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**SUBSTITUTE SENATE BILL 5558**

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**State of Washington**

**69th Legislature**

**2025 Regular Session**

**By** Senate Local Government (originally sponsored by Senators Goehner, Riccelli, Trudeau, Harris, Dozier, Boehnke, Gildon, Christian, Torres, Short, Holy, Warnick, Krishnadasan, and Nobles)

READ FIRST TIME 02/14/25.

1 AN ACT Relating to timelines for growth management comprehensive  
2 plan and development regulation updates; and amending RCW 36.70A.130,  
3 36.70A.630, 36.70A.635, and 36.70A.680.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 36.70A.130 and 2024 c 17 s 1 are each amended to  
6 read as follows:

7 (1)(a) Each comprehensive land use plan and development  
8 regulations shall be subject to continuing review and evaluation by  
9 the county or city that adopted them. Except as otherwise provided, a  
10 county or city shall take legislative action to review and, if  
11 needed, revise its comprehensive land use plan and development  
12 regulations to ensure the plan and regulations comply with the  
13 requirements of this chapter according to the deadlines in  
14 subsections (4) and (5) of this section.

15 (b)(i) A city or town located within a county planning under RCW  
16 36.70A.040 may opt out of a full review and revisions of its  
17 comprehensive plan established in this section if the city or town  
18 meets the following criteria:

19 (A) Has a population fewer than 500;

20 (B) Is not located within 10 miles of a city with a population  
21 over 100,000;

1 (C) Experienced a population growth rate of fewer than 10 percent  
2 in the preceding 10 years; and

3 (D) Has provided the department with notice of its intent to  
4 participate in a partial review and revision of its comprehensive  
5 plan.

6 (ii) The department shall review the population growth rate for a  
7 city or town participating in the partial review and revision of its  
8 comprehensive plan process at least three years before the periodic  
9 update is due as outlined in subsection (4) of this section and  
10 notify cities of their eligibility.

11 (iii) A city or town that opts out of a full review and revision  
12 of its comprehensive plan must update its critical areas regulations  
13 and its capital facilities element and its transportation element.

14 (c) Except as otherwise provided, a county or city not planning  
15 under RCW 36.70A.040 shall take action to review and, if needed,  
16 revise its policies and development regulations regarding critical  
17 areas and natural resource lands adopted according to this chapter to  
18 ensure these policies and regulations comply with the requirements of  
19 this chapter according to the deadlines in subsections (4) and (5) of  
20 this section. Legislative action means the adoption of a resolution  
21 or ordinance following notice and a public hearing indicating at a  
22 minimum, a finding that a review and evaluation has occurred and  
23 identifying the revisions made, or that a revision was not needed and  
24 the reasons therefor.

25 (d) The review and evaluation required by this subsection shall  
26 include, but is not limited to, consideration of critical area  
27 ordinances and, if planning under RCW 36.70A.040, an analysis of the  
28 population allocated to a city or county from the most recent 10-year  
29 population forecast by the office of financial management.

30 (e) Any amendment of or revision to a comprehensive land use plan  
31 shall conform to this chapter. Any amendment of or revision to  
32 development regulations shall be consistent with and implement the  
33 comprehensive plan.

34 (2)(a) Each county and city shall establish and broadly  
35 disseminate to the public a public participation program consistent  
36 with RCW 36.70A.035 and 36.70A.140 that identifies procedures and  
37 schedules whereby updates, proposed amendments, or revisions of the  
38 comprehensive plan are considered by the governing body of the county  
39 or city no more frequently than once every year. "Updates" means to  
40 review and revise, if needed, according to subsection (1) of this

1 section, and the deadlines in subsections (4) and (5) of this section  
2 or in accordance with the provisions of subsection (6) of this  
3 section. Amendments may be considered more frequently than once per  
4 year under the following circumstances:

