

**E2SSB 6026** - H COMM AMD  
By Committee on Local Government

**NOT ADOPTED 03/05/2026**

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

3 "NEW SECTION. **Sec. 1.** The legislature finds that Washington  
4 continues to experience a shortage of homes affordable to its  
5 residents at all income levels. The legislature further finds that  
6 zoning reforms can support an environment that expands opportunities  
7 for housing development.

8 NEW SECTION. **Sec. 2.** A new section is added to chapter 36.70A  
9 RCW to read as follows:

10 (1)(a) Except as provided in (b) of this subsection, any city  
11 that is required or chooses to plan under RCW 36.70A.040 with a  
12 population of 30,000 or more, as determined by the office of  
13 financial management under RCW 43.62.030, or any county that is  
14 required or chooses to plan under RCW 36.70A.040 that is not defined  
15 as a rural county under RCW 43.160.020, is prohibited from excluding  
16 residential uses in areas zoned for commercial or mixed-use  
17 development.

18 (b) The requirements of (a) of this subsection do not apply to  
19 any portion of a lot that:

20 (i) Is located in an industrial zone area;

21 (ii) Is within 3,200 feet of an active oil or gas refinery;

22 (iii) Requires the demolition of a structure designated as a  
23 historic landmark through a local preservation ordinance;

24 (iv) Is located outside the urban growth area or within any urban  
25 growth area that is not contiguous with a city subject to the  
26 limitations of (a) of this subsection;

27 (v) Is in an area where residential uses are prohibited to  
28 implement RCW 36.70.547 or 36.70A.530;

1 (vi) Is located in a tax increment financing area under chapter  
2 39.114 RCW that was established prior to the effective date of this  
3 section;

4 (vii) Is adjacent to a shoreline environment where all  
5 multifamily residential or mixed-use development is prohibited by a  
6 shoreline master program; or

7 (viii) Is located in a critical area buffer or critical area  
8 governed by a critical area ordinance, except for critical aquifer  
9 recharge areas where a single-family detached house is an allowed use  
10 provided that any requirements to maintain aquifer recharge are met.  
11 However, where permissible under existing law, critical area buffers  
12 and critical areas governed by a critical area ordinance may be  
13 included when calculating the allowable density on a given lot.

14 (2)(a) Any city or county subject to the requirements of  
15 subsection (1) of this section may not require mixed use or ground  
16 floor commercial or retail as a condition of permitting development  
17 of residential housing, or a conditional use permit, special use  
18 permit, or departure from development regulations or design  
19 guidelines related to the location, siting, orientation, or  
20 architectural design features of residential or mixed-use development  
21 in more than 40 percent of the total acreage in areas zoned for  
22 commercial use or mixed use.

23 (b) For any publicly subsidized affordable housing project, a  
24 city or county subject to the requirements of subsection (1) of this  
25 section may not require mixed-use or ground floor commercial or  
26 retail as a condition of permitting development of residential  
27 housing, or a conditional use permit, special use permit, or  
28 departure from development regulations or design guidelines related  
29 to the location, siting, orientation, or architectural design  
30 features of residential or mixed-use development in areas zoned for  
31 commercial use or mixed use.

32 (c) For the purposes of (a) of this subsection, the following  
33 areas are not considered to be zoned for commercial or mixed use:

34 (i) Station areas;

35 (ii) Areas in which the city or county allows for development, or  
36 provides a height incentive to allow for development, of up to at  
37 least 85 feet;

38 (iii) Areas within an industrial zone area;

39 (iv) Areas within 3,200 feet of an active oil or gas refinery;

1 (v) Areas located outside the urban growth area or within any  
2 urban growth area that is not contiguous with a city subject to the  
3 limitations of subsection (1) of this section;

4 (vi) Areas where residential uses are prohibited to implement RCW  
5 36.70.547 or 36.70A.530;

6 (vii) Areas within a tax increment financing area under chapter  
7 39.114 RCW that was established prior to the effective date of this  
8 section;

9 (viii) Areas adjacent to a shoreline environment where all  
10 multifamily residential or mixed-use development is prohibited by a  
11 shoreline master program; and

12 (ix) Areas within a critical area buffer or critical area  
13 governed by a critical area ordinance, except for critical aquifer  
14 recharge areas where a single-family detached house is an allowed use  
15 provided that any requirements to maintain aquifer recharge are met.  
16 However, where permissible under existing law, critical area buffers  
17 and critical areas governed by a critical area ordinance may be  
18 included when calculating the allowable density on a given lot.

