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**HOUSE BILL 1160**

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**State of Washington**

**69th Legislature**

**2025 Regular Session**

**By** Representatives Walen, Ramel, Leavitt, and Duerr

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1 AN ACT Relating to local government design review; and amending  
2 RCW 36.70B.020, 36.70A.630, and 36.70A.635.

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

4 **Sec. 1.** RCW 36.70B.020 and 2023 c 338 s 5 are each amended to  
5 read as follows:

6 Unless the context clearly requires otherwise, the definitions in  
7 this section apply throughout this chapter.

8 (1) "Closed record appeal" means an administrative appeal on the  
9 record to a local government body or officer, including the  
10 legislative body, following an open record hearing on a project  
11 permit application when the appeal is on the record with no or  
12 limited new evidence or information allowed to be submitted and only  
13 appeal argument allowed.

14 (2) "Local government" means a county, city, or town.

15 (3) "Open record hearing" means a hearing, conducted by a single  
16 hearing body or officer authorized by the local government to conduct  
17 such hearings, that creates the local government's record through  
18 testimony and submission of evidence and information, under  
19 procedures prescribed by the local government by ordinance or  
20 resolution. An open record hearing may be held prior to a local  
21 government's decision on a project permit to be known as an "open

1 record predecision hearing." An open record hearing may be held on an  
2 appeal, to be known as an "open record appeal hearing," if no open  
3 record predecision hearing has been held on the project permit.

4 (4) "Project permit" or "project permit application" means any  
5 land use or environmental permit or license required from a local  
6 government for a project action, including but not limited to  
7 subdivisions, binding site plans, planned unit developments,  
8 conditional uses, shoreline substantial development permits, site  
9 plan review, permits or approvals required by critical area  
10 ordinances, site-specific rezones which do not require a  
11 comprehensive plan amendment, but excluding the adoption or amendment  
12 of a comprehensive plan, subarea plan, or development regulations  
13 except as otherwise specifically included in this subsection.

14 (5) "Public meeting" means an informal meeting, hearing,  
15 workshop, or other public gathering of people to obtain comments from  
16 the public or other agencies on a proposed project permit prior to  
17 the local government's decision. A public meeting may include, but is  
18 not limited to, ~~((a design review or))~~ an architectural control board  
19 meeting, a special review district or community council meeting, or a  
20 scoping meeting on a draft environmental impact statement. A public  
21 meeting does not include an open record hearing. The proceedings at a  
22 public meeting may be recorded and a report or recommendation may be  
23 included in the local government's project permit application file.

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

26 (1) ~~((For purposes of this section, "design review" means a  
27 formally adopted local government process by which projects are  
28 reviewed for compliance with design standards for the type of use  
29 adopted through local ordinance.~~

30 ~~(2) Except as provided in subsection (3) of this section,  
31 counties and cities planning under RCW 36.70A.040 may apply in any  
32 design review process only clear and objective development  
33 regulations governing the exterior design of new development. For  
34 purposes of this section, a clear and objective development  
35 regulation:~~

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

1 ~~(b) May not result in a reduction in density, height, bulk, or~~  
2 ~~scale below the generally applicable development regulations for a~~  
3 ~~development proposal in the applicable zone.~~

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

7 ~~(4))~~ A local government planning under this chapter may not  
8 require the submission of more than one architectural drawing as a  
9 prerequisite to the review of a housing development permit  
10 application, and, when reviewing such an application, may only  
11 require administrative design review to determine compliance with any  
12 applicable design standards unless additional design review is  
13 otherwise required by state or federal law, or the developments  
14 involve the alteration or removal of a structure designated as a  
15 landmark or that is within a historic district established under a  
16 local preservation ordinance.

17 (2) Any design review process must be conducted concurrently, or  
18 otherwise logically integrated, with the consolidated review and  
19 decision process for project permits set forth in RCW 36.70B.120(3)  
20 ((, and no design review process may include more than one public  
21 meeting)).