5 (i) The initial adoption of a subarea plan. Subarea plans adopted  
6 under this subsection (2)(a)(i) must clarify, supplement, or  
7 implement jurisdiction-wide comprehensive plan policies, and may only  
8 be adopted if the cumulative impacts of the proposed plan are  
9 addressed by appropriate environmental review under chapter 43.21C  
10 RCW;

11 (ii) The development of an initial subarea plan for economic  
12 development located outside of the 100 year floodplain in a county  
13 that has completed a state-funded pilot project that is based on  
14 watershed characterization and local habitat assessment;

15 (iii) The adoption or amendment of a shoreline master program  
16 under the procedures set forth in chapter 90.58 RCW;

17 (iv) The amendment of the capital facilities element of a  
18 comprehensive plan that occurs concurrently with the adoption or  
19 amendment of a county or city budget; or

20 (v) The adoption of comprehensive plan amendments necessary to  
21 enact a planned action under RCW 43.21C.440, provided that amendments  
22 are considered in accordance with the public participation program  
23 established by the county or city under this subsection (2)(a) and  
24 all persons who have requested notice of a comprehensive plan update  
25 are given notice of the amendments and an opportunity to comment.

26 (b) Except as otherwise provided in (a) of this subsection, all  
27 proposals shall be considered by the governing body concurrently so  
28 the cumulative effect of the various proposals can be ascertained.  
29 However, after appropriate public participation a county or city may  
30 adopt amendments or revisions to its comprehensive plan that conform  
31 with this chapter whenever an emergency exists or to resolve an  
32 appeal of a comprehensive plan filed with the growth management  
33 hearings board or with the court.

34 (3)(a) Each county that designates urban growth areas under RCW  
35 36.70A.110 shall review, according to the schedules established in  
36 subsections (4) and (5) of this section, its designated urban growth  
37 area or areas, patterns of development occurring within the urban  
38 growth area or areas, and the densities permitted within both the  
39 incorporated and unincorporated portions of each urban growth area.  
40 In conjunction with this review by the county, each city located

1 within an urban growth area shall review the densities permitted  
2 within its boundaries, and the extent to which the urban growth  
3 occurring within the county has located within each city and the  
4 unincorporated portions of the urban growth areas.

5 (b) The county comprehensive plan designating urban growth areas,  
6 and the densities permitted in the urban growth areas by the  
7 comprehensive plans of the county and each city located within the  
8 urban growth areas, shall be revised to accommodate the urban growth  
9 projected to occur in the county for the succeeding 20-year period.  
10 The review required by this subsection may be combined with the  
11 review and evaluation required by RCW 36.70A.215.

12 (c) If, during the county's review under (a) of this subsection,  
13 the county determines revision of the urban growth area is not  
14 required to accommodate the urban growth projected to occur in the  
15 county for the succeeding 20-year period, but does determine that  
16 patterns of development have created pressure in areas that exceed  
17 available, developable lands within the urban growth area, the urban  
18 growth area or areas may be revised to accommodate identified  
19 patterns of development and likely future development pressure for  
20 the succeeding 20-year period if the following requirements are met:

21 (i) The revised urban growth area may not result in an increase  
22 in the total surface areas of the urban growth area or areas;

23 (ii) The areas added to the urban growth area are not or have not  
24 been designated as agricultural, forest, or mineral resource lands of  
25 long-term commercial significance;

26 (iii) Less than 15 percent of the areas added to the urban growth  
27 area are critical areas;

28 (iv) The areas added to the urban growth areas are suitable for  
29 urban growth;

30 (v) The transportation element and capital facility plan element  
31 have identified the transportation facilities, and public facilities  
32 and services needed to serve the urban growth area and the funding to  
33 provide the transportation facilities and public facilities and  
34 services;

35 (vi) The urban growth area is not larger than needed to  
36 accommodate the growth planned for the succeeding 20-year planning  
37 period and a reasonable land market supply factor;

38 (vii) The areas removed from the urban growth area do not include  
39 urban growth or urban densities; and

1 (viii) The revised urban growth area is contiguous, does not  
2 include holes or gaps, and will not increase pressures to urbanize  
3 rural or natural resource lands.

