reduced and made more predictable to project applicants, these improvements can go a long way toward alleviating a significant cost pressure on new housing.

Model home permits

Local governments should amend their zoning code to increase the number of model homes allowed to be constructed in approved preliminary subdivisions prior to final plat recording. Allowing construction of homes prior to final plat recording can shorten the amount of time needed to construct homes and bring them to market sooner. This helps reduce costs and increase supply.

Jurisdictions should adopt a model home code if they have not already done so. This would enable developers to display a wider variety of housing styles. It would also allow home construction to begin prior to final plat recording, which helps bring much needed supply to market faster. For example, in the city of Lake Stevens, for short plats consisting of a subdivision of nine or fewer lots, the city allows a maximum of two model home building permits or 20% of the total number of single-family residences proposed, whichever is less. For all other subdivisions, the maximum number of model home permits allowed is six or 20% of the total number of single-family residences planned for the development, whichever is less. The city of Monroe allows up to seven model homes or 20% of the total number of single-family residences planned for the development. Snohomish County and the city of Marysville allow up to nine model home permits.

RESOURCES:

- City of Lake Stevens Model Homes code 14.44.025
- City of Marysville Model Homes code 22C.010.070 (30)
- City of Monroe Model Homes code 22.68.050
- Snohomish County model home permit code 30.41A.520

Online permitting and tracking

Providing online permitting and tracking creates a much more efficient and streamlined process for applicants by saving them unnecessary trips to the permit counter and enabling them to follow the progress on their permit reviews. Furthermore, online permitting proved to be an invaluable tool during the COVID-19 pandemic when strict physical distancing measures were in place. To be successful, a human element must be part of any online permit process so applicants can access the permit review team as questions and individual issues arise.

RESOURCES:

- MyBuildingPermit
- City of Kent online permitting portal



Eliminate design review

Design review is a process some cities have adopted for reviewing certain projects for their aesthetic and architectural quality and urban design. The design review process often adds unnecessary delays and costs to the homebuilding process, creating a significant hurdle in the effort to build more housing. Furthermore, the design review process is sometimes used by residents as a tool to block or delay new housing in their neighborhoods. Design review can create a great deal of uncertainty over the development timeline and costs on any given project. This lack of predictability and potential for delays makes projects subject to design review riskier to investors and more expensive to finance. Cities looking to adopt solutions that address rising housing costs and create a more streamlined and efficient permit processes should consider eliminating design review.

For cities that choose to maintain a design review process, local governments should strive to make it as streamlined, objective, timely, and predictable as possible. Some argue for eliminating volunteer boards and enabling professional city staff to take on this role via administrative design review. This is preferable to full design review, assuming a timely and predictable process can be maintained.

Legislation adopted by the 2023 state legislature, ESHB 1293, will streamline development rules and provide more clarity by requiring design review to be based on "clear and objective" standards that will not reduce development capacity. The new law also prohibits more than one public design review meeting. Local governments are encouraged to adopt further project review provisions to provide prompt, coordinated, and objective reviews.

RESOURCES:

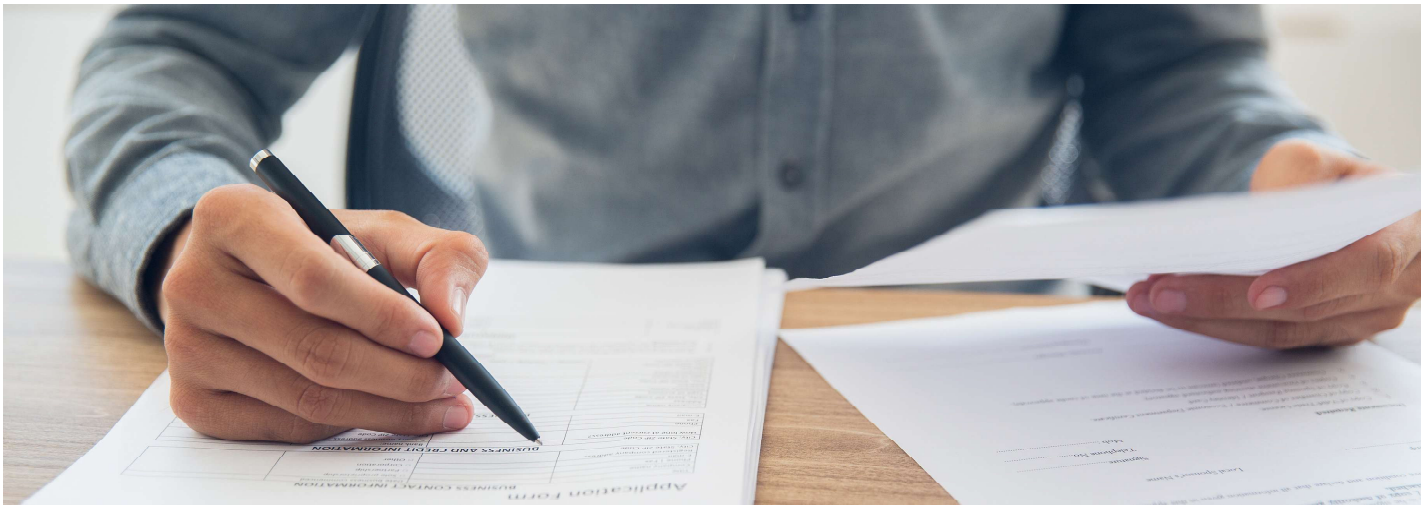
- Sightline: How Seattle's Design Review Sabotages Housing Affordability
- Recently signed bill takes aim at design review: Seattle Daily Journal of Commerce

LESSONS LEARNED FROM COVID-19 PANDEMIC

In the wake of the COVID-19 pandemic, it became clear some jurisdictions were better prepared than others to keep permitting and other planning processes on track during the crisis when strict physical distancing measures were suddenly put in place. For example, cities that had already adopted online permitting prior to COVID-19 were better able to continue delivering permitting functions during the Governor's "Stay Home, Stay Safe" order.

There are other constructive steps local governments can take now to be better prepared for future emergencies, and many are tools and best practices that are already featured in this Toolkit. These steps are designed to help jurisdictions continue operating during such times, or to recover from these episodes more quickly.

- Adopt permit extensions, either by ordinance or administratively, so applicants can more easily pick up where they left off when work is interrupted without having the restart the process.
- Allow administrative approval of a preliminary plat ("p-plat") in the same manner as a short plat pursuant to RCW 58.17.095.
- Adopt procedures used during the pandemic, such as video inspections.
- Hire pro tem hearing examiners and third-party inspectors to work through permit backlogs.
- Make sure local codes, regulations and policies provide vesting of building permit applications consistent with state law.
- Allow for building permit applications to be submitted and processed for review at preliminary plat approval, so construction can commence at approval of final plat or sooner if the jurisdiction allows model homes.
- Adopt administrative approval for final plats.



Streamlined utility availability certificate process

Cities can streamline the water, wastewater, and stormwater design review of entitlement applications and increase process predictability, creating a more efficient process.

RESOURCES:

- City of Redmond: Applicants may submit the application for UAC in tandem with a pre-application meeting submittal or at least 14 days in advance of a planned entitlement submittal.

Raise short plat thresholds to nine

Currently, under state law (RCW 58.17.020(6)), short subdivisions are defined as including four or fewer lots, but local jurisdictions have the option to include up to nine lots in urban growth areas. Despite this authority, many cities in the Puget Sound region still require a formal subdivision for projects between five to nine lots. This can add months of time and tens of thousands of dollars for small infill developments, which are important as the region continues to grow.

RESOURCES

The following jurisdictions are among those that have raised short plat thresholds to nine:

- City of Arlington
- City of Auburn (17.09.010)
- City of Bellevue (20.50.046) see Subdivision, Short
- City of Bothell
- City of Covington
- City of Des Moines
- City of Everett
- City of Federal Way
- City of Kenmore
- City of Kent
- City of Kirkland (KZC 22.20)
- City of Lake Stevens (14.18.010)
- City of Lynnwood (Chapter 19.50)
- City of Maple Valley
- City of Marysville (22G.090.310)
- City of Monroe
- City of Mountlake Terrace
- City of Newcastle
- City of North Bend
- City of Redmond
- (RMC 20F.40.150-40)
- Short Plat Checklist
- City of Renton (4-7-070)
- City of Sammamish
- Short Subdivision Application and Fees
- City of SeaTac
- City of Seattle
- City of Shoreline
- City of Stanwood
- City of Sultan
- City of Tukwila
- City of Woodinville
- King County (19A.04.310)
- Snohomish County (30.91S.280)

