



UNIT LOT SUBDIVISIONS FACT SHEET | PUBLIC DRAFT – NOVEMBER, 2024

Unit Lot Subdivisions

State Law Requirements

In 2023, state law changed to require that unit lot subdivisions be included in short plat regulations for all Washington cities, towns, and counties. [RCW 58.17.060\(3\)](#), established in 2023 by Engrossed Second Substitute Senate Bill (ESSSB) 5258 (Chapter 337, 2023 Laws), states:

"All cities, towns, and counties shall include in their short plat regulations procedures for unit lot subdivisions allowing division of a parent lot into separately owned unit lots. Portions of the parent lot not subdivided for individual unit lots shall be owned in common by the owners of the individual unit lots, or by a homeowners' association comprised of the owners of the individual unit lots."

This fact sheet provides information and recommendations for jurisdictions to consider in adopting code that implements RCW 58.17.060(3). The Resources section at the end of this Fact Sheet provides links to several cities' adopted codes, a model code, and other references. Jurisdictions are encouraged to review different approaches and adapt what works best for their local context and implement their land use and housing policies.

Adoption Deadlines

All cities, towns, and counties in the state must adopt procedures for unit lot short subdivisions by their next periodic update of comprehensive plans and development regulations. See [WAC 365-196-610](#) and Commerce's [periodic update](#) page for more information on deadlines.

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About Unit Lot Subdivisions

A unit lot subdivision (ULS) creates new lots much like a typical subdivision, except a ULS allows flexible application of zoning dimensional standards. In a ULS, the development as a whole on the "parent lot" conforms to zoning dimensional standards while individual "unit lots" are not required to. Unit lots (also called child lots) are individual, sellable, legal lots of record with their own tax or parcel identification number.

Options for Ownership

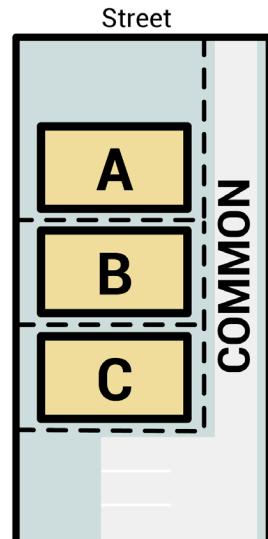
The bill creating RCW 58.17.060(3) includes an intent statement to "[increase] the supply and affordability of condominium units and townhouses as an option for homeownership." Unit lot subdivisions are one method for dividing multiple housing units on a parcel into individual unit lots for sale to individual owners, providing fee simple homeownership opportunities.

Standards

State law provides that ULS shall be included as a short plat process. This means a maximum of 4-9 unit lots may be developed, depending on how many lots the jurisdiction allows in a short plat. 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.

Considerations for Development Regulations

Housing Types

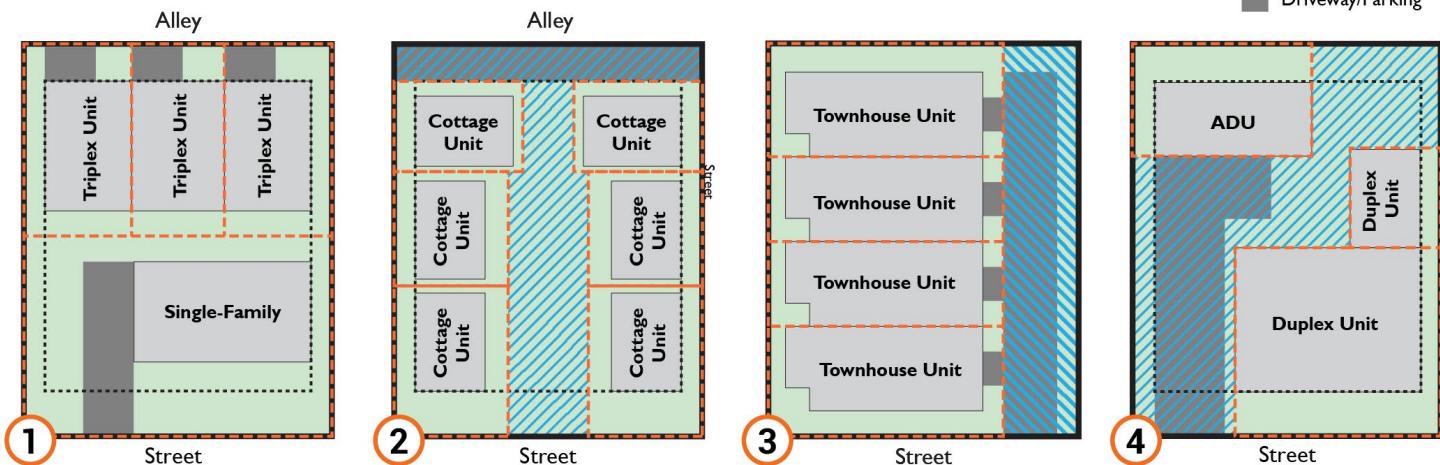
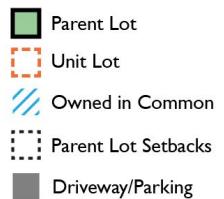
Unit lot subdivision can be used with any type of attached or detached housing.