4 (4) Except as otherwise provided in subsections (6) and (8) of  
5 this section, counties and cities shall take action to review and, if  
6 needed, revise their comprehensive plans and development regulations  
7 to ensure the plan and regulations comply with the requirements of  
8 this chapter as follows:

9 (a) On or before June 30, 2015, for King, Pierce, and Snohomish  
10 counties and the cities within those counties;

11 (b) On or before June 30, 2016, for Clallam, Clark, Island,  
12 Jefferson, Kitsap, Mason, San Juan, Skagit, Thurston, and Whatcom  
13 counties and the cities within those counties;

14 (c) On or before June 30, 2017, for Benton, Chelan, Cowlitz,  
15 Douglas, Kittitas, Lewis, Skamania, Spokane, and Yakima counties and  
16 the cities within those counties; and

17 (d) On or before June 30, 2018, for Adams, Asotin, Columbia,  
18 Ferry, Franklin, Garfield, Grant, Grays Harbor, Klickitat, Lincoln,  
19 Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and  
20 Whitman counties and the cities within those counties.

21 (5) Except as otherwise provided in subsections (6) and (8) of  
22 this section, following the review of comprehensive plans and  
23 development regulations required by subsection (4) of this section,  
24 counties and cities shall take action to review and, if needed,  
25 revise their comprehensive plans and development regulations to  
26 ensure the plan and regulations comply with the requirements of this  
27 chapter as follows:

28 (a) Except as provided in subsection (10) of this section, on or  
29 before December 31, 2024, with the following review and, if needed,  
30 revision on or before June 30, 2034, and then every 10 years  
31 thereafter, for King, Kitsap, Pierce, and Snohomish counties and the  
32 cities within those counties;

33 (b) On or before December 31, 2025, with the following review  
34 and, if needed, revision on or before June 30, 2035, and then every  
35 10 years thereafter, for Clallam, Clark, Island, Jefferson, Lewis,  
36 Mason, San Juan, Skagit, Thurston, and Whatcom counties and the  
37 cities within those counties;

38 (c) On or before (~~June 30~~) December 31, 2026, with the  
39 following review and, if needed, revision, on or before June 30,  
40 2036, and every 10 years thereafter, for Benton, Chelan, Cowlitz,

1 Douglas, Franklin, Kittitas, Skamania, Spokane, Walla Walla, and  
2 Yakima counties and the cities within those counties; and

3 (d) On or before June 30, 2027, and every 10 years thereafter,  
4 for Adams, Asotin, Columbia, Ferry, Garfield, Grant, Grays Harbor,  
5 Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens,  
6 Wahkiakum, and Whitman counties and the cities within those counties.

7 (6) (a) Nothing in this section precludes a county or city from  
8 conducting the review and evaluation required by this section before  
9 the deadlines established in subsections (4) and (5) of this section.  
10 Counties and cities may begin this process early and may be eligible  
11 for grants from the department, subject to available funding, if they  
12 elect to do so.

13 (b) A county that is subject to a deadline established in  
14 subsection (5) (b) through (d) of this section and meets the following  
15 criteria may comply with the requirements of this section at any time  
16 within the 24 months following the deadline established in subsection  
17 (5) of this section: The county has a population of less than 50,000  
18 and has had its population increase by no more than 17 percent in the  
19 10 years preceding the deadline established in subsection (5) of this  
20 section as of that date.

21 (c) A city that is subject to a deadline established in  
22 subsection (5) (b) through (d) of this section and meets the following  
23 criteria may comply with the requirements of this section at any time  
24 within the 24 months following the deadline established in subsection  
25 (5) of this section: The city has a population of no more than 5,000  
26 and has had its population increase by the greater of either no more  
27 than 100 persons or no more than 17 percent in the 10 years preceding  
28 the deadline established in subsection (5) of this section as of that  
29 date.

30 (d) State agencies are encouraged to provide technical assistance  
31 to the counties and cities in the review of critical area ordinances,  
32 comprehensive plans, and development regulations.

