

FAIR & AFFORDABLE HOUSING COMMISSION



Eija Sumner
Commission Chair
FAHC@ci.moscow.id.us

Regular Meeting
~Agenda~

Lucy Falcy
Staff Liaison
208.883.7095

<http://www.ci.moscow.id.us/358/Fair-Affordable-Housing-Commission>

Thursday
April 2, 2026

5:15 PM

Haddock Building
504 S Washington Street

WELCOME AND ATTENDANCE

REGULAR AGENDA

1. Approval of Minutes from March 5, 2026 (ACTION ITEM)

Presentation of minutes for approval.

PROPOSED ACTIONS: Approve minutes as presented; approve minutes with amendments; or provide staff further direction.

2. Public Comment

Members of the public may speak to the Commission regarding matters NOT on the agenda or currently pending before the Commission. Please state your name and city of residence for the record and limit your remarks to three (3) minutes.

3. 2026 Idaho House Bill 557 Letter Update – Eija Sumner

Chair to share letter sent to City Council regarding the proposed 2026 Idaho House Bill 557.

4. Moscow Housing Authority Letter Update - Eija Sumner

Chair to share memo attached to September 24, 2025 Moscow Housing Authority letter for resending to Council.

5. Annual Commission Presentation to City Council (ACTION ITEM)

Discussion of 2025 Commission actions and upcoming presentation to Council on April 20th.

PROPOSED ACTION: Discuss topic and provide staff with direction as deemed appropriate.

6. IFHC Training Update (ACTION ITEM)

The Intermountain Fair Housing Commission (IFHC) training session is set for April 22, 2026 from 9:30-3:00pm at the 1912 Center. Topics to include; fair housing act history; fair housing allegations; hot topics/cases; reasonable accommodations and modifications.

PROPOSED ACTION: Discuss topic and pursue action as deemed appropriate.

7. Hills & Rivers Housing Trust Update – Nils Peterson

Executive Director for Hills and Rivers Housing Trust, Nils Peterson, will provide an update on work being done on the Palouse.

NOTICE: It is the policy of the City of Moscow that all City-sponsored public meetings and events are accessible to all people. If you need assistance in participating in this meeting or event due to a disability under the ADA, please contact the City's ADA Coordinator by phone at (208) 883-7600, TDD (208) 883-7019, or by email at adaordinator@ci.moscow.id.us at least 48 hours prior to the scheduled meeting or event to request an accommodation. The City of Moscow is committed to ensuring that all reasonable accommodation requests are fulfilled.

REPORTS

ANNOUNCEMENTS

Kenworthy Performing Arts Centre screening of “Tiny Homes, Big Ideas: Exploring Innovative Affordable Housing” on April 4, 2026 at 12:45pm.

UPCOMING EVENTS / MEETINGS

The next Fair & Affordable Housing Commission meeting is scheduled for May 7, 2026.

ADJOURN

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FAIR & AFFORDABLE HOUSING COMMISSION



Eija Sumner
Commission Chair
FAHC@ci.moscow.id.us

Regular Meeting
~Minutes~

Lucy Falcy
Staff Liaison
208.883.7095

<https://www.ci.moscow.id.us/358/Fair-Affordable-Housing-Commission>

Thursday
March 5, 2026

5:15 PM

Haddock Building
504 S. Washington Street

Sumner called the meeting to order at 5:16 PM

MEMBERS PRESENT: Eija Sumner, Chair; Juan Albaitero, Randy Baukol, Jo Ellen Force, Ellen Peterson, Jennifer Wallace
MEMBERS ABSENT: Leah Halterman, Nathan Tupper
OTHERS: Evan Holmes
STAFF: Nichoel Baird Spencer, Lucy Falcy

REGULAR AGENDA

1. Approval of Minutes from February 12, 2026 (ACTION ITEM)

Presentation of minutes for approval.

Baukol moved for approval of the minutes as presented, seconded by Albaitero. Roll Call Vote: Ayes: Albaitero, Baukol, Force, Peterson, Sumner (5). Nays: None. Abstentions: Wallace (1). Motion carried.

2. Public Comment

Members of the public may speak to the Commission regarding matters NOT on the agenda or currently pending before the Commission. Please state your name and city of residence for the record and limit your remarks to three (3) minutes.

Michael Gilman, Moscow, introduced himself and informed the Commissioners that he has submitted an application to volunteer on the Commission.

Wallace arrived at 5:20 PM

3. Idaho Open Meeting Law Review – Nichoel Baird Spencer

The recent violations of Idaho Open Meeting Law necessitate training for the Commissioners regarding their duty to follow Idaho State Code to ensure transparency in decision-making.

Baird Spencer provided a presentation and training for the Commission on Idaho Open Meeting laws, as described above (see attached). Staff emphasized that the Commissioners' duty is to advise City Council and not make policy.

Force left the meeting at 5:40 PM

4. FY2026 Budget Update (ACTION ITEM)

Recent communication with Intermountain Fair Housing Council (IFHC) indicates that providing fair housing training in 2026 might now be feasible. Staff propose to renew discussion regarding the FY2026 budget of \$750 for the possibility of pursuing the training.

Falcy informed the Commission that IFHC received some grant income and can provide a 4-hour Fair Housing training for a flat-rate of \$500 this spring. The 1912 Center room rental would cost approximately \$250, which would mean that the whole FY2026 budget would be needed for the training.

Sumner moved to approve spending the FY2026 budget on Fair Housing training, as discussed. Albaitero seconded. Roll Call Vote; Ayes: Albaitero, Baukol, Peterson, Sumner, Wallace (5). Nays: None. Abstentions: Force (1). Motion carried.