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

The 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.



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, ULS can be a useful tool. Most types of middle housing require flexible application of zoning dimensional standards to be economically or physically feasible for development. ULS can offer this type of flexibility through the land division process. Townhomes and cottage housing can particularly benefit.

Commerce recommends making ULS available for all middle housing types including, but not limited to, townhomes, cottage housing, duplexes, triplexes, fourplexes, fiveplexes, and sixplexes.

Accessory Dwelling Units

Unit lot subdivisions may 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 cities and counties 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, as RCW 36.70A.681(1)(e) states that the ADU provisions apply to lots that meet the minimum lot size required for a principal housing unit, and unit lots are typically smaller than the minimum lot size.

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 houses on a parent lot, if allowed by a jurisdiction.

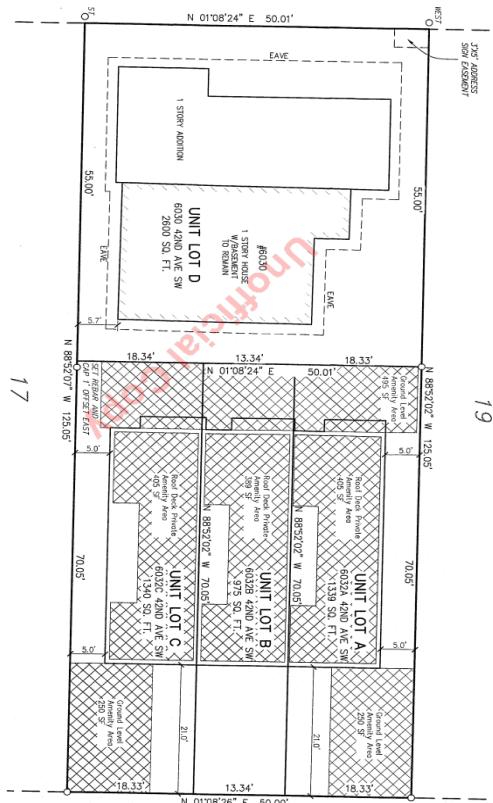
Dimensional Standards

A key benefit of a unit lot subdivision is the flexible application of zoning dimensional standards. In a unit lot subdivision, the development as a whole on the parent lot must comply with applicable dimensional standards. 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 not related to the lot size and lot lines continue to apply to individual unit lots, such as maximum building height. Also, note that ULS is not intended to permit land uses or densities that are not otherwise allowed in the zone in which a unit lot subdivision is proposed.

Example: A cottage housing development utilizes ULS to accommodate ownership of individual cottage unit lots. The zone allows 60% impervious surface coverage. The development as a whole has 55% impervious coverage on the parent lot, but individual unit lots



Alley
Example unit lot subdivision short plat for three attached units permitted in the backyard of an existing house in Seattle, WA.

have impervious surface coverage of 80% or more. Owners of individual unit lots may increase their impervious surface coverage further (for example, by expanding a kitchen or creating a paved patio) as long as the development's entire impervious surface coverage does not exceed 60%. Jurisdictions should require that notes be added to the plat stating that subsequent additions or modifications to structure(s) shall not create a nonconformity of the parent lot.

While unit lots do not have minimum area or dimensions, some jurisdictions provide guardrails. 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.



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

Homeowners' Associations

Homeowners' associations (HOAs) organize decision-making around common areas with formal processes. The HOA may also provide guidance on new development or changes within the 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.