33 (7) (a) The requirements imposed on counties and cities under this  
34 section shall be considered "requirements of this chapter" under the  
35 terms of RCW 36.70A.040(1). Only those counties and cities that meet  
36 the following criteria may receive grants, loans, pledges, or  
37 financial guarantees under chapter 43.155 or 70A.135 RCW:

38 (i) Complying with the deadlines in this section; or

1 (ii) Demonstrating substantial progress towards compliance with  
2 the schedules in this section for development regulations that  
3 protect critical areas.

4 (b) A county or city that is fewer than 12 months out of  
5 compliance with the schedules in this section for development  
6 regulations that protect critical areas is making substantial  
7 progress towards compliance. Only those counties and cities in  
8 compliance with the schedules in this section may receive preference  
9 for grants or loans subject to the provisions of RCW 43.17.250.

10 (8)(a) Except as otherwise provided in (c) of this subsection, if  
11 a participating watershed is achieving benchmarks and goals for the  
12 protection of critical areas functions and values, the county is not  
13 required to update development regulations to protect critical areas  
14 as they specifically apply to agricultural activities in that  
15 watershed.

16 (b) A county that has made the election under RCW 36.70A.710(1)  
17 may only adopt or amend development regulations to protect critical  
18 areas as they specifically apply to agricultural activities in a  
19 participating watershed if:

20 (i) A work plan has been approved for that watershed in  
21 accordance with RCW 36.70A.725;

22 (ii) The local watershed group for that watershed has requested  
23 the county to adopt or amend development regulations as part of a  
24 work plan developed under RCW 36.70A.720;

25 (iii) The adoption or amendment of the development regulations is  
26 necessary to enable the county to respond to an order of the growth  
27 management hearings board or court;

28 (iv) The adoption or amendment of development regulations is  
29 necessary to address a threat to human health or safety; or

30 (v) Three or more years have elapsed since the receipt of  
31 funding.

32 (c) Beginning 10 years from the date of receipt of funding, a  
33 county that has made the election under RCW 36.70A.710(1) must review  
34 and, if necessary, revise development regulations to protect critical  
35 areas as they specifically apply to agricultural activities in a  
36 participating watershed in accordance with the review and revision  
37 requirements and timeline in subsection (5) of this section. This  
38 subsection (8)(c) does not apply to a participating watershed that  
39 has determined under RCW 36.70A.720(2)(c)(ii) that the watershed's  
40 goals and benchmarks for protection have been met.

1 (9) (a) Counties subject to planning deadlines established in  
2 subsection (5) of this section that are required or that choose to  
3 plan under RCW 36.70A.040 and that meet either criteria of (a) (i) or  
4 (ii) of this subsection, and cities with a population of more than  
5 6,000 as of April 1, 2021, within those counties, must provide to the  
6 department an implementation progress report detailing the progress  
7 they have achieved in implementing their comprehensive plan five  
8 years after the review and revision of their comprehensive plan. Once  
9 a county meets the criteria in (a) (i) or (ii) of this subsection, the  
10 implementation progress report requirements remain in effect  
11 thereafter for that county and the cities therein with populations  
12 greater than 6,000 as of April 1, 2021, even if the county later no  
13 longer meets either or both criteria. A county is subject to the  
14 implementation progress report requirement if it meets either of the  
15 following criteria on or after April 1, 2021:

16 (i) The county has a population density of at least 100 people  
17 per square mile and a population of at least 200,000; or

18 (ii) The county has a population density of at least 75 people  
19 per square mile and an annual growth rate of at least 1.75 percent as  
20 determined by the office of financial management.

21 (b) The department shall adopt guidelines for indicators,  
22 measures, milestones, and criteria for use by counties and cities in  
23 the implementation progress report that must cover:

24 (i) The implementation of previously adopted changes to the  
25 housing element and any effect those changes have had on housing  
26 affordability and availability within the jurisdiction;

27 (ii) Permit processing timelines; and

28 (iii) Progress toward implementing any actions required to  
29 achieve reductions to meet greenhouse gas and vehicle miles traveled  
30 requirements as provided for in any element of the comprehensive plan  
31 under RCW 36.70A.070.

