

ESHB 1293 - S COMM AMD

By Committee on Local Government, Land Use & Tribal Affairs

ADOPTED 04/11/2023

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

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 36.70A
4 RCW to read as follows:

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

9 (2) Except as provided in subsection (3) of this section,
10 counties and cities planning under RCW 36.70A.040 may apply in any
11 design review process only clear and objective development
12 regulations governing the exterior design of new development. For
13 purposes of this section, a clear and objective development
14 regulation:

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

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

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

24 (4) Any design review process must be conducted concurrently, or
25 otherwise logically integrated, with the consolidated review and
26 decision process for project permits set forth in RCW 36.70B.120(3),
27 and no design review process may include more than one public
28 meeting.

29 (5) A county or city must comply with the requirements of this
30 section beginning six months after its next periodic comprehensive
31 plan update required under RCW 36.70A.130.

1 **Sec. 2.** RCW 36.70B.160 and 1995 c 347 s 420 are each amended to
2 read as follows:

3 (1) Each local government is encouraged to adopt further project
4 review provisions to provide prompt, coordinated, and objective
5 review and ensure accountability to applicants and the public,
6 including expedited review for project permit applications for
7 projects that are consistent with adopted development regulations or
8 that include dwelling units that are affordable to low-income or
9 moderate-income households and within the capacity of systemwide
10 infrastructure improvements.

11 (2) Nothing in this chapter is intended or shall be construed to
12 prevent a local government from requiring a preapplication conference
13 or a public meeting by rule, ordinance, or resolution, where
14 otherwise required by applicable state law.

15 (3) Each local government shall adopt procedures to monitor and
16 enforce permit decisions and conditions.

17 (4) Nothing in this chapter modifies any independent statutory
18 authority for a government agency to appeal a project permit issued
19 by a local government.

20 (5) For the purposes of this section:

21 (a) A dwelling unit is affordable if it requires payment of
22 monthly housing costs, including utilities other than telephone, of
23 no more than 30 percent of the family's income.

24 (b) "Dwelling unit" means a residential living unit that provides
25 complete independent living facilities for one or more persons and
26 that includes permanent provisions for living, sleeping, eating,
27 cooking, and sanitation, and that is sold or rented separately from
28 other dwelling units.

29 (c) "Low-income household" means a single person, family, or
30 unrelated persons living together whose adjusted income is less than
31 80 percent of the median family income, adjusted for household size,
32 for the county where the household is located, as reported by the
33 United States department of housing and urban development, or less
34 than 80 percent of the city's median income if the project is located
35 in the city, the city has median income of more than 20 percent above
36 the county median income, and the city has adopted an alternative
37 local median income.

38 (d) "Moderate-income household" means a single person, family, or
39 unrelated persons living together whose adjusted income is at or
40 below 120 percent of the median household income, adjusted for

1 household size, for the county where the household is located, as
2 reported by the United States department of housing and urban
3 development, or less than 120 percent of the city's median income if
4 the project is located in the city, the city has median income of
5 more than 20 percent above the county median income, and the city has
6 adopted an alternative local median income."

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7 On page 1, line 2 of the title, after "regulations;" strike the
8 remainder of the title and insert "amending RCW 36.70B.160; and
9 adding a new section to chapter 36.70A RCW."

EFFECT: Removes the categorical exemption from the state environmental policy act for residential housing units within an urban growth area. Removes the provision that clear and objective review standards to the exterior of new development does not include residential housing. Removes the reference to the definition in the local project review code of public meeting.

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