

E2SHB 1167 - S COMM AMD

By Committee on Local Government, Land Use & Tribal Affairs

NOT CONSIDERED 05/17/2023

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 36.70A
4 RCW to read as follows:

5 (1) The department shall develop and administer a grant program
6 to provide direct financial assistance to counties and cities for the
7 adoption of preapproved accessory dwelling unit plans.

8 (2) When a preapproved plan is submitted to a county or city
9 during the process of seeking permit approval for the development of
10 an accessory dwelling unit, the county's or city's review of the
11 preapproved plan may not be more than administrative.

12 (3) For the purpose of this section, "preapproved accessory
13 dwelling unit plans" means a selection of architectural plans for
14 accessory dwelling units that have been reviewed by county or city
15 code officials and approved for compliance with applicable building
16 codes within the county or city.

17 NEW SECTION. **Sec. 2.** A new section is added to chapter 19.27
18 RCW to read as follows:

19 (1)(a) The state building code council shall convene a work group
20 for the purpose of simplifying the production of middle housing by
21 recommending a mechanism in the international residential code that
22 adopts by reference the provisions for multiplex housing in the
23 international building code. The mechanism must include those
24 sections from the international building code necessary to ensure
25 public health, safety, and general welfare in multiplex housing, and
26 may not reduce any requirements for multiplex housing contained in
27 the international building code.

28 (b) The work group shall provide its recommendations to the
29 council in time for the council to adopt or amend rules or codes as
30 necessary for implementation in the 2024 international residential
31 code. The council shall take action to adopt additions and amendments

1 to rules or codes as necessary to apply the new reference mechanism
2 in the international residential code to multiplex housing by July 1,
3 2026.

4 (c) For purposes of this subsection, "multiplex housing" means a
5 building with at least three but no more than six dwelling units in a
6 single structure with common walls and floors and a functional
7 primary street entrance, with no more than three stories above grade
8 plane.

9 (2)(a) The state building code council shall convene a technical
10 advisory group for the purpose of recommending modifications and
11 limitations to the international building code that would allow for a
12 single exit stairway to serve multifamily residential structures up
13 to six stories above grade plane. The recommendations must include
14 considerations for adequate and available water supply, the presence
15 and response time of a professional fire department, and any other
16 provisions necessary to ensure public health, safety, and general
17 welfare.

18 (b) The technical advisory group shall provide its
19 recommendations to the council in time for the council to adopt or
20 amend rules or codes as necessary for implementation in the 2024
21 international building code. The council shall take action to adopt
22 additions and amendments to rules or codes as necessary by July 1,
23 2026.

24 NEW SECTION. **Sec. 3.** A new section is added to chapter 36.70A
25 RCW to read as follows:

26 (1) Cities planning under RCW 36.70A.040 must adopt or amend by
27 ordinance and incorporate into their development regulations, zoning
28 regulations, and other official controls the requirements of
29 subsection (3) of this section, to take effect six months after the
30 jurisdiction's next periodic comprehensive plan update required under
31 RCW 36.70A.130, within urban growth areas designated according to RCW
32 36.70A.110.

33 (2) The requirements of subsection (3) of this section:

34 (a) Apply and take effect in any city that has not adopted or
35 amended ordinances, regulations, or other official controls as
36 required under this section; and

37 (b) Supersede, preempt, and invalidate any local development
38 regulations that conflict with this section.

1 (3) Within residential zones that allow for middle housing,
2 cities shall not require through development regulations any
3 standards for middle housing that are more restrictive than those
4 required for detached single-family residences, unless otherwise
5 required by state law including, but not limited to, shoreline
6 regulations under chapter 90.58 RCW, building codes under chapter
7 19.27 RCW, energy codes under chapter 19.27A RCW, electrical codes
8 under chapter 19.28 RCW, or critical areas protection, but may apply
9 any objective development regulations that are required for detached
10 single-family residences, including setback and tree canopy and
11 retention requirements.

12 (4) Beginning July 1, 2026, cities may use provisions in the
13 state building code to allow a single stairway in residential
14 buildings of six or fewer stories if the conditions established by
15 the state building code council for the international building code
16 are met.