Falcy will add another discussion about the Fair Housing training to the next meetings agenda to solidify other necessary decisions regarding dates and venue options.

5. Moscow Housing Authority Letter (ACTION ITEM)

Revisit the letter from September 24, 2025 to City Council regarding a Moscow Housing Authority. On February 12, 2026, during the Fair & Affordable Housing Commission's regular meeting, the Commission voted to direct staff to update the recommendation letter regarding a Moscow Housing Authority. This action was done in violation of Idaho Code § 74-204(4) as this item was not properly noticed on the February 12, 2026, agenda as an "action item". Pursuant to Idaho Code § 74-208(1), the action voted on regarding the recommendation letter is null and void and will be cured through this meeting.

The Commission had a conversation about writing a cover letter to City Council regarding their Moscow Housing Authority recommendation letter written September 2025. There was a discussion about potentially scheduling a workshop with City Council to talk about the Commissions concerns.

Baukol moved to direct the Chair to draft a cover letter, with the original Moscow Housing Authority letter attached, regarding the Commission's concerns and request for workshop meeting, and send it to Council as discussed. The motion was seconded by Wallace. Roll Call Vote; Ayes: Albaitero, Baukol, Peterson, Sumner, Wallace (5). Nays: None. Abstentions: Force (1). Motion carried.

6. 2026 Idaho House Bill 557 (ACTION ITEM)

Discuss the proposed 2026 Idaho House Bill 557 and possible impacts for Moscow and Ordinance No. 2013-06. On February 12, 2026, during the Fair & Affordable Housing Commission's regular meeting, the Commission voted to direct staff to draft a letter to City Council regarding House Bill 557 and its potential effects on fair housing in Moscow. This action was done in violation of Idaho Code § 74-204(4), as this item was not properly noticed on the February 12, 2026, agenda as an "action item". Pursuant to Idaho Code § 74-208(1), the action voted on regarding the letter is null and void and will be cured through this meeting.

Falcy reviewed some of the discussion from the last meeting and informed the Commission that House Bill (HB) 557 passed in the House and has been referred to Senate now. The Commissioners all agreed that the bill would have an impact on the Moscow community economically and with fair housing.

Wallace moved that the Chair write and send a letter to City Council regarding HB 557 and its potential effects on fair housing in Moscow, as discussed. The motion was seconded by Baukol. Roll Call Vote; Ayes: Albaitero, Baukol, Peterson, Sumner, Wallace (5). Nays: None. Abstentions: Force (1). Motion carried.

7. Hills & Rivers Housing Trust Update – Nils Peterson

Executive Director for Hills and Rivers Housing Trust, Nils Peterson, will provide an update on work being done on the Palouse.

This agenda item was tabled until the next meeting.

REPORTS

Wallace let the Commissioners know that Palouse Habitat for Humanity is closing on a Moscow home with Hills & Rivers Housing Trust.

ANNOUNCEMENTS

Falcy shared that IFHC has executed three of their grant requests.

UPCOMING EVENTS / MEETINGS

The next Fair & Affordable Housing Commission meeting is scheduled for April 2, 2026.

The meeting was adjourned at 6:25 PM

Eija Sumner, Chair

Date

DRAFT



Heart of the Arts

March 20, 2026

Moscow City Council
P.O. Box 9203
Moscow, ID 83843

Fair & Affordable
Housing
Commission

A Volunteer Commission
of the City of Moscow

Lucy Falcy
Planner I
Staff Liaison

Eija Sumner
Commission Chair

Regular Meeting Time:
First Thursday
of the month
5:30 p.m.

First Floor Conf Room
of Haddock Building

Please check with City Hall
to confirm meeting times or
to volunteer for this or
other City Commissions

Fair & Affordable Housing
Commission
c/o Lucy Falcy
Haddock Building
504 S Washington St
Moscow, ID 83843-1703

Website: www.ci.moscow.id.us

City Hall
206 East Third Street
Phone (208) 883-7000
Fax (208) 883-7018

Hearing Impaired (208) 883-7019

Re: Idaho House Bill 557

Dear Mayor and Members of the Moscow City Council:

One of our duties, as the Fair and Affordable Housing Commission, is to stay abreast of Federal and State legislation that may impact on fair housing. As a commission, we are concerned about current state legislation, Idaho House Bill 557, that would prevent local government entities, such as counties and cities, from enacting ordinances that impose some antidiscrimination requirements beyond what is required by state law.

The City of Moscow is one of twelve cities in the state of Idaho that has additional anti-discrimination ordinances that prohibit discrimination based on sexual orientation and gender identity/expression in employment, housing, and public accommodations.

As a commission, our work can be most impactful when promoting fair housing practices and ensuring that tenants and landlords know their rights and responsibilities and that tenants are treated fairly and equally. If Idaho House Bill 557 were to be signed into law, we believe it would negatively impact Moscow, negatively impact fair housing practices, and allow for housing discrimination against LBGQT members of our community. Thank you for your attention to this matter.

Sincerely,

Eija Sumner, Chair
Moscow Fair and Affordable Housing Commission

Attachment:
Idaho House Bill 557

City Commissions are advisory to the Mayor and City Council
and this communication does not represent the official position of the City of Moscow.

