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**SENATE BILL 5269**

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**State of Washington**

**67th Legislature**

**2021 Regular Session**

**By** Senators Das, Lias, Kuderer, Nobles, Salomon, Wellman, and Wilson, C.

Read first time 01/19/21. Referred to Committee on Housing & Local Government.

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

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

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

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

11 (2)(a) All counties planning under RCW 36.70A.040, and all cities  
12 located within a county planning under RCW 36.70A.040, must provide  
13 by ordinance and incorporate into their development regulations,  
14 zoning regulations, and other official controls, authorization for  
15 the development of duplexes, triplexes, quadplexes, sixplexes,  
16 townhouses, and cottage clusters in areas zoned for detached single-  
17 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) All counties planning under RCW 36.70A.040, and all cities  
21 located within a county planning under RCW 36.70A.040, must provide  
22 by ordinance and incorporate into their development regulations,  
23 zoning regulations, and other official controls, the following  
24 parking regulations:  
25 (a) For lots or parcels with a duplex, a city or county may not  
26 require off-street parking spaces;  
27 (b) For lots or parcels of less than 3,000 square feet, a city or  
28 county may not require off-street parking spaces;  
29 (c) For lots or parcels greater than or equal to 3,000 square  
30 feet and less than 6,000 square feet, a city or county may not  
31 require more than one off-street parking space total;  
32 (d) For lots or parcels greater than or equal to 6,000 square  
33 feet, a city or county may not require more than 0.5 times the number  
34 of dwelling units on the lot;  
35 (e) A city or county may not require more than 0.5 off-street  
36 parking spaces per townhouse dwelling unit;  
37 (f) A city or county may not require more than 0.5 off-street  
38 parking spaces per dwelling unit in a cottage cluster;  
39 (g) A city or county may allow on-street parking credits to  
40 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 the purposes of this section:

22 (a) "Cottage clusters" means groupings of no fewer than four  
23 detached housing units per acre with a footprint of less than 900  
24 square feet each and that include a common courtyard.

25 (b) "Townhouses" means a dwelling unit constructed in a row of  
26 two or more attached units, where each dwelling unit is located on an  
27 individual lot or parcel and shares at least one common wall with an  
28 adjacent unit.

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

31 (1) Except as provided in this chapter, the levy for a taxing  
32 district in any year must be set so that the regular property taxes  
33 payable in the following year do not exceed the limit factor  
34 multiplied by the amount of regular property taxes lawfully levied  
35 for such district in the highest of the three most recent years in  
36 which such taxes were levied for such district plus an additional  
37 dollar amount calculated by multiplying the regular property tax levy  
38 rate of that district for the preceding year by the increase in  
39 assessed value in that district resulting from:

1 (a) New construction;

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

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

9 (d) Any increase in the assessed value of state-assessed  
10 property; and

11 (e) For a period not to exceed three years, any increase in  
12 assessed value within a levy revenue base lift area created under  
13 section 1 of this act and not included elsewhere under this section  
14 for purposes of providing an additional dollar amount.

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

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

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

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