32 (c) If a city or county required to provide an implementation  
33 progress report under this subsection (9) has not implemented any  
34 specifically identified regulations, zoning and land use changes, or  
35 taken other legislative or administrative action necessary to  
36 implement any changes in the most recent periodic update in their  
37 comprehensive plan by the due date for the implementation progress  
38 report, the city or county must identify the need for such action in  
39 the implementation progress report. Cities and counties must adopt a  
40 work plan to implement any necessary regulations, zoning and land use



1 changes, or take other legislative or administrative action  
2 identified in the implementation progress report and complete all  
3 work necessary for implementation within two years of submission of  
4 the implementation progress report.

5 (10) Any county or city that is required by RCW 36.70A.095 to  
6 include in its comprehensive plan a climate change and resiliency  
7 element and that is also required by subsection (5)(a) of this  
8 section to review and, if necessary, revise its comprehensive plan on  
9 or before December 31, 2024, must update its transportation element  
10 and incorporate a climate change and resiliency element into its  
11 comprehensive plan as part of the first implementation progress  
12 report required by subsection (9) of this section if funds are  
13 appropriated and distributed by December 31, 2027, as required under  
14 RCW 36.70A.070(10).

15 **Sec. 2.** RCW 36.70A.630 and 2023 c 333 s 1 are each amended to  
16 read as follows:

17 (1) For purposes of this section, "design review" means a  
18 formally adopted local government process by which projects are  
19 reviewed for compliance with design standards for the type of use  
20 adopted through local ordinance.

21 (2) Except as provided in subsection (3) of this section,  
22 counties and cities planning under RCW 36.70A.040 may apply in any  
23 design review process only clear and objective development  
24 regulations governing the exterior design of new development. For  
25 purposes of this section, a clear and objective development  
26 regulation:

27 (a) Must include one or more ascertainable guideline, standard,  
28 or criterion by which an applicant can determine whether a given  
29 building design is permissible under that development regulation; and

30 (b) May not result in a reduction in density, height, bulk, or  
31 scale below the generally applicable development regulations for a  
32 development proposal in the applicable zone.

33 (3) The provisions of subsection (2) of this section do not apply  
34 to development regulations that apply only to designated landmarks or  
35 historic districts established under a local preservation ordinance.

36 (4) Any design review process must be conducted concurrently, or  
37 otherwise logically integrated, with the consolidated review and  
38 decision process for project permits set forth in RCW 36.70B.120(3),

1 and no design review process may include more than one public  
2 meeting.

3 (5) A county or city must comply with the requirements of this  
4 section (~~(beginning six months after its)~~) at the same time as the  
5 jurisdiction's next periodic comprehensive plan update required under  
6 RCW 36.70A.130.

7 **Sec. 3.** RCW 36.70A.635 and 2024 c 152 s 2 are each amended to  
8 read as follows:

9 (1) Except as provided in subsection (4) of this section, any  
10 city that is required or chooses to plan under RCW 36.70A.040 must  
11 provide by ordinance and incorporate into its development  
12 regulations, zoning regulations, and other official controls,  
13 authorization for the following:

14 (a) For cities with a population of at least 25,000 but less than  
15 75,000 based on office of financial management population estimates:

16 (i) The development of at least two units per lot on all lots  
17 zoned predominantly for residential use, unless zoning permitting  
18 higher densities or intensities applies;

19 (ii) The development of at least four units per lot on all lots  
20 zoned predominantly for residential use, unless zoning permitting  
21 higher densities or intensities applies, within one-quarter mile  
22 walking distance of a major transit stop; and

23 (iii) The development of at least four units per lot on all lots  
24 zoned predominantly for residential use, unless zoning permitting  
25 higher densities or intensities applies, if at least one unit is  
26 affordable housing.