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 557

BY LOCAL GOVERNMENT COMMITTEE

AN ACT

1 RELATING TO THE COMMISSION ON HUMAN RIGHTS; AMENDING CHAPTER 59, TITLE 67,
2 IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5913, IDAHO CODE, TO PRO-
3 VIDE FOR UNIFORMITY IN LOCAL GOVERNMENT ANTIDISCRIMINATION ORDINANCES;
4 PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY AND PROVIDING AN EF-
5 FECTIVE DATE.
6

7 Be It Enacted by the Legislature of the State of Idaho:

8 SECTION 1. That Chapter 59, Title 67, Idaho Code, be, and the same is
9 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
10 ignated as Section 67-5913, Idaho Code, and to read as follows:

11 67-5913. UNIFORMITY IN LOCAL GOVERNMENT ANTIDISCRIMINATION ORDI-
12 NANCES. (1) The legislature finds and determines that:

13 (a) Local governments and political subdivisions of the state maintain
14 their authority at the pleasure of the state, and the state may restrict
15 the scope of power wielded by local governments and preempt the ordi-
16 nances and policies promulgated by local governments;

17 (b) Through their local ordinances and policies, many municipal cor-
18 porations and subdivisions in the state of Idaho have expanded antidis-
19 crimination regulations beyond those adopted by the Idaho legislature;

20 (c) Market entry and economic growth are hindered by an incongruous
21 patchwork of antidiscrimination ordinances. Consistent and uniform
22 requirements offer stability to businesses, organizations, and employ-
23 ers that results in increased economic activity and market expansion;

24 (d) Local government antidiscrimination ordinances are frequently
25 weaponized to coerce persons engaged in business to choose either to vi-
26 olate their sincerely held moral, philosophical, and religious beliefs
27 or to leave the market altogether; and

28 (e) The Idaho legislature has a legitimate governmental interest in
29 providing consistent and uniform antidiscrimination regulations in
30 every community across the state by preempting local government an-
31 tidiscrimination policies that modify, supplement, or expand on state
32 antidiscrimination law.

33 (2) A local governmental entity shall not promulgate or enforce any or-
34 dinance, resolution, policy, regulation, or decree that implements any an-
35 tidiscrimination practice, standard, definition, or provision pertaining
36 to employment, housing, educational institutions, or public accommodations
37 that modifies, supplements, or expands on:

38 (a) The provisions of this chapter; or

39 (b) Other discriminatory practices recognized by state law, provided
40 that the local governmental entity may prohibit such discrimination
41 only to the extent recognized by the state.

1 (3) Nothing in this section shall be construed to require any local gov-
2 ernmental entity to violate any applicable provisions of state or federal
3 law.

4 (4) The provisions of this section preempt any ordinance, resolution,
5 policy, regulation, or decree enacted or adopted by any local governmental
6 entity within the state in violation of subsection (2) of this section, in-
7 cluding any such ordinance, resolution, policy, regulation, or decree en-
8 acted or adopted prior to the effective date of this section.

9 (5) The attorney general shall have a cause of action to seek injunc-
10 tive relief against any local governmental entity that has violated the re-
11 quirements of this section. A cause of action pursuant to this subsection
12 shall seek injunctive relief that is sufficient to prevent the defendant lo-
13 cal governmental entity from violating the requirements of this section.

14 (6) (a) Any person who is engaged in business or who owns real property
15 within the limits of a local governmental entity may bring a civil ac-
16 tion against such local governmental entity if such local governmental
17 entity fails to comply with this section.

18 (b) A plaintiff who prevails in an action brought under this subsection
19 shall be entitled to:

20 (i) Obtain declaratory and equitable relief sufficient to bring
21 the local governmental entity into compliance with the require-
22 ments of this section;

23 (ii) Recover damages from the local governmental entity; and

24 (iii) Recover reasonable attorney's fees and costs from the local
25 governmental entity.

26 (7) For the purposes of this section, "local governmental entity" means
27 any city, county, municipality, or other political subdivision or adminis-
28 trative unit of the state or of a city, county, or municipality.

29 SECTION 2. SEVERABILITY. The provisions of this act are hereby declared
30 to be severable and if any provision of this act or the application of such
31 provision to any person or circumstance is declared invalid for any reason,
32 such declaration shall not affect the validity of the remaining portions of
33 this act.

34 SECTION 3. An emergency existing therefor, which emergency is hereby
35 declared to exist, this act shall be in full force and effect on and after
36 July 1, 2026.

Moscow's Fair Housing Training



April 22nd, 2026 - 9:30am to 3:00pm

1912 Center, Lecompte Auditorium
412 E. Third Street, Moscow, Idaho



The City of Moscow, in conjunction with the Intermountain Fair Housing Council, is hosting a **FREE** Fair Housing workshop on April 22nd from 9:30 a.m. to 3:00 p.m. with a break for lunch.

Topics will cover:

- History of the Fair Housing Act
- Elements of a fair housing allegation
- Current fair housing hot topics and cases
- Reasonable accommodations and modifications

The training is open to the public, and will prove to be especially beneficial to consumers, housing providers and managers, realtors, lenders, housing advocates, and government personnel and officials. The presenters will be IFHC Education Project Director Peg Richards and IFHC Executive Director Zoe Ann Olson. Moscow's Fair and Affordable Housing Commission encourages all interested parties to attend this important training opportunity.

Attendees are encouraged to register online using the web address below, or you may register at the event beginning at 9:30 a.m.

Event Location:

1912 Center, Lecompte Auditorium
412 East Third Street
Moscow, ID 83843



Online or in-person registration: <https://www.eventbrite.com/e/1985159707123?aff=oddtcreator>

Questions regarding the event, interpretation, or reasonable accommodations should be directed to Peg Richards at prichards@ifhcidaho.org. For questions regarding the location/parking, please contact Lucy Falcy at lfalcy@ci.moscow.id.us



Washington State
Department of
Commerce

We strengthen communities

Unit Lot Subdivisions

State Law Requirements

In 2023, Washington State Legislature amended RCW 58.17.060 to require all cities and towns planning under the Growth Management Act to include unit lot subdivision procedures in short plat regulations. The process and definitions associated with a ULS were added to the RCW during the 2025 legislative session.¹ [RCW 58.17.060\(3\)](#) states:

“All cities and towns located in a county planning under RCW 36.70A.040 shall adopt or enact procedures for unit lot subdivisions. Portions of the parent lot not subdivided for individual unit lots shall be owned in common by the owners of the individual unit lots, or by a homeowners’ association comprised of the owners of the individual unit lots.”