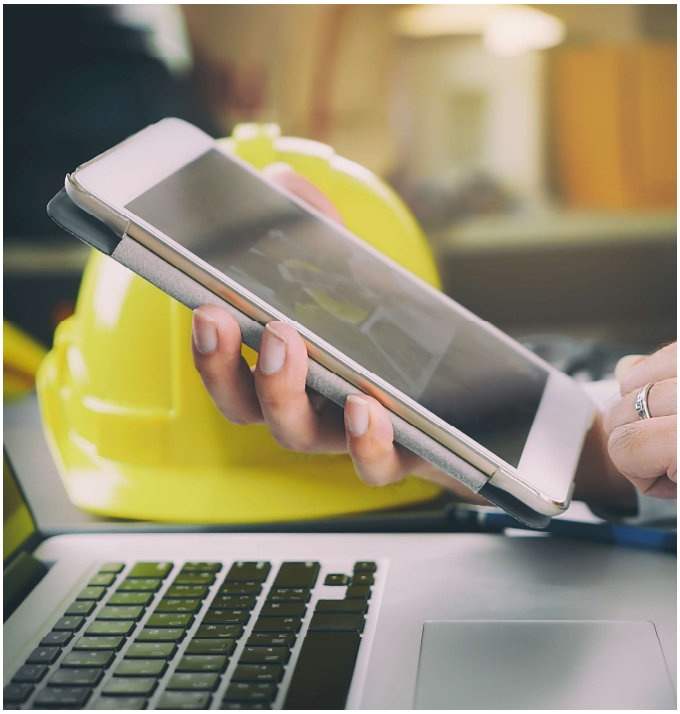
Administrative approval of preliminary plats

Local jurisdictions could allow administrative approval of a preliminary plat ("p-plat") in the same manner as a short plat pursuant to RCW 58.17.095. Today many large residential projects, such as an apartment complex or townhome project, can be approved administratively through a site plan or binding site plan process, which does not require a public hearing under the statute. The Legislature did amend the subdivision statutes in 1986 to authorize local jurisdictions to provide administrative review of a preliminary plat application without having to hold a public hearing – the same process that applies to a short plat. However, few, if any, local jurisdictions have used this authority to approve long plats administratively without a public hearing.

Adopting administrative approval of p-plats would streamline the permit process, allowing for much needed housing to be built and made available more quickly. It would also free up local planning staff time that could be re-allocated to address permit review backlogs that are currently slowing housing production in many local jurisdictions. Additionally, this change would facilitate infill development to meet growing demand, including middle housing.

RESOURCES

- MBAKS Issue Brief: Reforming and Streamlining Washington State Subdivision Statutes



Administrative approval of final plats

In 2017, Governor Jay Inslee signed into law legislation providing a local option to allow administrative approval of the final plat process on long subdivisions—that is, the division of land into multiple lots. Specifically, the law allows local jurisdictions to change the final plat approval process for subdivisions to one that is administrative. This means local governments can delegate final plat approval to planning directors or other designated officials. Administrative approval of final plats can save weeks and even months of delay in getting on council agendas for final approval, bringing greater efficiency to the permit process, and reducing an unnecessary cost pressure on housing.

RESOURCES

Following are examples of jurisdictions that have adopted administrative approval of final plats:

- City of Arlington
- City of Auburn
- City of Bothell
- City of Covington
- City of Everett
- City of Federal Way 18.40; see also Administrative Approval of Plat Alternations
- City of Kent
- City of Kirkland 22.16.05
- City of Lake Stevens 14.18.035
- City of Lynnwood
- City of Maple Valley
- City of Marysville
- City of Mercer Island
- City of Mill Creek
- City of Mountlake Terrace
- City of Newcastle
- City of Normandy Park
- City of Renton
- City of Shoreline
- City of Snohomish
- City of Stanwood
- City of Sultan
- City of Tukwila 17.14.030(B)
- City of Woodinville 29.91.070(2)(a)
- King County
- Snohomish County