17 (5) For the purposes of this section:

18 (a) "Cottage housing" means residential units on a lot with a
19 common open space that either: (i) Is owned in common; or (ii) has
20 units owned as condominium units with property owned in common and a
21 minimum of 20 percent of the lot size as open space.

22 (b) "Courtyard apartments" means up to four attached dwelling
23 units arranged on two or three sides of a yard or court.

24 (c) "Middle housing" means buildings that are compatible in
25 scale, form, and character with single-family homes and contain two
26 or more attached, stacked, or clustered homes, duplexes, triplexes,
27 fourplexes, fiveplexes, sixplexes, cottage housing, stacked flats,
28 townhouses, or courtyard apartments.

29 (d) "Stacked flat" means dwelling units in a residential building
30 of no more than three stories on a residential zoned lot in which
31 each floor may be separately rented or owned.

32 (e) "Townhouses" means buildings that contain three or more
33 attached single-family dwelling units that extend from foundation to
34 roof and that have a yard or public way on not less than two sides.

35 NEW SECTION. **Sec. 4.** A new section is added to chapter 36.70A
36 RCW to read as follows:

37 All cities and counties may adopt development regulations that
38 create a simple, low cost, expedited permit process for development
39 of single-family, duplex, triplex, or accessory dwelling housing

1 units with less than 1,801 square feet per unit for property situated
2 within cities or urban growth areas in locations designated for
3 residential housing. This process should make it easy for an
4 applicant to submit and receive approval for all permits required to
5 build housing units. The expedited process should lower costs and
6 simplify the building of housing units tailored to be priced for
7 extremely low-income, low-income, or moderate-income households.

8 **Sec. 5.** RCW 36.70B.020 and 1995 c 347 s 402 are each amended to
9 read as follows:

10 Unless the context clearly requires otherwise, the definitions in
11 this section apply throughout this chapter.

12 (1) "Closed record appeal" means an administrative appeal on the
13 record to a local government body or officer, including the
14 legislative body, following an open record hearing on a project
15 permit application when the appeal is on the record with no or
16 limited new evidence or information allowed to be submitted and only
17 appeal argument allowed.

18 (2) "Local government" means a county, city, or town.

19 (3) "Open record hearing" means a hearing, conducted by a single
20 hearing body or officer authorized by the local government to conduct
21 such hearings, that creates the local government's record through
22 testimony and submission of evidence and information, under
23 procedures prescribed by the local government by ordinance or
24 resolution. An open record hearing may be held prior to a local
25 government's decision on a project permit to be known as an "open
26 record predecision hearing." An open record hearing may be held on an
27 appeal, to be known as an "open record appeal hearing," if no open
28 record predecision hearing has been held on the project permit.

29 (4) "Project permit" or "project permit application" means any
30 land use or environmental permit or license required from a local
31 government for a project action, including but not limited to
32 building permits, subdivisions, binding site plans, planned unit
33 developments, conditional uses, shoreline substantial development
34 permits, site plan review, permits or approvals required by critical
35 area ordinances, site-specific rezones authorized by a comprehensive
36 plan or subarea plan, but excluding the adoption or amendment of a
37 comprehensive plan, subarea plan, or development regulations except
38 as otherwise specifically included in this subsection.

1 (5) "Public meeting" means an informal meeting, hearing,
2 workshop, or other public gathering of people to obtain comments from
3 the public or other agencies on a proposed project permit prior to
4 the local government's decision. A public meeting may include, but is
5 not limited to, (~~a design review or~~) an architectural control board
6 meeting, a special review district or community council meeting, or a
7 scoping meeting on a draft environmental impact statement. A public
8 meeting does not include an open record hearing. The proceedings at a
9 public meeting may be recorded and a report or recommendation may be
10 included in the local government's project permit application file.

11 **Sec. 6.** RCW 36.70B.120 and 1995 c 347 s 416 are each amended to
12 read as follows:

13 (1) Each local government planning under RCW 36.70A.040 shall
14 establish a permit review process that provides for the integrated
15 and consolidated review and decision on two or more project permits
16 relating to a proposed project action, including a single application
17 review and approval process covering all project permits requested by
18 an applicant for all or part of a project action and a designated
19 permit coordinator. If an applicant elects the consolidated permit
20 review process, the determination of completeness, notice of
21 application, and notice of final decision must include all project
22 permits being reviewed through the consolidated permit review
23 process.