This factsheet provides information and recommendations for adopting local unit lot subdivision regulations. The Resources section, at the end of this factsheet, provides links to several adopted codes, a model code, and other references. Jurisdictions are encouraged to review different approaches and adopt what works best for their local context to implement land use and housing policies.

Adoption Deadlines

Jurisdictions required to complete their next comprehensive plan periodic update on or before June 30, 2027, must include unit lot subdivision provisions as part of their update. All other cities and towns must implement the requirements within two years of the effective date of the bill, which is July 27, 2027. The ULS provisions are **preemptive**. After the applicable deadline, a city or town must

Agency contact

Lilith Vespier
INFILL HOUSING MANAGER

Local Government Division

Lilith.Vespier@commerce.wa.gov

Phone: 509-606-3530

¹ The 2025 legislation removed counties authorization to implement a ULS provision.

accept, process and approve an application consistent with RCW 58.17.060, regardless of the city or town's adoption or enactment of ULS procedures.²

About Unit Lot Subdivisions

A ULS creates new “unit lots” similar to a typical subdivision, except unit lots are portions of the platted parent lot. Each unit lot benefits from flexible application of dimensional standards while the parent lot continues to meet all the dimensional standard requirements of the underlying zone.

In a ULS, the development as a whole is on the “parent lot” which conforms to the zoning dimensional standards while individual “unit lots” are not required to meet those standards. Unit lots (also called “child lots”) are individual, sellable, legal lots of record with their own tax or parcel identification number.

Because the ULS utilizes an existing platted lot, processing a ULS is an administrative expedited process with limited conditions.

Options for ownership

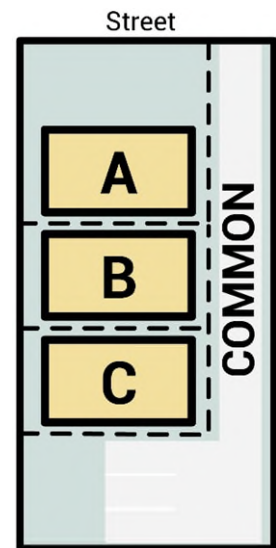
The 2023 ULS bill included an intent statement to “[increase] the supply and affordability of condominium units and townhouses as an option for homeownership.” Additionally, middle housing allows for zero lot line subdivision which ties directly to using the ULS option. Similarly, accessory dwelling units, attached and detached, are a form of housing which can use the ULS option. For any form of housing, ULS can be used if ownership of the underlying land is included in the unit lot.

Unit lot subdivisions are one method for dividing multiple housing units (townhomes, middle housing, accessory dwelling units, cottage, and similar) on a parcel into individual unit lots for sale to individual owners, providing fee simple homeownership opportunities. This is important to allow smaller units on smaller lots, allowing for a more attainable ownership unit. Homeowners can then gain home equity.

Standards

State law provides that a ULS shall be included as a short plat process. This means a maximum of four to nine unit lots may be developed, depending on how many lots the jurisdiction allows in a short plat process and the number of housing units zoning permits on the parent lot. See the “Number of Unit Lots” section below for more information.

State law also provides that portions of the parent lot not subdivided for individual unit lots shall be owned in common by the owners of the individual unit lots, or by a homeowners’ association. See the “Common areas” section below for more information. While state law does not provide any additional ULS guidance, a key benefit of the unit lot subdivision concept is the flexible application of zoning dimensional standards. See the “Dimensional standards” section below for details.



Example unit lot subdivision with three unit lots and a tract held in common.

² RCW 58.17.060(3)(c)

Comparison of condominium and ULS

Unit lot subdivision is different from or an alternative to condominium ownership. The primary differences between a ULS and condominium creation are described in the following table:

	Unit Lot Subdivision	Condominium
Options for ownership of underlying land	<ul style="list-style-type: none"> • Individual • Combination of individual and common interest 	<ul style="list-style-type: none"> • Common interest
Options for management of common area(s)	<ul style="list-style-type: none"> • HOA • Other formal common agreement, including plat notes 	<ul style="list-style-type: none"> • HOA
Allows separate ownership of stacked unit(s)	No	Yes
Allows separate ownership of ADUs	Yes	Yes
Warranty	Not required	Four-year implied warranty of quality
Processing	Short plat through jurisdiction	State process with notice to county auditor May require jurisdiction process*
Typical Processing Steps	City/county platting process: <ul style="list-style-type: none"> • Application • Notice, if applicable • Preliminary approval • Final approval • Recording 	<ul style="list-style-type: none"> • Check with local jurisdiction for any processing requirements • Housing code inspection • Issuance of a Notice of Condominium Conversion • Public offering statement • Selling units to individual buyers • Filing a declaration with the local government

* Some jurisdictions require condominium conversions to be reviewed through a local process, such as a binding site plan. The application and review processes should be clearly defined in a jurisdiction's code.

A condominium and ULS can also be combined in cases where a unit lot has stacked units and separate unit ownership is desired.