Completeness review within 10 days vs. current 28+ days

Under the Local Project Review Act (RCW 36.70B) local governments have 28 days to perform a procedural completeness review and 14 days for a re-review before beginning a substantive review of a permit application. This process can add weeks, if not months, to a permit application timeline without adding any corresponding value. However, cities and counties have the option to reduce timelines associated with completeness review. Local governments could modify code to shorten the 28-day completeness review to 10 days or fewer when accepting applications online and eliminating the 28-day completeness requirement when requiring a submittal appointment. Where an appointment is required, the procedural completeness determination could be made during the submittal appointment. If an application is procedurally incomplete, it would not be accepted by the city or county. The 14-day re-review timeline could be reduced to five days or fewer.

Many cities and counties already make the completeness determination at submittal in practice, but others don't. Shortening completeness review would not only save time during the permit process, it would also save jurisdictions resources by not having to generate letters stating an application is incomplete or complete. It would improve the climate for housing by streamlining an expensive and unnecessary step in the permit process, thereby alleviating a significant cost pressure on new housing. It would also make the permit process more predictable.

Video inspections

During the COVID-19 pandemic, local governments have employed various approaches to help facilitate permits and the development review process amid physical distancing requirements. One such tool is video inspections. Video inspections enable cities and counties to remotely inspect development and construction sites by having the project manager use a smartphone app, such as Zoom or FaceTime, to display sites for inspectors. This innovative approach enables local jurisdictions to continue operating their inspection function during the crisis. Furthermore, video inspections have great potential to continue to support a more efficient inspection process long after social distancing has ended and should be made permanent.

RESOURCES:

- City of Everett Remote Video Inspection Instructions
- City of Seattle SDCI Guide to Video Inspections

Ensure needed capacity for reviews by maintaining appropriate staffing levels and providing training

Maintaining proper staffing levels in planning departments is key to ensuring timely permit processing. Furthermore, regular training of planning staff is critical for maintaining consistency of application of the rules as staffing changes occur. Knowing how the rules are going to be interpreted and applied from project to project helps to create much-needed predictability for permit applicants.

Pursuant to RCW 82.02.020, cities and counties can recover the costs of processing permit applications. The development community is oftentimes open to fees covering staffing costs as long as predictable and timely service can be provided. Local governments can reach out to MBAKS and other stakeholders if permit fees are a barrier to providing predictable and timely service.

Cities and counties could also use on-call services. Having people in place in advance of permit volume increases or staffing level changes is a great way to make sure planning departments don't fall behind. To facilitate this, local governments could include budget dollars for outside services each year to ensure resources are available to planning departments during times of high permit volumes. Having contracts in place with consultants who could perform city reviews is an important best practice for cities and counties.

Lastly, many permits are now reviewed by multiple departments, including planning, traffic, engineering, and fire to name a few. Maintaining an efficient permit process requires that internal review processes be well coordinated. We often see project reviews that are held up for weeks or months because one of the reviewing departments is far behind. Keeping on top of this issue will cut down on the amount of time needed to review an application.

Commit to meeting or exceeding established review timelines

Under RCW 36.70B.080, cities and counties planning under the GMA must establish and implement time periods with timely and predictable procedures. Since 1995, state law provided the time period for action by a jurisdiction for each type of permit should not exceed 120 days unless the jurisdiction makes written findings that additional time is needed. The statute was amended in 2023 when the state legislature adopted 2SSB 5290, such that project permit applications submitted after January 1, 2025 will be subject to a sliding scale. New time periods ranging from 65 to 170 days are based on the process required for review of various types of project permit applications.

In practice, government decisions on permit applications often exceed the established timeline for reasons ranging from inadequate staffing to complex codes with complicated standards that are sometimes at cross purposes with each other. A commitment to meeting or exceeding the review timelines established in code (or the state backstop) is important to ensure housing can be brought to market. There is an enormous amount of cost associated with having unpredictable review timelines.

