

ESB 5471 - H COMM AMD
By Committee on Housing

ADOPTED 04/12/2025

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 Any county that is required or chooses to plan under RCW
6 36.70A.040 may provide by ordinance and incorporate into its
7 development regulations, zoning regulations, and other official
8 controls, authorization for the following:

9 (1) (a) Middle housing types on each parcel that permits single-
10 family residences in limited areas of more intensive rural
11 development designated according to the requirements in RCW
12 36.70A.070 (5) (d) (i);

13 (b) If a county takes action authorized by this subsection, it
14 may not authorize more than 4 residential units per lot in limited
15 areas of more intensive rural development designated according to RCW
16 36.70A.070 (5) (d) (i), and its development regulations must:

17 (i) Not require any standards for middle housing that are more
18 restrictive than those required for detached single-family
19 residences, but may apply any objective development regulations that
20 are required for detached single-family residences, including, but
21 not limited to, setback, lot coverage, stormwater, clearing, and tree
22 canopy and retention requirements;

23 (ii) Apply to middle housing the same development permit and
24 environmental review processes that apply to detached single-family
25 residences, unless otherwise required by state law, including, but
26 not limited to, shoreline regulations under chapter 90.58 RCW,
27 building codes under chapter 19.27 RCW, energy codes under chapter
28 19.27A RCW, or electrical codes under chapter 19.28 RCW; and

29 (iii) Require that middle housing in limited areas of more
30 intensive rural development be served by existing sewer service.

31 (2) (a) Middle housing types on each parcel that permits single-
32 family residences in designated urban growth areas.

1 (b) If a county takes action authorized by this subsection, it
2 may not authorize more than four residential units per lot within the
3 designated urban growth area and its development regulations must:

4 (i) Not require any standards for middle housing that are more
5 restrictive than those required for detached single-family
6 residences, but may apply any objective development regulations that
7 are required for detached single-family residences, including, but
8 not limited to, setback, lot coverage, stormwater, clearing, and tree
9 canopy and retention requirements;

10 (ii) Apply to middle housing the same development permit and
11 environmental review processes that apply to detached single-family
12 residences, unless otherwise required by state law, including, but
13 not limited to, shoreline regulations under chapter 90.58 RCW,
14 building codes under chapter 19.27 RCW, energy codes under chapter
15 19.27A RCW, or electrical codes under chapter 19.28 RCW; and

16 (iii) Require that middle housing in designated urban growth
17 areas be served by water and sewer services.

18 **Sec. 2.** RCW 43.21C.495 and 2023 c 334 s 6 and 2023 c 332 s 8 are
19 each reenacted and amended to read as follows:

20 (1) Adoption of ordinances, development regulations and
21 amendments to such regulations, and other nonproject actions taken by
22 a city to implement: The actions specified in section 2, chapter 246,
23 Laws of 2022 unless the adoption of such ordinances, development
24 regulations and amendments to such regulations, or other nonproject
25 actions has a probable significant adverse impact on fish habitat;
26 and the increased residential building capacity actions identified in
27 RCW 36.70A.600(1), with the exception of the action specified in RCW
28 36.70A.600(1)(f), are not subject to administrative or judicial
29 appeals under this chapter.

30 (2) Amendments to development regulations and other nonproject
31 actions taken by a city to implement the requirements under RCW
32 36.70A.635 pursuant to RCW 36.70A.636(3)(b) are not subject to
33 administrative or judicial appeals under this chapter.

34 (3) Adoption of ordinances, development regulations and
35 amendments to such regulations, and other nonproject actions taken by
36 a city or county consistent with the requirements of RCW 36.70A.680
37 and 36.70A.681 are not subject to administrative or judicial appeals
38 under this chapter.

1 (4) Adoption of ordinances, development regulations, amendments
2 to such regulations, and other nonproject actions taken by a county
3 to implement section 1 of this act are not subject to administrative
4 or judicial appeals under this chapter.

5 **Sec. 3.** RCW 36.70A.280 and 2023 c 334 s 7, 2023 c 332 s 6, and
6 2023 c 228 s 7 are each reenacted and amended to read as follows:

7 (1) The growth management hearings board shall hear and determine
8 only those petitions alleging either:

9 (a) That, except as provided otherwise by this subsection, a
10 state agency, county, or city planning under this chapter is not in
11 compliance with the requirements of this chapter, chapter 90.58 RCW
12 as it relates to the adoption of shoreline master programs or
13 amendments thereto, or chapter 43.21C RCW as it relates to plans,
14 development regulations, or amendments, adopted under RCW 36.70A.040
15 or chapter 90.58 RCW. Nothing in this subsection authorizes the board
16 to hear petitions alleging noncompliance based on a city or county's
17 actions taken to implement the requirements of RCW 36.70A.680
18 ~~((and)),~~ 36.70A.681, or section 1 of this act within an urban growth
19 area;

20 (b) That the 20-year growth management planning population
21 projections adopted by the office of financial management pursuant to
22 RCW 43.62.035 should be adjusted;

23 (c) That the approval of a work plan adopted under RCW
24 36.70A.735(1)(a) is not in compliance with the requirements of the
25 program established under RCW 36.70A.710;

26 (d) That regulations adopted under RCW 36.70A.735(1)(b) are not
27 regionally applicable and cannot be adopted, wholly or partially, by
28 another jurisdiction;

29 (e) That a department certification under RCW 36.70A.735(1)(c) is
30 erroneous;

31 (f) That the department's final decision to approve or reject a
32 proposed greenhouse gas emissions reduction subelement or amendments
33 by a local government planning under RCW 36.70A.040 was not in
34 compliance with the joint guidance issued by the department pursuant
35 to RCW 70A.45.120; or

36 (g) That the department's final decision to approve or reject
37 actions by a city implementing RCW 36.70A.635 is clearly erroneous.

38 (2) A petition may be filed only by: (a) The state, or a county
39 or city that plans under this chapter; (b) a person who has

1 participated orally or in writing before the county or city regarding
2 the matter on which a review is being requested; (c) a person who is
3 certified by the governor within 60 days of filing the request with
4 the board; or (d) a person qualified pursuant to RCW 34.05.530.

5 (3) For purposes of this section "person" means any individual,
6 partnership, corporation, association, state agency, governmental
7 subdivision or unit thereof, or public or private organization or
8 entity of any character.

9 (4) To establish participation standing under subsection (2)(b)
10 of this section, a person must show that his or her participation
11 before the county or city was reasonably related to the person's
12 issue as presented to the board.

13 (5) When considering a possible adjustment to a growth management
14 planning population projection prepared by the office of financial
15 management, the board shall consider the implications of any such
16 adjustment to the population forecast for the entire state.

17 The rationale for any adjustment that is adopted by the board
18 must be documented and filed with the office of financial management
19 within ten working days after adoption.

20 If adjusted by the board, a county growth management planning
21 population projection shall only be used for the planning purposes
22 set forth in this chapter and shall be known as the "board adjusted
23 population projection." None of these changes shall affect the
24 official state and county population forecasts prepared by the office
25 of financial management, which shall continue to be used for state
26 budget and planning purposes."

27 Correct the title.

EFFECT: Specifies that the sewer service required for a county to
allow middle housing in limited areas of more intensive rural
development must be existing sewer service.

Allows a county to authorize middle housing types, instead of at
least one middle housing unit, on each single-family parcel in
designated urban growth areas.

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