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

Jurisdictions should require ULS to record agreements for the ownership and management of common areas. Access easements, 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 may be executed for the use and maintenance of common areas and features. These may cover topics such as:

- Garages, parking, and vehicle access areas
- Bike parking
- 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

Such easements, agreements, and CC&Rs should be recorded with the county auditor.

Off-Street Parking

Within the parent lot, jurisdictions should allow 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 allows 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.

Administration

Number of Unit Lots

RCW 58.17.060(3) requires that unit lot subdivision 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.

Commerce recommends that cities and towns, as applicable, adopt a maximum of nine lots, tracts, or parcels to be regulated as unit lot short subdivisions. 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. See more information in Commerce's [User Guide for Middle Housing Model Ordinances](#).

Commerce recommends that counties set a maximum of nine on the number of lots, tracts, or parcels to be regulated as unit lot short subdivisions in any urban growth area, provided the county is planning under RCW 36.70A.040 and has adopted a comprehensive plan and development regulations in compliance with chapter 36.70A RCW.

To allow ten or more unit lots, jurisdictions have the option to adopt unit lot subdivision within their standard "major" or "long" subdivision procedures. This could bring the same benefits of ULS to larger housing developments.

Utilities

Utility purveyors (cities, special districts, and private purveyors) should have flexible requirements 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, and there may be different ownership arrangements, cost implications, and other reasons that require a variety of approaches. When developing ULS provisions utility purveyors should be consulted for 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 for ULS provisions to include an administrative option to deviate from the preferred practice. For example, 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. A single-family dwelling with an accessory dwelling unit should have the flexibility to use the ULS provisions without changing the existing utilities.

Permit Application and Approval

Unit lot subdivisions are recommended to follow the same application, review, and approval procedures for a short subdivision or subdivision (depending on the number of lots). Using the same application, review and approval procedures can help make review times comparable to standard short subdivisions or subdivisions and encourage the creation of unit lot subdivisions. Jurisdictions using existing short subdivision or subdivision regulations as a template for ULS should adopt separate criteria for review, such as those provided at the end of this document, or carefully review existing regulations for barriers to ULS applicability to various applicable housing types such as middle housing.

Timing

Commerce recommends allowing a unit lot subdivision to take place for existing lots prior to development, during development, or after development is complete. This can provide flexible options for a range of residential properties. For example, the owner of an existing detached single-family residence could use a unit lot subdivision 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 unit lot subdivision applications and with the final plat recording may include:

- Each unit lot is uniquely labeled on the plat (such as Unit Lot A, Unit Lot B, etc.). This numbering may be reflective of the local Postmaster's preference.
- The legal description, parcel number, and/or street address (existing and modified, if applicable) of the original parent lot is provided in addition to legal descriptions for the new unit lots.
- Easements for existing or new utility connections.
- Access easements, 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.

Finalizing and Recording

Unit lot subdivisions can 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 the 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, and additional development of individual unit lots may be limited as a result of the application of development standards to the parent lot.*

Condominium Ownership

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

	Unit Lot Subdivision	Condominium
Options for ownership of underlaying 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• No formal agreement (not recommended)	<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• Repairs• 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 unit lot subdivision can also be combined in cases where a unit lot has stacked units and separate unit ownership is desired. Additionally, jurisdictions 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 Units" (ADUs).¹

¹ RCW 36.70A.681(1)(k)

Resources

Code Examples

The below list links to adopted unit lot subdivision 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) – 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 unit lot subdivision 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 unit lot subdivision short plats for a variety of cities and housing types are available at [this resource link](#).

Model Code

This model code is from Commerce's [User Guide for Middle Housing Model Ordinances](#). It 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.
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 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 on each unit lot was granted by the review of the development, as a whole, on 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 works department. All development shall be subject to any conditions imposed by the city on the preliminary approval.
9. **Revision and Expiration.** Unit lot subdivisions follow the revision and expiration procedures for a short subdivision.

10. Definitions.

- a. **"Lot, parent"** means a lot which is subdivided into unit lots through the unit lot subdivision process.
- b. **"Lot, unit"** means a lot created from a parent lot and approved through the unit lot subdivision process.
- c. **"Unit lot subdivision"** means the division of a parent lot into two or more unit lots within a development and approved through the unit lot subdivision process.