RESOURCES:

- MBAKS Issue Brief: Streamlining Local Permitting Processes
- BIAW Cost of Permitting Delays report
- Department of Commerce: Fact Sheet on Chapter 338, Laws on 2023 (SB 5290)
- Department of Commerce: 2SSB 5290 Frequently Asked Questions

Concurrent review of preliminary plat and civil plans

A city could allow for civil engineering plans to be reviewed at the same time as the preliminary plat application, with the understanding that changes made to the preliminary plat during review may necessitate changes to construction plans. Allowing this as an option could save up to four to six months on the permit process and ensure houses get to market faster.

RESOURCES:

- City of Auburn
- City of Bellevue
- City of Kent
- City of Lake Stevens
- City of Redmond (pilot program)
- Snohomish County
- MBAKS Issue Brief: Reforming and Streamlining Washington State Subdivision Statutes

FLEXIBILITY IN SITE PLANNING AND DESIGN

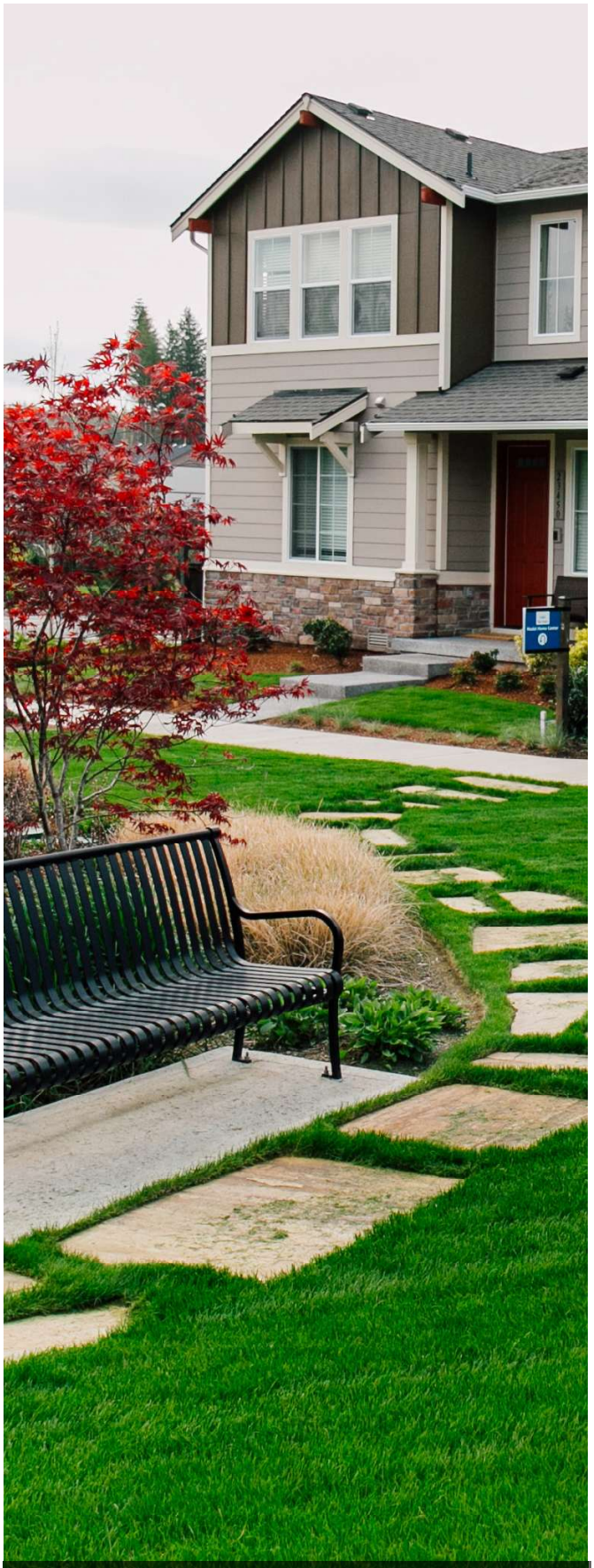
The following tools are intended to create more flexibility in site planning and design, which can help cities and counties optimize residential densities inside urban growth areas. This is especially important given the minimum density requirements adopted in 2023 in House Bill 1110, the middle housing law. What can be built and how it can be laid out on a site is governed by an array of local development regulations. How these regulations work together determines how much of a site can be utilized for housing and whether density goals can be met. By increasing flexibility in site planning and design, cities and counties can improve their ability to provide more housing choices and help ease cost pressures on new housing.