24 (2) Consolidated permit review may provide different procedures
25 for different categories of project permits, but if a project action
26 requires project permits from more than one category, the local
27 government shall provide for consolidated permit review with a single
28 open record hearing and no more than one closed record appeal as
29 provided in RCW 36.70B.060. Each local government shall determine
30 which project permits are subject to an open record hearing and a
31 closed record appeal. Examples of categories of project permits
32 include but are not limited to:

33 (a) Proposals that are categorically exempt from chapter 43.21C
34 RCW, such as construction permits, that do not require environmental
35 review or public notice;

36 (b) Permits that require environmental review, but no open record
37 predecision hearing; and

38 (c) Permits that require a threshold determination and an open
39 record predecision hearing and may provide for a closed record appeal

1 to a hearing body or officer or to the local government legislative
2 body.

3 (3) A local government may provide by ordinance or resolution for
4 the same or a different decision maker or hearing body or officer for
5 different categories of project permits. In the case of consolidated
6 project permit review, the local government shall specify which
7 decision makers shall make the decision or recommendation, conduct
8 the hearing, or decide the appeal to ensure that consolidated permit
9 review occurs as provided in this section. The consolidated permit
10 review may combine an open record predecision hearing on one or more
11 permits with an open record appeal hearing on other permits. In such
12 cases, the local government by ordinance or resolution shall specify
13 which project permits, if any, shall be subject to a closed record
14 appeal.

15 (4) (a) When reviewing a housing development permit application, a
16 local government planning under RCW 36.70A.040 may only require
17 administrative design review to determine compliance with any
18 applicable design standards.

19 (b) For the purposes of this subsection (4):

20 (i) "Administrative design review" means a development permit
21 process whereby an application is reviewed, approved, or denied by
22 the planning director or the planning director's designee based
23 solely on objective design and development standards without a public
24 meeting or hearing, unless such review is otherwise required by state
25 or federal law, or the structure is a designated landmark or historic
26 district established under a local preservation ordinance.

27 (ii) "Housing development" means a proposed or existing structure
28 that is used as a home, residence, or place to sleep by one or more
29 persons including, but not limited to, single-family residences,
30 manufactured homes, multifamily housing, group homes, and foster care
31 facilities.

32 (5) A local government planning under RCW 36.70A.040 must comply
33 with the requirements of subsection (4) of this section beginning six
34 months after its next periodic comprehensive plan update required
35 under RCW 36.70A.130.

36 NEW SECTION. Sec. 7. The office of regulatory innovation and
37 assistance shall contract with a qualified external consultant or
38 entity to develop a standard plan set demonstrating a prescriptive
39 compliance pathway that will meet or exceed all energy code

1 regulations for residential housing in the state subject to the
2 international residential code. The standard plan set may be used,
3 but is not required, by local governments and building industries. In
4 developing the standard plan set, the consultant shall, at a minimum,
5 seek feedback from cities, counties, building industries, and
6 building officials. The standard plan set must be completed by June
7 30, 2024.

8 NEW SECTION. **Sec. 8.** If specific funding for the purposes of
9 this act, referencing this act by bill or chapter number, is not
10 provided by June 30, 2023, in the omnibus appropriations act, this
11 act is null and void."

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12 On page 1, line 1 of the title, after "regulations;" strike the
13 remainder of the title and insert "amending RCW 36.70B.020 and
14 36.70B.120; adding new sections to chapter 36.70A RCW; adding a new
15 section to chapter 19.27 RCW; and creating new sections."

EFFECT: Requires the State Building Code Council to convene a technical advisory group, rather than a work group for the purpose of recommending modifications and limitations that would allow for a single exit stairway to serve certain multifamily residential structures. Requires the recommendations to include considerations for available water supply and response time of a professional fire department. Establishes that cities may use provisions in the state building code to allow single exit stairways in certain residential buildings if the conditions established by the State Building Code Council are met.

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