Considerations for ULS development regulations

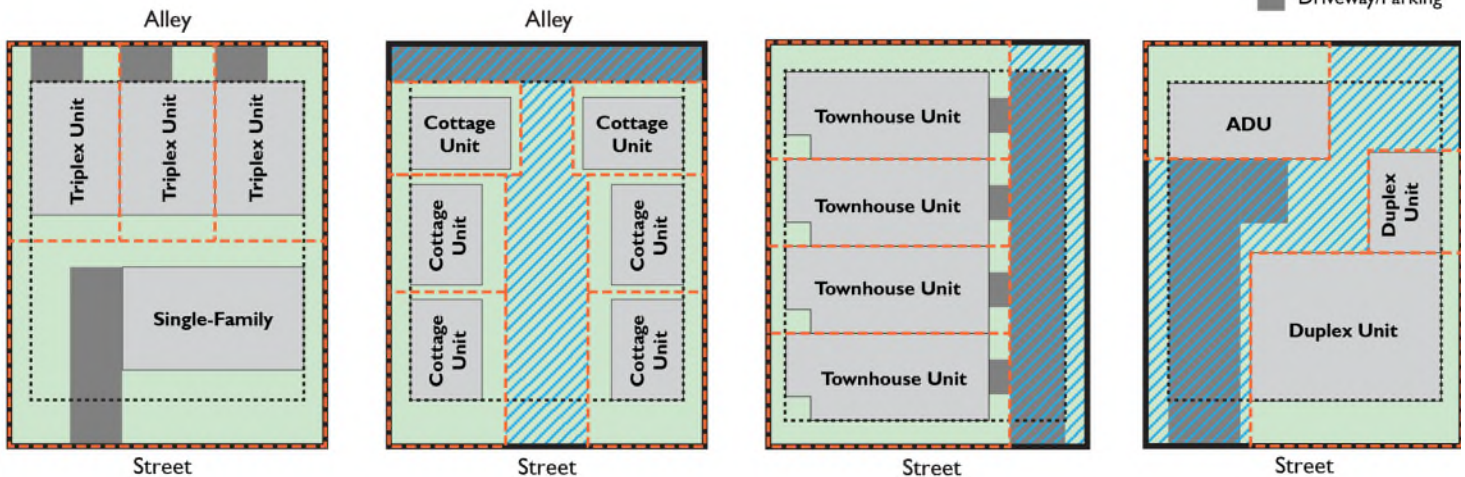
Unit lot subdivision can be used with any type of attached or detached housing. If the goal is individual ownership of each dwelling, the housing units cannot be stacked, as a ULS divides the land. Where units are stacked, a condominium arrangement is the tool that can provide for separate sale.



Left to right: Townhouses in Spokane, cottage housing in Kirkland, and a fourplex built behind an existing single-family residence in Seattle

The following examples illustrate how setbacks apply to a parent lot and unit lots.

1. Preserved single-family house with three attached units built in the back yard.
2. A cottage cluster development with a shared open space.
3. A townhouse development with a shared driveway.
4. A duplex with an accessory dwelling unit (ADU) on its own unit lot.



Special considerations for ULS with specific housing types are discussed below.

Middle housing

For jurisdictions required to allow [middle housing](#) under [RCW 36.70A.635](#), and those seeking to promote middle housing and homeownership, ULS is a valuable tool. While ULS's have been popular in Washington for townhomes and cottage housing, jurisdictions must allow a zero-lot line short subdivision where the number of lots created is equal to the unit density for middle housing. ULS is the tool for separating middle housing types including, but not limited to, townhomes, cottage housing, duplexes, triplexes, fourplexes, fiveplexes, and sixplexes.

Accessory Dwelling Units (ADUs)

Unit lot subdivisions may also be used to create individual unit lots for accessory dwelling units, in attached or detached forms. Note that [RCW 36.70A.681\(1\)\(c\)](#) requires jurisdictions to allow at least two accessory dwelling units (ADUs) on all “lots” that are located in all zoning districts within an urban growth area that allow for single-family homes. The reference to “lots” in RCW 36.70A.681(1)(c) means parent lots that meet the minimum lot size, and not unit lots. This is further emphasized by RCW 36.70A.681(1)(e) which states that the ADU provisions apply to lots that meet the minimum lot size required for a principal housing unit.

RCW 36.70A.681(1)(k) also states that 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 condominium unit was originally built as an accessory dwelling unit. It is clear that ADUs are intended for separate sale as condominiums, and may by extension, be considered for unit lot subdivisions.

Detached houses

Unit lot subdivisions can also be used for detached single-family residences. This could come in multiple forms to provide ownership opportunities, including:

- Preserving an existing home and adding infill housing (new middle housing and/or ADUs depending on zoning provisions of the jurisdiction) elsewhere on the parent lot.
- Developing a new detached home together with new middle housing and/or ADUs on the parent lot.
- Developing multiple detached units, such as cottage housing, on a parent lot, if allowed by a jurisdiction.

Dimensional standards

A key benefit of a ULS is the flexible application of zoning dimensional standards. In a ULS, the development as a whole on the parent lot must comply with applicable dimensional standards. However, individual unit lots are not subject to dimensional standards that apply to the parent lot, such as (if applicable):

- Lot area, depth, and width
- Setbacks (front, side, rear, etc.) and setback projections
- Floor area ratio (FAR)
- Lot coverage (or building coverage)
- Impervious surface coverage
- Landscaped area minimum
- Any other standard based on the size or dimensions of the lot or distance from lot lines

Other dimensional standards, such as maximum building height, not related to the lot size and lot lines continue to apply to individual unit lots. Also, note that ULS is not intended to permit land uses or densities that are not otherwise allowed in the zone in which a ULS is proposed.