Reduced building setback requirements

A setback is the minimum distance which a building or other structure must be set back from a street or road. In housing developments, setbacks are often required along front, rear, and side property lines. Local governments create setbacks through ordinances, zoning restrictions, and building codes. Larger setbacks can lower the density of a given neighborhood, creating an added cost pressure on these homes. They are also a less efficient use of our region's limited land supply. Reducing building setbacks is often used in tandem with lot size averaging or clustering of homes (p. 13–14). Lot sizes are reduced to ensure zoned densities may be achieved and open space is focused on common open space areas. Local jurisdictions should update code provisions and design standards to ensure they facilitate, rather than inhibit, implementation of middle housing and accessory dwelling units.

RESOURCES:

- Lake Stevens PRD code
- Oak Harbor PRD code
- Marysville PRD code



Flexible site planning and design in new developments can help create more housing choices and optimize shared community spaces. Pictured: Homes by Lennar at Ten Trails in Black Diamond

Reduced street widths

Many communities have adopted roadway and parking standards, which can act as a barrier to new development. This includes the requirement for public roads within single-family and townhome developments where proposed roads are not connecting two arterials. Alternative road and parking designs that include reduced street widths could help lower costs of new housing, because there is less pavement to construct.

There is also a significant environmental benefit as less pollutant generating impervious surfaces are created within the project site. Additionally, this reduces the size of required detention facilities, helping to facilitate more housing choices by maximizing residential densities. Lastly, the allowance for private roads eases the requirements of the city or county to maintain infrastructure that can be maintained privately by homeowners' associations through covenants, conditions, and restrictions (CC&Rs).

All roads, whether public or private, are always required to meet fire code requirements. In some cases, reduced street widths may allow higher site densities. Importantly, this can also help lower the cost of new housing by creating more efficient use of our limited land. Alternative designs featuring reduced street widths can provide safe access for cars and pedestrians and offer sufficient parking.

Street standards with reduced widths can allow more flexibility in site design, which can result in one or more additional lots in a development over what would be possible with wider streets. The ability to use private streets where appropriate can also provide flexibility in site design.

RESOURCES:

- Marysville's PRD street width/standard detail
  - Code
  - Engineering Standards (Ch. 3, pp. 48–49, Standard Details 3-218-001 and 3-218-002)
  - Snohomish County Townhouse Code (Chapter 30.31E)

Reduced on-street parking in single-family areas

Finding ways to reduce street widths in single-family developments can also be linked with limiting the oversupply of parking in single-family areas. Reducing the requirements for on-street parking in denser residential zones, whether using private streets or narrow-section public streets, can cut down on overprovision of parking while potentially creating more space within a development to add much-needed density (especially when combined with more flexible lot sizes as described under lot size averaging and cluster subdivisions on p. 12–13). If single-family developments provide two-car garages along with driveways for each unit, for example, reduced street widths by way of reducing or eliminating on-street parking requirements can help provide more land for lots/units while avoiding an oversupply of parking.

Where significant on-street parking is required as part of a code, consider allowing flexibility to those requirements where a parking study is provided that highlights why reduced parking for that project will work (see more on contingency-based parking on p. 19). Since every site is different, providing some flexibility will ensure sites are not overparked even when less parking is necessary for the project.

RESOURCES:

- Marysville's PRD code and street standards (see left)



Ten Trails master planned community offers a variety of housing types, including townhomes, duplexes, and single-family detached homes.

Pictured: Homes by Lennar at Ten Trails in Black Diamond

FEES

Local governments looking for ways to facilitate housing should implement tools to reduce the cost impacts created by fees and inefficient regulatory frameworks. First, local jurisdictions should ensure any impact fees are balanced. According to RCW 82.02.050(2), counties, cities, and towns that plan under RCW 36.70A.040 can impose impact fees on development to finance public facilities. However, when financing system improvements for new development, impact fees must be balanced with other public funds and cannot be the sole source of funding. Fees and regulations can drive up housing costs unnecessarily. Following are some best practices to help minimize the cost burden associated with fees and enable more affordable housing.

