
SUBSTITUTE SENATE BILL 5269

State of Washington

67th Legislature

2021 Regular Session

By Senate Housing & Local Government (originally sponsored by Senators Das, Lias, Kuderer, Nobles, Salomon, Wellman, and Wilson, C.)

READ FIRST TIME 02/12/21.

1 AN ACT Relating to including the value of increased residential
2 building capacity in the property tax levy limit calculation and
3 zoning for multifamily housing units; amending RCW 84.55.010; and
4 adding a new section chapter 36.70A RCW.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 36.70A
7 RCW to read as follows:

8 (1) Ordinances, development regulations, and other official
9 controls adopted pursuant to subsection (2) or (3) of this section
10 are only required to apply in the portions of cities and counties
11 that are within urban growth areas designated under this chapter.

12 (2)(a) To access the levy increase under RCW 84.55.010, all
13 eligible counties and cities must provide by ordinance and
14 incorporate into their development regulations, zoning regulations,
15 and other official controls, authorization for the development of
16 duplexes, triplexes, quadplexes, sixplexes, townhouses, and cottage
17 clusters in areas zoned for detached single-family residential use.

18 (i) Duplexes must be allowed on all lots or parcels;

19 (ii) Triplexes must be allowed on 80 percent of lots or parcels;

20 (iii) Quadplexes must be allowed on 70 percent of lots or
21 parcels;

1 (iv) Sixplexes must be allowed on 50 percent of lots or parcels;
2 (v) Townhouses must be allowed on 60 percent of lots or parcels;
3 and
4 (vi) Cottage clusters must be allowed on 70 percent of lots or
5 parcels.
6 (b) A middle housing type is considered "allowed" on a lot or
7 parcel when the following criteria are met:
8 (i) The middle housing type is a permitted use on that lot or
9 parcel under the same administrative process as a detached single-
10 family dwelling in the same zone;
11 (ii) The lot or parcel has sufficient square footage to allow the
12 middle housing type within the applicable minimum lot size
13 requirement;
14 (iii) Maximum density requirements do not prohibit the
15 development of the middle housing type on the subject lot or parcel;
16 and
17 (iv) The applicable siting or design standards do not
18 individually or cumulatively cause unreasonable costs, fees, or
19 delays to the development of that middle housing type.
20 (3) To access the levy increase under RCW 84.55.010, all eligible
21 counties and cities must provide by ordinance and incorporate into
22 their development regulations, zoning regulations, and other official
23 controls, the following parking regulations:
24 (a) For lots or parcels with a duplex, a city or county may not
25 require off-street parking spaces;
26 (b) For lots or parcels of less than 3,000 square feet, a city or
27 county may not require off-street parking spaces;
28 (c) For lots or parcels greater than or equal to 3,000 square
29 feet and less than 6,000 square feet, a city or county may not
30 require more than one off-street parking space total;
31 (d) For lots or parcels greater than or equal to 6,000 square
32 feet, a city or county may not require more than 0.5 times the number
33 of dwelling units on the lot;
34 (e) A city or county may not require more than 0.5 off-street
35 parking spaces per townhouse dwelling unit;
36 (f) A city or county may not require more than 0.5 off-street
37 parking spaces per dwelling unit in a cottage cluster;
38 (g) A city or county may allow on-street parking credits to
39 satisfy off-street parking requirements;

1 (h) A city or county may allow, but may not require, off-street
2 parking to be provided as a garage or carport; and

3 (i) A city or county must apply the same off-street parking
4 surfacing, dimensional, landscaping, access, and circulation
5 standards that apply to single-family detached dwellings in the same
6 zone.

7 (4) Nothing in this section prohibits cities or counties from
8 permitting single-family residences.

9 (5) Ordinances, amendments to development regulations, and other
10 nonproject actions taken by a city or county to implement the actions
11 specified in subsections (2) and (3) of this section are not subject
12 to administrative or judicial appeal under chapter 43.21C RCW.

13 (6) Ordinances, development regulations, and other official
14 controls adopted pursuant to subsection (2) or (3) of this section
15 apply to conversions of existing buildings in addition to new
16 developments.

17 (7) If adopted by December 31, 2025, amendments to development
18 regulations and other nonproject actions taken by a city or county to
19 implement this section are not subject to administrative, quasi-
20 judicial or judicial appeals under this chapter.

21 (8) For counties and cities not subject to the review and
22 evaluation requirements of RCW 36.70A.215, the requirements of
23 subsections (2) and (3) of this section will not apply if the
24 counties and cities adopt findings providing evidence that current
25 infrastructure is not capable of supporting such development or that
26 there is little likelihood that infrastructure will be built to
27 support such development within the 20-year planning period.

28 (9) For the purposes of this section:

29 (a) "Cottage clusters" means groupings of no fewer than four
30 detached housing units per acre with a footprint of less than 1200
31 square feet each and that include a common courtyard.

32 (b) "Eligible counties and cities" means all counties planning
33 under RCW 36.70A.040, and all cities located within a county planning
34 under RCW 36.70A.040.

35 (c) "Middle housing type" means duplexes, triplexes, quadplexes,
36 sixplexes, townhouses, and cottage clusters.

37 (d) "Townhouses" means a dwelling unit constructed in a row of
38 two or more attached units, where each dwelling unit is located on an
39 individual lot or parcel and shares at least one common wall with an
40 adjacent unit.

1 **Sec. 2.** RCW 84.55.010 and 2017 3rd sp.s. c 13 s 302 are each
2 amended to read as follows:

3 (1) Except as provided in this chapter, the levy for a taxing
4 district in any year must be set so that the regular property taxes
5 payable in the following year do not exceed the limit factor
6 multiplied by the amount of regular property taxes lawfully levied
7 for such district in the highest of the three most recent years in
8 which such taxes were levied for such district plus an additional
9 dollar amount calculated by multiplying the regular property tax levy
10 rate of that district for the preceding year by the increase in
11 assessed value in that district resulting from:

12 (a) New construction;

13 (b) Increases in assessed value due to construction of wind
14 turbine, solar, biomass, and geothermal facilities, if such
15 facilities generate electricity and the property is not included
16 elsewhere under this section for purposes of providing an additional
17 dollar amount. The property may be classified as real or personal
18 property;

19 (c) Improvements to property; ~~((and))~~

20 (d) Any increase in the assessed value of state-assessed
21 property; and

22 (e) Any increase in assessed value created under section 1 of
23 this act and not included elsewhere under this section for purposes
24 of providing an additional dollar amount.

25 (2) The requirements of this section do not apply to:

26 (a) State property taxes levied under RCW 84.52.065(1) for
27 collection in calendar years 2019 through 2021; and

28 (b) State property taxes levied under RCW 84.52.065(2) for
29 collection in calendar years 2018 through 2021.

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