

FINAL BILL REPORT

E2SSB 6026

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Synopsis as Enacted

Brief Description: Concerning residential development in commercial and mixed-use zones.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Alvarado, Bateman, Conway, Frame, Liias, Nobles and Shewmake; by request of Governor Ferguson).

Senate Committee on Housing
Senate Committee on Ways & Means
House Committee on Local Government
House Committee on Appropriations

Background: The Growth Management Act (GMA) is the comprehensive land use planning framework for counties and cities in Washington. The GMA establishes land-use designation and environmental protection requirements for all Washington counties and cities. The GMA also establishes a significantly wider array of planning duties for 28 counties, and the cities within those counties, that are obligated to satisfy all planning requirements of the GMA. These jurisdictions are sometimes said to be fully planning under the GMA. The GMA also directs fully planning jurisdictions to adopt internally consistent comprehensive land use plans that consider various goals set forth in statute, including housing. Comprehensive plans are implemented through locally adopted development regulations, such as zoning ordinances, and both the plans and the local regulations are subject to review and revision requirements prescribed in the GMA.

Summary: Residential Requirements. Any city or county with a population of 30,000 or more or any county that is not a rural county that is fully planning or chooses to plan under the GMA is prohibited from excluding residential uses in areas zoned for commercial or mixed-use development. This prohibition does not apply to any portion of the lot that:

- is located in an industrial zone area, including zones with an employment overlay prohibiting all residential uses adopted prior to the effective date;
- is within 3200 feet of an active oil or gas refinery;
- requires the demolition of a structure designated as a historic landmark through a local preservation ordinance;

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- is located outside the urban growth area or within any urban growth area that is not contiguous with a city subject to the residential requirements;
- is in an area where residential uses are prohibited due to a military installation or a general aviation airport operated for the benefit of the general public;
- is located in a tax increment financing area that was established prior to the effective date;
- is adjacent to a shoreline environment where all multifamily residential or mixed-use development is prohibited by a shoreline master program; or
- is located in a critical area buffer or critical area governed by a critical area ordinance, except for critical aquifer recharge areas where a single-family detached house is an allowed use; however, where permissible under law, critical area buffers and critical areas governed by a critical area ordinance may be included when calculating the allowable density on a given lot.

The residential requirements supersede, preempt, and invalidate any conflicting local regulations in any city or county that has not adopted or amended ordinances, regulations, or other official controls by 18 months after the effective date of the bill.

Conditions on Permitting Residential Housing. A city or county subject to the residential requirements may not require mixed use or ground floor commercial or retail as a condition of permitting development of residential housing, or a conditional or special use permit, or departure from development regulations or design guidelines related to the location, siting, orientation, or architectural design features of residential or mixed use development in more than 40 percent of the total acreage in areas zoned for commercial use or mixed use. For the purpose of this limitation, the following areas are not considered to be zoned for commercial or mixed-use:

- station areas;
- areas in which the city or county allows development of up to a height of at least 85 feet;
- is located in an industrial zone area;
- is within 3200 feet of an active oil or gas refinery;
- is located outside the urban growth area or within any urban growth area that is not contiguous with a city subject to the residential requirements;
- is in an area where residential uses are prohibited due to a military installation or a general aviation airport operated for the benefit of the general public;
- is located in a tax increment financing area that was established prior to the effective date;
- is adjacent to a shoreline environment where all multifamily residential or mixed-use development is prohibited by a shoreline master program; or
- is located in a critical area buffer or critical area governed by a critical area ordinance, except for certain critical aquifer recharge areas.

A city or county may not require mixed-use or ground floor commercial or retail as a condition of permitting residential housing in a commercial or mixed-use zone if the project

is publicly subsidized affordable housing.

A city or county that has not adopted or amended ordinances, regulations, or other official controls to be in compliance with the conditions on permitting residential development within 18 months of the effective date may not require mixed-use or ground floor commercial or retail as a condition of permitting development of residential housing until the city or county comes into compliance with the conditions on permitting residential development.

Waiver Process. A city or county must provide an administrative process for applicants to request a reduction or waiver from the ground floor commercial or retail use regulations applicable to a property. The review must include consideration of the merits of the project and the increase in the number of dwelling units that would result from the reduction or waiver and may also include other factors the city or county deems appropriate. A city or county that has established a waiver process prior to the effective date is not required to adopt a new process.

Other. A city subject to these requirements is not required to:

- issue a building permit if other applicable requirements are not met; or
- update their growth and development assumptions required under the GMA until their next comprehensive plan update required after January 1, 2031.

Nothing limits a local government's ability to:

- work with developers, businesses, community groups, and building owners to ensure adequate access to grocery stores in a community; or
- impose minimum density requirements within a commercial or mixed-use zone.

Nothing requires or authorizes a local government to invalidate or withdraw a development permit that was issued under regulations that imposed ground floor commercial or mixed use requirements as a condition of permitting the development of residential housing, or a conditional or special use permit, or departure from development regulations or design guidelines related to the location, siting, orientation, or architectural design features of residential or mixed use development in areas zoned for commercial use or mixed use. If a lot subject to a development permit issued under such regulations within 18 months of the effective date is sold more than 18 months after the effective date, the purchaser must be allowed to file a new development permit application. Nothing prohibits an applicant from withdrawing an existing permit application and submitting a new permit application after the jurisdiction adopts or amends regulations.

Votes on Final Passage:

Senate	36	12	
House	69	27	(House amended)
Senate	35	14	(Senate concurred)

Effective: June 11, 2026