Use fair and broad-based funding mechanisms

Any plan for new housing should include work to reduce the cost impacts created by fees and inefficient regulatory frameworks. Fees and regulations that make it unnecessarily expensive to build more housing choices create financial barriers to new home construction, which can result in fewer projects moving forward because they are not feasible to build. For example, banks will not lend to fund housing construction unless adequate security is provided for the loan. When fewer homes are built—especially in areas where demand is high—prices rise. To the extent we can make it less expensive to build new housing, more projects can move forward. This is true for market rate and nonprofit builders alike.

Local governments should use fair and broad-based funding mechanisms, such as bond measures and levies, to help pay for necessary infrastructure improvements benefiting all community members. Cities and counties should also be mindful of the cumulative impact of fees on housing affordability.

RESOURCES:

- MBAKS Impact Fee Issue Brief
- MBAKS Report: The Decline of Seattle Townhomes Under MHA (2025)
- Mandatory Affordable Housing Fees Carry Unintended Consequences, ECOnorthwest: July 2025
- How Nexus Studies Misunderstand the Affordable Housing Challenge, ECOnorthwest, July 2025
- MBAKS Legal Memorandum: Constitutional Risks of Mandatory Housing Affordability Programs Post-Sheetz
- Impact Fees in Washington State for 2024: BIAW, January 2025
- Housing Attainability in Washington in 2025: BIAW, March 20, 2025

If fees are imposed, ensure they are properly set and defer collection

If a local government decides to impose fees on new development, they should first ensure they are properly set (proportionality, nexus, etc.). For example, Washington state law authorizing impact fees is clear that these fees must not be solely relied upon for financing new improvements.
Instead, there must be a "balance between impact fees and other sources of public funds." The statute is also clear that impact fees cannot be imposed arbitrarily or in a duplicative manner for existing impacts. They must be designed so that the impact fee cost is proportionate to the benefit that new growth and development will receive from improved and expanded public services.

Additionally, when local governments impose these fees, they should defer collection until later in the process. Impact fees are challenging for builders to finance and can be significant upfront costs, especially for small and mid-sized builders. Deferring their collection until occupancy or closing, when impacts are realized, would help reduce a significant cost pressure on new housing and enable more projects to move forward.

RESOURCES:

- Chapter 82.02 RCW
- Impact Fee Payment Deferral Programs: MRSC
- 2024 Impact Fee Deferral Report: Department of Commerce, January 8, 2024
- See fee deferral options by jurisdiction in MBAKS' impact fee chart



Toolkit effectiveness rating chart

The following chart assigns the housing type or types that best fit each code change or best practice while also rating them on their effectiveness in facilitating housing.

HOUSING TYPE

- Single-family Neighborhoods
- Middle Housing Types
- Multifamily Neighborhoods

POTENTIAL IMPACT TIER

1. Most Effective
2. Very Effective
3. Effective

Housing Tool/Best Practice	Housing Type	Potential Impact Tier
SEPA PLANNING TOOLS		
Adopt an infill development categorical exemption	Single-family, Multifamily	1
Do subarea planning	Middle Housing, Multifamily	1
Pursue a planned action ordinance and EIS	Middle Housing, Multifamily	1
AFFORDABLE HOUSING		
Adopt affordable housing levies	Middle Housing, Multifamily	1
Multifamily tax exemption	Multifamily	1
ALLOW A VARIETY AND MIX OF HOUSING TYPES AND INNOVATION		
Accessory dwelling unit code changes	Single-family, Middle Housing	1
Lot splitting	Middle Housing	1
Adopt form-based code	Single-family, Middle Housing, Multifamily	2
Fee simple townhomes	Middle Housing	1
Allow separate ownership of ADUs	Middle Housing	1
Enable microhousing	Multifamily	2
MAXIMIZING RESIDENTIAL DENSITIES		
Allow cluster zoning in single-family zones	Single-family	1
Lot size averaging	Single-family	1
Allow cottage housing	Single-family, Middle Housing	1
Allow multiplexes	Single-family, Middle Housing	1
INCREASE HOUSING CAPACITY NEAR TRANSIT AND JOBS		
Transit/employer-oriented development	Multifamily	1
Roads and access flexibility	Single-family, Middle Housing	1
Allow low-rise zoning/higher density near frequent transit	Multifamily	2
Reduced or eliminate parking requirements near transit	Multifamily	2
Periodic review of underutilized land for potential redesignation and possible rezoning	Single-family, Middle Housing, Multifamily	2