Example: A cottage housing development uses ULS to accommodate ownership of individual cottage lots. The zone allows 60% maximum impervious surface coverage. The development as a whole is constructed with 55% impervious coverage on the parent lot, but some individual unit lots have impervious surface coverage of 80% or more (balanced by a large landscaped open space in the common area). Owners of individual unit lots may increase their impervious surface coverage further (for example, by expanding the unit or creating a paved patio) as long as the development’s entire impervious surface coverage does not exceed 60%. **Commerce recommends that jurisdictions require notes on the plat stating subsequent additions or modifications to**

structure(s) shall not create a nonconformity of the parent lot. Covenants, conditions and restrictions (CC&Rs) and/or ULS bylaws should clearly identify procedures for property owners to address changes affecting the conformity of the parent lot.

While unit lots do not have minimum area or dimensions, some jurisdictions provide minimum standards. The City of Everett requires unit lots be “large enough” to contain a dwelling unit and accessory improvements such as decks, fences, driveways and parking, and private yard areas. The City of Spokane allows a unit lot to be as small as the footprint of the building situated upon it, subject to the requirements of the building and fire code.

Common areas

RCW 58.17.060(3) provides a standard for ownership and management of common areas: “Portions of the parent lot not subdivided for individual unit lots shall be owned in common by the owners of the individual unit lots, or by a homeowners’ association comprised of the owners of the individual unit lots.” Common area lots, parcels, or tracts are also legal lots of record. Management topics for common areas include how they are used by residents, procedures for maintenance and repairs, and responsibilities for utility bills and property taxes.

Homeowner associations

Homeowner associations (HOAs) organize decision-making with formal processes. The HOA may also provide standards or oversight on new development or changes within the parent lot/plat. They are most often associated with larger residential developments or projects with common maintenance needs. Typically, an HOA requires owners to pay monthly or yearly dues to cover upkeep and insurance costs. HOAs are regulated by RCW 64.38 where the community is made up of homeowners owning individual lots and regulated by RCW 64.90 where there are condominium units on a single lot.

Common ownership

State law requires that “owned in common” arrangements be permitted as an alternative to HOAs for managing common areas. This can include condominiums (RCW 64.34), common interest communities (RCW 64.90), associations of apartment owners (RCW 64.32), retirement communities, co-ops, and timeshares. It can also mean there is no formal organization of owners and that matters of common interest are managed informally, which can be a risky arrangement when one or more owners are resistant to make decisions or pay their share of common costs.

Agreements

Access easements, joint use and maintenance agreements, and CC&Rs identify the rights and responsibilities of property owners and/or the bylaws of an ownership association may be executed for the use and maintenance of common areas and features. These may cover topics such as:



A common area in Cully Green, a courtyard apartment development in Portland, OR. Source: MAKERS.

- Garages, automobile and bicycle parking, and vehicle access areas
- Common yards, courts, landscaping, and recreational elements
- Shared interior walls
- Exterior building facades and roofs
- Sheds and other accessory structures
- Solid waste collection areas
- Mailboxes
- Utility infrastructure and payments

Commerce recommends that jurisdictions require ULS to record agreements for the ownership and management of common areas with the county auditor, along with the ULS.

Off-street parking

Within the parent lot, Commerce recommends providing the flexibility for required off-street vehicle parking to be located in a common area or on a different unit lot than the lot with the associated dwelling unit. This arrangement can be formalized with an easement. This option provides greater design flexibility, especially for infill development on small lots where it may be impractical for every dwelling unit to have an adjacent private parking space or garage. Removing off-street parking requirements for residential development can also increase design flexibility and streamline the administration of unit lot subdivisions.

Administration

Parent lot size

Unit lot subdivisions should not have a minimum parent lot size separate from the zoning minimum lot size. ULS is primarily intended for smaller site developments and individual ownership of infill housing opportunities, such as middle housing, which cannot be accomplished by another process due to site size, building configurations, or development regulations. However, ULS can also be used on large sites. It is not intended to replace land division processes or function as a type of planned unit development. These examples are when a unit lot subdivision are ideal:

- Existing lot, meeting the minimum lot size, with more than one dwelling unit attached or detached
- Existing lot, larger than the minimum lot size, but not large enough to short plat
- Existing lot, larger than the minimum lot size, but not able to short plat without removal of an existing dwelling(s)
- Existing lot, regardless of size, developed with cottage housing or townhomes meeting the local development regulations

Number of unit lots

RCW 58.17.060(3) requires that ULS regulations be adopted within “short plat” procedures. Under [RCW 58.17.020](#) “short plat” is the map or representation of a short subdivision. A “short subdivision” is defined as:

“Short subdivision” is the division or redivision of land into four or fewer lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, or transfer of ownership. However, the legislative authority of any city or town may by local ordinance increase the number of lots, tracts, or parcels to be regulated as short subdivisions to a maximum of nine. The legislative authority of any county planning under [RCW 36.70A.040](#) that has adopted a comprehensive plan and development regulations in compliance with chapter [36.70A](#) RCW may by ordinance increase the number of lots, tracts, or parcels to be regulated as short subdivisions to a maximum of nine in any urban growth area.

Setting the number of lots, tracts, or parcels to be regulated as short subdivisions to a maximum of nine, as allowed by the RCW, has the benefit of allowing more lots for residential development to be approved administratively and promote infill development in urban growth areas. Note that “Tier 1” middle housing cities subject to RCW 36.70A.635(1)(b) should allow unit lot short subdivisions of at least six unit lots to be consistent with the number of middle housing units that must be allowed. See more information in Commerce’s [User Guide for Middle Housing Model Ordinances](#).