27 (b) For cities with a population of at least 75,000 based on  
28 office of financial management population estimates:

29 (i) The development of at least four units per lot on all lots  
30 zoned predominantly for residential use, unless zoning permitting  
31 higher densities or intensities applies;

32 (ii) The development of at least six units per lot on all lots  
33 zoned predominantly for residential use, unless zoning permitting  
34 higher densities or intensities applies, within one-quarter mile  
35 walking distance of a major transit stop; and

36 (iii) The development of at least six units per lot on all lots  
37 zoned predominantly for residential use, unless zoning permitting  
38 higher densities or intensities applies, if at least two units are  
39 affordable housing.

1 (c) For cities with a population of less than 25,000, that are  
2 within a contiguous urban growth area with the largest city in a  
3 county with a population of more than 275,000, based on office of  
4 financial management population estimates the development of at least  
5 two units per lot on all lots zoned predominantly for residential  
6 use, unless zoning permitting higher densities or intensities  
7 applies.

8 (2)(a) To qualify for the additional units allowed under  
9 subsection (1) of this section, the applicant must commit to renting  
10 or selling the required number of units as affordable housing. The  
11 units must be maintained as affordable for a term of at least 50  
12 years, and the property must satisfy that commitment and all required  
13 affordability and income eligibility conditions adopted by the local  
14 government under this chapter. A city must require the applicant to  
15 record a covenant or deed restriction that ensures the continuing  
16 rental of units subject to these affordability requirements  
17 consistent with the conditions in chapter 84.14 RCW for a period of  
18 no less than 50 years. The covenant or deed restriction must also  
19 address criteria and policies to maintain public benefit if the  
20 property is converted to a use other than which continues to provide  
21 for permanently affordable housing.

22 (b) The units dedicated as affordable must be provided in a range  
23 of sizes comparable to other units in the development. To the extent  
24 practicable, the number of bedrooms in affordable units must be in  
25 the same proportion as the number of bedrooms in units within the  
26 entire development. The affordable units must generally be  
27 distributed throughout the development and have substantially the  
28 same functionality as the other units in the development.

29 (c) If a city has enacted a program under RCW 36.70A.540, the  
30 terms of that program govern to the extent they vary from the  
31 requirements of this subsection.

32 (3) If a city has enacted a program under RCW 36.70A.540,  
33 subsection (1) of this section does not preclude the city from  
34 requiring any development, including development described in  
35 subsection (1) of this section, to provide affordable housing, either  
36 on-site or through an in-lieu payment, nor limit the city's ability  
37 to expand such a program or modify its requirements.

38 (4)(a) As an alternative to the density requirements in  
39 subsection (1) of this section, a city may implement the density  
40 requirements in subsection (1) of this section for at least 75

1 percent of lots in the city that are primarily dedicated to single-  
2 family detached housing units.

3 (b) The 25 percent of lots for which the requirements of  
4 subsection (1) of this section are not implemented must include but  
5 are not limited to:

6 (i) Any areas within the city for which the department has  
7 certified an extension of the implementation timelines under RCW  
8 36.70A.637 due to the risk of displacement;

9 (ii) Any areas within the city for which the department has  
10 certified an extension of the implementation timelines under RCW  
11 36.70A.638 due to a lack of infrastructure capacity;

12 (iii) Any lots, parcels, and tracts designated with critical  
13 areas or their buffers that are exempt from the density requirements  
14 as provided in subsection (8) of this section;

15 (iv) Any portion of a city within a one-mile radius of a  
16 commercial airport with at least 9,000,000 annual enplanements that  
17 is exempt from the parking requirements under subsection (7)(b) of  
18 this section; and

19 (v) Any areas subject to sea level rise, increased flooding,  
20 susceptible to wildfires, or geological hazards over the next 100  
21 years.

