
HOUSE BILL 1293

State of Washington

68th Legislature

2023 Regular Session

By Representatives Klicker, Leavitt, Barkis, Jacobsen, Waters, Chapman, Reed, and Graham

Read first time 01/13/23. Referred to Committee on Housing.

1 AN ACT Relating to streamlining development regulations; amending
2 RCW 43.21C.229 and 36.70B.160; and adding a new section to chapter
3 36.70A RCW.

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

5 **Sec. 1.** RCW 43.21C.229 and 2020 c 87 s 1 are each amended to
6 read as follows:

7 (1) ~~((In order))~~ The purpose of this section is to accommodate
8 infill and housing development and thereby realize the goals and
9 policies of comprehensive plans adopted according to chapter 36.70A
10 RCW ~~((, a))~~.

11 (2) A city or county planning under RCW 36.70A.040 is authorized
12 by this section to establish categorical exemptions from the
13 requirements of this chapter. ~~((An exemption adopted under this
14 section applies even if it differs from the categorical exemptions
15 adopted by rule of the department under RCW 43.21C.110(1)(a).))~~ An
16 exemption may be adopted by a city or county under this ~~((section))~~
17 subsection if it meets the following criteria:

18 (a) It categorically exempts government action related to
19 development proposed to fill in an urban growth area, designated
20 according to RCW 36.70A.110, where current density and intensity of
21 use in the area is roughly equal to or lower than called for in the

1 goals and policies of the applicable comprehensive plan and the
2 development is either:

3 (i) Residential development;

4 (ii) Mixed-use development; or

5 (iii) Commercial development up to (~~sixty-five thousand~~) 65,000
6 square feet, excluding retail development;

7 (b) It does not exempt government action related to development
8 that is inconsistent with the applicable comprehensive plan or would
9 clearly exceed the density or intensity of use called for in the
10 goals and policies of the applicable comprehensive plan;

11 (c) The local government considers the specific probable adverse
12 environmental impacts of the proposed action and determines that
13 these specific impacts are adequately addressed by the development
14 regulations or other applicable requirements of the comprehensive
15 plan, subarea plan element of the comprehensive plan, planned action
16 ordinance, or other local, state, or federal rules or laws; and

17 (d) (i) The city or county's applicable comprehensive plan was
18 previously subjected to environmental analysis through an
19 environmental impact statement under the requirements of this chapter
20 prior to adoption; or

21 (ii) The city or county has prepared an environmental impact
22 statement that considers the proposed use or density and intensity of
23 use in the area proposed for an exemption under this section.

24 (~~(2) Any~~) (3) All project actions that propose to develop one
25 or more residential housing units within an urban growth area
26 designated pursuant to RCW 36.70A.110 shall be categorically exempt
27 from the requirements of this chapter. A project action shall be
28 eligible for categorical exemption under this subsection only if it
29 meets the following criteria:

30 (a) The proposed development is not inconsistent with an
31 applicable comprehensive plan adopted according to chapter 36.70A RCW
32 by the jurisdiction in which the development is proposed;

33 (b) The proposed development would not exceed the density or
34 intensity of use called for in the goals and policies of that
35 applicable comprehensive plan; and

36 (c) (i) The city or county's applicable comprehensive plan was
37 previously subjected to environmental analysis through an
38 environmental impact statement under the requirements of this chapter
39 prior to adoption; or

1 (ii) The city or county has prepared an environmental impact
2 statement that considers the proposed use or density and intensity of
3 use in the area proposed for an exemption under this section.

4 (4) Any categorical exemption under this section applies even if
5 it differs from the categorical exemptions adopted by rule of the
6 department under RCW 43.21C.110(1)(a). However, any categorical
7 exemption ((adopted by a city or county)) under this section shall be
8 subject to the rules of the department adopted according to RCW
9 43.21C.110(1)(a) that provide exceptions to the use of categorical
10 exemptions adopted by the department.

11 NEW SECTION. Sec. 2. A new section is added to chapter 36.70A
12 RCW to read as follows:

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

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

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

26 (b) May not have the effect, either alone or together with other
27 development regulations, of discouraging needed housing through
28 unreasonable cost, delay, or uncertainty.

29 (3) The provisions of subsection (2) of this section do not apply
30 to development regulations that apply only to structures listed in
31 the Washington heritage register as described in RCW 27.34.220 or the
32 national register of historic places as defined in the national
33 historic preservation act of 1966 (Title 1, Sec. 101, Public Law
34 89-665; 80 Stat. 915; 16 U.S.C. Sec. 470) as now or hereafter
35 amended.

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 meeting
2 within the meaning of RCW 36.70B.020.

3 **Sec. 3.** RCW 36.70B.160 and 1995 c 347 s 420 are each amended to
4 read as follows:

5 (1) Each local government is encouraged to adopt further project
6 review provisions to provide prompt, coordinated and objective review
7 and ensure accountability to applicants and the public, including
8 expedited review for project permit applications for projects that
9 are consistent with adopted development regulations and within the
10 capacity of systemwide 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 permitted 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.

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