The requirement in RCW 58.17.060(3) is specific to including ULS procedures in short plat regulations. However, cities, towns, and counties may also, if they choose, adopt ULS procedures in their subdivision procedures, sometimes referred to as regular, major, or long subdivisions. For example, see [Wenatchee Municipal Code 11.32.080\(3\)](#) and [Anacortes Municipal Code 19.32.050\(D\)\(1\)](#).

Utilities

When developing ULS criteria, utility purveyors should be consulted for the best or preferred practices. These practices may vary if a ULS is proposed for a new development or an existing or older developed lot; regardless, it may be beneficial to include an administrative option to deviate from the preferred practice to expedite processing.

Utility purveyors (cities, special districts, and private purveyors) should consider flexible options for the design of water, sewer, electrical, and other connections to buildings in unit lot subdivisions. There are advantages and disadvantages to centralized and shared lateral connections and metering, as well as different ownership arrangements. Each option will have cost implications, and other reasons that require a variety of approaches which may be codified or administratively approved.

For example:

- A single-family dwelling with one or two accessory dwelling units should have the flexibility to record a unit lot subdivision without changing the existing utilities.
- A townhouse developer could have an option to choose between a private master meter maintained by a homeowner’s association and having separate meters for each unit.

Permit application and approval

The statute requires that unit lot subdivisions be “logically integrated with the application, review, and approval procedures that apply to the underlying unit lot housing development project to the greatest extent feasible.”

After the adoption deadlines, no city or town may decline to accept, process, or approve an application for a ULS, consistent with the procedural requirements of state statute, solely based on the city’s or town’s incomplete adoption or enactment of the state requirements.

Timing

The local code should be clear about what documents are required for a ULS and the standards of review.

Allowing flexible timing in the ULS application process, such as accepting applications both before construction begins and after completion, can benefit property owners and developers. For example, the owner of an existing detached single-family residence could use a ULS to sell their backyard to a developer who then builds an accessory dwelling unit or duplex on one unit lot, while the owner retains ownership of the existing

residence on another unit lot. In another example, a townhouse development might first be developed as rental housing under single ownership and later converted to ownership units with each townhouse unit sitting on its own unit lot.

Applications

Additional items to consider requiring for ULS and with final plat applications may include:

- A site plan where each unit lot is uniquely labeled on the plat (such as Unit Lot A, Unit Lot B, etc.), showing access, utilities, parking, setbacks, as would be required for a short subdivision
- The legal description, parcel number, and/or street address (existing and modified, if applicable) of the original parent lot and for the new unit lots
- Access easements and easements for existing or new utility connections
- Joint use and maintenance agreements, and covenants, conditions and restrictions (CC&Rs) identifying the rights and responsibilities of property owners and/or an ownership association for use and maintenance of common areas and features

Processing considerations

A ULS must be noticed following RCW 36.70B.110, notice of application to the community and property owners within 250 feet of the ULS including through notice posted on the closest public sidewalk or roadway. Comments are provided to the administrative decision maker who is tasked with making a decision based on “clear and objective design and development standards” within the time periods established for local government actions, as set forth in RCW 36.70B.080, unless extended pursuant to project-specific mutual agreement.

The administrator may apply public health, safety, building code, and environmental permitting requirements to a project development. Additionally, the Administrator may limit or prohibit a unit lot subdivision in a location where development is restricted under other laws, rules or ordinances, such as in locations where development is limited as a result of physical proximity to on-site sewage system infrastructure, critical areas, or other unsuitable physical characteristics of a property.

Finalizing and recording

Unit lot subdivisions, being a type of short plat, will follow the same approval procedures (including the same decision-maker) and recording procedures as subdivisions. Any access easements, joint use and maintenance agreements, and CC&Rs should be recorded with the county auditor. Notes on the face of the plat should be required to identify the development as a unit lot subdivision. Examples of required notes:

- *The title of the plat shall include the phrase “Unit Lot Subdivision”*
- *Approval of the development on each unit lot was granted by review of the development, as a whole, on the parent lot.*
- *Subsequent platting actions and additions or modifications to structure(s) shall not create a nonconformity of the parent lot.*
- *Unit lots are not separate buildable lots independent of the overall development on the parent lot; and additional development of individual unit lots may be limited as a result of the application of development standards to the parent lot.*

Resources

Code examples

The following list links to adopted ULS standards from Washington cities. The list is ordered roughly from least complex codes to more complex codes.

- [Shoreline Municipal Code 20.30.410\(B\)\(4\)](#) (adopted 2020) – a ULS may be used for “mixed single-family attached” development.
- Seattle Municipal Code [23.24.045 for short subdivision](#) and [23.22.062 for subdivisions](#) (adopted 2020) – ULS may be used for detached single-family residences, townhouses, rowhouses, and cottage housing.
- [Spokane Municipal Code 17G.080.065](#) (adopted 2023) – ULS may be used in any development with two or more dwelling units (including accessory dwelling units) and where the parent lot is two acres or less. Accessory dwelling units have special standards for utilities and recording. The general recording requirements provide more plat note requirements than most jurisdictions.
- Snohomish County Code [30.41B.205 for short subdivision](#) and [30.41A.205 for subdivision](#) (adopted 2017) – ULS may be used for townhouses, mixed townhouses, and cottage housing. Two separate codes depending on the number of unit lots proposed.
- [Wenatchee Municipal Code 11.32.080](#) (adopted 2023) – ULS may be used for duplexes, courtyard housing, townhouses, and cottage housing. There are clear references to short subdivisions and major subdivisions depending on the number of unit lots proposed. There are special requirements for final approval.
- [Snohomish Municipal Code 14.215.125](#) (adopted 2024) – ULS may be used for detached single-family residences, accessory dwelling units, duplexes, townhouses, cottage housing, and manufactured home parks. There are specific requirements for minimum open space and utility connections.
- [Everett Municipal Code 19.27](#) (adopted 2020) – ULS may be used for detached single-family residences, cottage housing, and townhouses. Provides special procedures for existing condominium buildings to subdivide into unit lots. Common areas may be owned in common or by a homeowner’s association.