22 (c) Unless identified as at higher risk of displacement under RCW  
23 36.70A.070(2)(g), the 25 percent of lots for which the requirements  
24 of subsection (1) of this section are not implemented may not  
25 include:

26 (i) Any areas for which the exclusion would further racially  
27 disparate impacts or result in zoning with a discriminatory effect;

28 (ii) Any areas within one-half mile walking distance of a major  
29 transit stop; or

30 (iii) Any areas historically covered by a covenant or deed  
31 restriction excluding racial minorities from owning property or  
32 living in the area, as known to the city at the time of each  
33 comprehensive plan update.

34 (5) A city subject to the requirements of subsection (1)(a) or  
35 (b) of this section must allow at least six of the nine types of  
36 middle housing to achieve the unit density required in subsection (1)  
37 of this section. A city may allow accessory dwelling units to achieve  
38 the unit density required in subsection (1) of this section. Cities  
39 are not required to allow accessory dwelling units or middle housing  
40 types beyond the density requirements in subsection (1) of this

1 section. A city must also allow zero lot line short subdivision where  
2 the number of lots created is equal to the unit density required in  
3 subsection (1) of this section.

4 (6) Any city subject to the requirements of this section:

5 (a) If applying design review for middle housing, only  
6 administrative design review shall be required;

7 (b) Except as provided in (a) of this subsection, shall not  
8 require through development regulations any standards for middle  
9 housing that are more restrictive than those required for detached  
10 single-family residences, but may apply any objective development  
11 regulations that are required for detached single-family residences,  
12 including, but not limited to, set-back, lot coverage, stormwater,  
13 clearing, and tree canopy and retention requirements;

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

20 (d) Shall not require off-street parking as a condition of  
21 permitting development of middle housing within one-half mile walking  
22 distance of a major transit stop;

23 (e) Shall not require more than one off-street parking space per  
24 unit as a condition of permitting development of middle housing on  
25 lots no greater than 6,000 square feet before any zero lot line  
26 subdivisions or lot splits;

27 (f) Shall not require more than two off-street parking spaces per  
28 unit as a condition of permitting development of middle housing on  
29 lots greater than 6,000 square feet before any zero lot line  
30 subdivisions or lot splits; and

31 (g) Are not required to achieve the per unit density under  
32 chapter 332, Laws of 2023 on lots after subdivision below 1,000  
33 square feet unless the city chooses to enact smaller allowable lot  
34 sizes.

35 (7) The provisions of subsection (6)(d) through (f) of this  
36 section do not apply:

37 (a) If a local government submits to the department an empirical  
38 study prepared by a credentialed transportation or land use planning  
39 expert that clearly demonstrates, and the department finds and  
40 certifies, that the application of the parking limitations of

1 subsection (6) (d) through (f) of this section for middle housing will  
2 be significantly less safe for vehicle drivers or passengers,  
3 pedestrians, or bicyclists than if the jurisdiction's parking  
4 requirements were applied to the same location for the same number of  
5 detached houses. The department must develop guidance to assist  
6 cities on items to include in the study; or

7 (b) To portions of cities within a one-mile radius of a  
8 commercial airport in Washington with at least 9,000,000 annual  
9 enplanements.

10 (8) The provisions of this section do not apply to:

11 (a) Portions of a lot, parcel, or tract designated with critical  
12 areas designated under RCW 36.70A.170 or their buffers as required by  
13 RCW 36.70A.170, except for critical aquifer recharge areas where a  
14 single-family detached house is an allowed use provided that any  
15 requirements to maintain aquifer recharge are met;

16 (b) Areas designated as sole-source aquifers by the United States  
17 environmental protection agency on islands in the Puget Sound;

18 (c) A watershed serving a reservoir for potable water if that  
19 watershed is or was listed, as of July 23, 2023, as impaired or  
20 threatened under section 303(d) of the federal clean water act (33  
21 U.S.C. Sec. 1313(d));

22 (d) Lots that have been designated urban separators by countywide  
23 planning policies as of July 23, 2023; or

24 (e) A lot that was created through the splitting of a single  
25 residential lot.

26 (9) Nothing in this section prohibits a city from permitting  
27 detached single-family residences.