19 (3) Nothing in this section requires a city to issue a building  
20 permit if other federal, state, and local requirements for a building  
21 permit are not met.

22 (4) Nothing in this section requires a city to update their  
23 growth and development assumptions required under this chapter until  
24 their next comprehensive plan update required after January 1, 2031,  
25 under RCW 36.70A.130.

26 (5) Nothing in this section shall limit or otherwise impede a  
27 local government's ability to work with developers, businesses,  
28 community groups, and building owners to ensure adequate access to  
29 grocery stores in a community including, but not limited to, allowing  
30 commercial use of ground floor building spaces for this purpose.

31 (6) Nothing in this section limits a local government's ability  
32 to impose minimum density requirements within a commercial or mixed-  
33 use zone.

34 (7)(a) The requirements of subsection (1) of this section apply  
35 and take effect in any city or county that has not adopted or amended  
36 ordinances, regulations, or other official controls as required under  
37 this section by 18 months after the effective date of this section  
38 and supersede, preempt, and invalidate any conflicting local  
39 regulations.

1 (b) Any city or county that has not adopted or amended  
2 ordinances, regulations, or other official controls in compliance  
3 with subsection (2) of this section within 18 months of the effective  
4 date of this section may not require mixed-use or ground floor  
5 commercial or retail as a condition of permitting development of  
6 residential housing, or a conditional use permit, special use permit,  
7 or departure from development regulations or design guidelines  
8 related to the location, siting, orientation, or architectural design  
9 features of residential or mixed-use development in areas zoned for  
10 commercial use or mixed use outside of areas listed under subsection  
11 (2)(c) of this section until such time as the city or county has come  
12 into compliance with the requirements of subsection (2) of this  
13 section.

14 (8) For the purposes of this section, "publicly subsidized  
15 affordable housing" means any housing that receives or otherwise  
16 qualifies for an exemption from real and personal property taxes  
17 under RCW 84.36.560."

18 Correct the title.

EFFECT: • Provides that local governments subject to the bill's requirements cannot impose ground floor commercial or mixed-use requirements in more than 40 percent of the total acreage in areas zoned for commercial or mixed use, instead of allowing such requirements in 20 percent of the total area, or in more than 20 percent of the total area if certain regulations were adopted.

• Removes exemptions from the limitations on ground floor commercial or mixed use, and instead provides that certain areas are not considered to be zoned for commercial or mixed use for the purpose of the limitations on ground floor commercial and mixed-use requirements.

• Requires that a tax increment financing area be established prior to the bill's effective date to qualify for an exemption from the prohibition on excluding residential use from mixed use and commercial areas, and to be considered to not be zoned for commercial or mixed use for purposes of the limitation on ground floor commercial or mixed-use requirements.

• Prohibits ground floor commercial or mixed-use requirements from being imposed on publicly subsidized affordable housing projects in commercial and mixed-use zones.

• Specifies that nothing in the bill limits a local government's ability to impose minimum density requirements within a commercial or mixed-use zone.

• Replaces a one-year deadline with an 18-month deadline for local governments to come into compliance with the requirements of the bill related to allowing residential use in commercial and mixed-use zones or else have their contrary regulations invalidated and superseded.

• Provides that a local government that does not comply with the ground floor commercial and mixed-use limitations within 18 months of

the bill's effective date may not impose ground floor commercial and mixed-use requirements until the local government is in compliance with the limitations.

--- **END** ---