Informational resources

Example of ULS information provided by Washington cities:

- [Tacoma – Unit Lot Subdivision Summary Sheet](#)
- [Snohomish – Unit Lot Subdivision Handout](#)
- [Seattle – Land Use / Master User Permit – Plat \(see Tip 213A\)](#)
- [Bellevue – Unit Lot Subdivision amendment information page](#)

Examples of ULS short plats for a variety of cities and housing types are [available here](#).

Model code

This model code provides an example of basic provisions for unit lot subdivisions. Modifications of this model code will be needed depending on each jurisdiction’s existing code organization, land division regulations, and desired approach to unit lot subdivisions.

- X. Unit lot subdivisions. A lot may be divided into separately owned unit lots and common areas, provided the following standards are met.
1. *Process*. Unit lot subdivisions shall follow the application, review, and approval procedures for a short subdivision or subdivision, depending on the number of lots.

- a. *Nothing prohibits a city or town from applying public health, safety, building code, and environmental permitting requirements to a development project that is subject to or integrated with a unit lot subdivision process.*
 - b. *Nothing requires a city or town to authorize a development project or a unit lot subdivision in a location where development is restricted under other laws, rules or ordinances, such as in locations where development is limited as a result of physical proximity to on-site sewage system infrastructure, critical areas, or other unsuitable physical characteristics of a property.*
 2. *Applicability. A lot to be developed with middle housing or multiple detached single-family residences, in which no dwelling units are stacked on another dwelling unit or other use, may be subdivided into individual unit lots as provided herein.*
 3. *Development as a whole on the parent lot, rather than individual unit lots, shall comply with applicable design and development standards.*
 4. *Subsequent platting actions and additions or modifications to structure(s) may not create or increase any nonconformity of the parent lot.*
 5. *Access easements, joint use and maintenance agreements, and covenants, conditions and restrictions (CC&Rs) identifying the rights and responsibilities of property owners and/or the homeowners' association shall be executed for use and maintenance of common garage, parking, and vehicle access areas; bike parking; solid waste collection areas; underground utilities; common open space; shared interior walls; exterior building facades and roofs; and other similar features shall be recorded with the county auditor.*
 6. *Portions of the parent lot not subdivided for individual unit lots shall be owned in common by the owners of the individual unit lots, or by a homeowners' association comprised of the owners of the individual unit lots.*
 7. *Notes shall be prominently placed on the face of the plat or short plat as recorded with the county auditor to state the following:*
 - a. *The title of the plat shall include the phrase "Unit Lot Subdivision."*
 - b. *Approval of the development (design and layout) on each unit lot was granted by the review of the development, as a whole, on the parent lot under file #_____.*
 - c. *Subsequent subdivision actions, additions, or modifications to the unit lot housing development, including all structures, may not create or increase any nonconformity of the parent lot as a whole, and shall conform to the approved unit lot housing development project or to the land use and development standards.*
 - d. *If a structure or portion of a structure within the unit lot housing development project has been damaged or destroyed, any repair, reconstruction, or replacement of any structure shall conform to the approved unit lot housing development project or to the land use and development standards in effect at the time the proposed repair, reconstruction, or replacement project's permit application becomes vested.*
 - e. *Additional development or redevelopment of the individual unit lots may be limited as a result of the application of development standards to the parent lot.*
 8. *Effect of Preliminary Approval. Preliminary approval constitutes authorization for the applicant to develop the required facilities and improvements, upon review and approval of construction drawings by the public*
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works department. All development shall be subject to any conditions imposed by the city on the preliminary approval.

a. By June 30, 2026, all unit lot subdivisions shall require notification to purchasers of their legal status as further described in RCW 58.17.060.

9. *Revision and Expiration.* Unit lot subdivisions follow the revision and expiration procedures for a short subdivision.

10. *Definitions.*

a. "Lot, parent" means a residential lot that is subdivided into unit lots through the unit lot subdivision process.

b. "Lot, unit" means a subdivided lot within a residential development as created from a parent lot and approved through the unit lot subdivision process.

c. "Unit lot subdivision" means a subdivision or short subdivision proposed as part of a residential development project that meets the development standards applicable to the parent lot at the time the application is vested, but which may result in development on one or more individual unit lots becoming nonconforming as to specified land use and development standards based on the analysis of the individual unit lot.

d. "Clear and objective design and development standards" means locally adopted development regulations that involve no personal or subjective judgment by a public official, and are ascertainable by reference to measurable written or graphic criteria available and knowable to the permit applicant, the public, and public officials prior to submittal.

11. *Process procedures.*

a. No public pre-decision meeting or hearing, nor any design review other than administrative design review, except for those required to comply with state law, including chapter 90.58 RCW, the Shoreline Management Act, when applicable.

b. All property owners and the community within 250' of the unit lot subdivision shall be provided notice, consistent with RCW 36.70B.110, including through notice posted on the closest public sidewalk or roadway indicating how to provide written comments to the administrative decision maker,

c. The review and approval of a unit lot subdivision shall be logically integrated with the application, review and approval procedures for the underlying housing development project, to the greatest extent possible.

d. Review of a unit lot subdivision shall be subject to the maximum time period for local government actions as set forth in RCW 36.70B.080, unless extended pursuant to project-specific mutual agreement as permitted by RCW 36.70B.080.