ENHANCE PREDICTABILITY		
Local vesting of regulations and fees		1
Limit scope and duration of moratoria		1
Ensure required timeline data is provided		3
Balanced and predictable tree policies		2
PERMIT EFFICIENCIES AND PROCESS IMPROVEMENTS		
Model home permits		1
Online permitting and tracking		1
Eliminate design review		1
Streamlined utility availability certificate process		2
Raise shot plat thresholds to nine		1
Administrative approval of preliminary plats		2
Administrative approval of final plats		2
Completeness review within 10 days vs. current 28+ days		2
Video inspections		2
Ensure needed capacity for reviews by maintaining appropriate staffing levels and providing training		2
Commit to meeting or exceeding established review timelines		1
Concurrent review of preliminary plat and civil plans		1
FLEXIBILITY IN SITE PLANNING AND DESIGN		
Reduced building setback requirements		2
Reduced street widths		2
Reduced on-street parking in single-family areas		2
FEES		
Use fair and broad-based funding mechanisms		2
If fees are imposed, ensure they are properly set and defer collection		2



OTHER RESOURCES

- Housing Supply Accelerator Playbook: authored by the American Planning Association (APA) and the National League of Cities (NLC) and produced in collaboration with the Mortgage Bankers Association, the National Association of Home Builders and the National Association of REALTORS
- Washington Center for Housing Studies: BIAW
- Creating Housing for All—Creative Solutions to the Affordability Crisis: National Association of Home Builders
- Diversifying Housing Options With Smaller Lots and Smaller Homes: National Association of Home Builders, June 2019
- Washington Housing Affordability Index: BIAW
- Housing Underproduction™ in the U.S.: Up for Growth
- Strong Foundations: Financial Security Starts With Affordable, Stable Housing: The Aspen Institute, January 2020
- Housing Memorandum: Issues Affecting Housing Availability and Affordability: produced in accordance with Senate Bill 5254, Buildable Lands, June 2019

BUILT GREEN RESOURCES

Many local governments have adopted a green building incentive program to encourage more environmentally sustainable building practices and new home development that is more affordable, equitable, healthier for residents, and better for the environment. Built Green is the green home certification program of the Master Builders Association of King and Snohomish Counties. Built Green incentive programs are a helpful part of local and regional development plans for environmentally sustainable housing to meet climate action plan targets.

Many municipalities and utilities already offer incentives for certifying through Built Green. These incentives range from cash rebates, cost departure possibilities, and reduced fees to expedited permitting and zoning bonuses. Incentives are a proven way to increase the amount of green building. Over 50% of all green buildings in Washington State are Built Green certified, representing over 42,0000 housing units.

RESOURCES:

- Built Green: Green Building Incentives Resources
- Built Green: Green Building Incentives Handout
- City of Seattle: Priority Green Permitting and Zoning Incentives
- City of Shoreline: Deep Green Incentive Program
- City of Issaquah: Expedited Permitting
- City of Kirkland: High Performing Green Building Program
- City of Redmond: Green Building Incentive Program
- City of Bellevue: Parking Minimum Reductions and FAR Bonuses
- City of Tacoma: Planned Residential Development Density Bonus
- City of Tacoma: Priority Permitting
- City of Everett: Development Height Incentives Program
- Puget Sound Energy: Multifamily Construction Rebates
- Snohomish County (SnoPUD): Better Built Homes Rebates
- Seattle City Light: Multifamily Construction and Retrofit Rebates
- Marysville Built Green incentives
- Kirkland Update to Expedited Permitting
- Kirkland High Performance Building Standards
- Shift Zero Net Carbon Incentive Policy Toolkit
- Inflation Reduction Act energy efficiency tax credits
- Issaquah Sustainable Building Design Standards
- Energy Smart Eastside: Heat Pump Incentive Program



CONTACT US

We welcome your comments and suggestions on this toolkit. Contact **data@mbaks.com** if you'd like more information and/or to share your ideas and success stories.

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