28 (10) Nothing in this section requires a city to issue a building  
29 permit if other federal, state, and local requirements for a building  
30 permit are not met.

31 (11) A city must comply with the requirements of this section on  
32 the latter of:

33 (a) (~~Six months after its~~) Its next periodic comprehensive plan  
34 update required under RCW 36.70A.130 if the city meets the population  
35 threshold based on the 2020 office of financial management population  
36 data; or

37 (b) 12 months after their next implementation progress report  
38 required under RCW 36.70A.130 after a determination by the office of  
39 financial management that the city has reached a population threshold  
40 established under this section.

1 (12) A city complying with this section and not granted a  
2 timeline extension under RCW 36.70A.638 does not have to update its  
3 capital facilities plan element required by RCW 36.70A.070(3) to  
4 accommodate the increased housing required by chapter 332, Laws of  
5 2023 until the first periodic comprehensive plan update required for  
6 the city under RCW 36.70A.130(5) that occurs on or after June 30,  
7 2034.

8 (13) Until June 30, 2026, for cities subject to a growth target  
9 adopted under RCW 36.70A.210 that limit the maximum residential  
10 capacity of the jurisdiction, any additional residential capacity  
11 required by this section for lots, parcels, and tracts with critical  
12 areas or critical area buffers outside of critical areas or their  
13 buffers may not be considered an inconsistency with the countywide  
14 planning policies, multicounty planning policies, or growth targets  
15 adopted under RCW 36.70A.210.

16 **Sec. 4.** RCW 36.70A.680 and 2023 c 334 s 3 are each amended to  
17 read as follows:

18 (1)(a) Cities and counties planning under this chapter must adopt  
19 or amend by ordinance, and incorporate into their development  
20 regulations, zoning regulations, and other official controls the  
21 requirements of this section and of RCW 36.70A.681, to take effect  
22 (~~six months after~~) at the same time as the jurisdiction's next  
23 periodic comprehensive plan update required under RCW 36.70A.130.

24 (b) In any city or county that has not adopted or amended  
25 ordinances, regulations, or other official controls as required under  
26 this section, the requirements of this section and RCW 36.70A.681  
27 supersede, preempt, and invalidate any conflicting local development  
28 regulations.

29 (2) Ordinances, development regulations, and other official  
30 controls adopted or amended pursuant to this section and RCW  
31 36.70A.681 must only apply in the portions of towns, cities, and  
32 counties that are within urban growth areas designated under this  
33 chapter.

34 (3) Any action taken by a city or county to comply with the  
35 requirements of this section or RCW 36.70A.681 is not subject to  
36 legal challenge under this chapter or chapter 43.21C RCW.

37 (4) Nothing in this section or RCW 36.70A.681 requires or  
38 authorizes a city or county to authorize the construction of an  
39 accessory dwelling unit in a location where development is restricted

1 under other laws, rules, or ordinances as a result of physical  
2 proximity to on-site sewage system infrastructure, critical areas, or  
3 other unsuitable physical characteristics of a property.

4 (5) Nothing in this section or in RCW 36.70A.681 prohibits a city  
5 or county from:

6 (a) Restricting the use of accessory dwelling units for short-  
7 term rentals;

8 (b) Applying public health, safety, building code, and  
9 environmental permitting requirements to an accessory dwelling unit  
10 that would be applicable to the principal unit, including regulations  
11 to protect ground and surface waters from on-site wastewater;

12 (c) Applying generally applicable development regulations to the  
13 construction of an accessory unit, except when the application of  
14 such regulations would be contrary to this section or to RCW  
15 36.70A.681;

16 (d) Prohibiting the construction of accessory dwelling units on  
17 lots that are not connected to or served by public sewers; or

18 (e) Prohibiting or restricting the construction of accessory  
19 dwelling units in residential zones with a density of one dwelling  
20 unit per acre or less that are within areas designated as wetlands,  
21 fish and wildlife habitats, flood plains, or geologically hazardous  
22 areas.

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