22 ~~((5))~~ (3) A county or city must comply with the requirements of  
23 this section beginning the sooner of six months after its next  
24 periodic comprehensive plan update required under RCW 36.70A.130 or  
25 six months after its next implementation progress report required  
26 under RCW 36.70A.130.

27 (4) For the purposes of this section, "housing development" means  
28 a proposed or existing structure that is used as a home, residence,  
29 or place to sleep by one or more persons including, but not limited  
30 to, single-family residences, manufactured homes, multifamily  
31 housing, group homes, and foster care facilities.

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

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

1 (a) For cities with a population of at least 25,000 but less than  
2 75,000 based on office of financial management population estimates:

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

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

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

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

16 (i) The development of at least four 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 six 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 six units per lot on all lots  
24 zoned predominantly for residential use, unless zoning permitting  
25 higher densities or intensities applies, if at least two units are  
26 affordable housing.

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

34 (2)(a) To qualify for the additional units allowed under  
35 subsection (1) of this section, the applicant must commit to renting  
36 or selling the required number of units as affordable housing. The  
37 units must be maintained as affordable for a term of at least 50  
38 years, and the property must satisfy that commitment and all required  
39 affordability and income eligibility conditions adopted by the local  
40 government under this chapter. A city must require the applicant to

1 record a covenant or deed restriction that ensures the continuing  
2 rental of units subject to these affordability requirements  
3 consistent with the conditions in chapter 84.14 RCW for a period of  
4 no less than 50 years. The covenant or deed restriction must also  
5 address criteria and policies to maintain public benefit if the  
6 property is converted to a use other than which continues to provide  
7 for permanently affordable housing.

8 (b) The units dedicated as affordable must be provided in a range  
9 of sizes comparable to other units in the development. To the extent  
10 practicable, the number of bedrooms in affordable units must be in  
11 the same proportion as the number of bedrooms in units within the  
12 entire development. The affordable units must generally be  
13 distributed throughout the development and have substantially the  
14 same functionality as the other units in the development.

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

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

24 (4)(a) As an alternative to the density requirements in  
25 subsection (1) of this section, a city may implement the density  
26 requirements in subsection (1) of this section for at least 75  
27 percent of lots in the city that are primarily dedicated to single-  
28 family detached housing units.

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

32 (i) Any areas within the city for which the department has  
33 certified an extension of the implementation timelines under RCW  
34 36.70A.637 due to the risk of displacement;

35 (ii) Any areas within the city for which the department has  
36 certified an extension of the implementation timelines under RCW  
37 36.70A.638 due to a lack of infrastructure capacity;

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

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

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

8 (c) Unless identified as at higher risk of displacement under RCW  
9 36.70A.070(2)(g), the 25 percent of lots for which the requirements  
10 of subsection (1) of this section are not implemented may not  
11 include:

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

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

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

20 (5) A city subject to the requirements of subsection (1)(a) or  
21 (b) of this section must allow at least six of the nine types of  
22 middle housing to achieve the unit density required in subsection (1)  
23 of this section. A city may allow accessory dwelling units to achieve  
24 the unit density required in subsection (1) of this section. Cities  
25 are not required to allow accessory dwelling units or middle housing  
26 types beyond the density requirements in subsection (1) of this  
27 section. A city must also allow zero lot line short subdivision where  
28 the number of lots created is equal to the unit density required in  
29 subsection (1) of this section.

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

31 (a) ~~((If applying design review for middle housing, only  
32 administrative design review shall be required;~~

33 ~~(b) Except as provided in (a) of this subsection, shall))~~ Shall  
34 not require through development regulations any standards for middle  
35 housing that are more restrictive than those required for detached  
36 single-family residences, but may apply any objective development  
37 regulations that are required for detached single-family residences,  
38 including, but not limited to, set-back, lot coverage, stormwater,  
39 clearing, and tree canopy and retention requirements;

1       ~~((e))~~ (b) Shall apply to middle housing the same development  
2 permit and environmental review processes that apply to detached  
3 single-family residences, unless otherwise required by state law  
4 including, but not limited to, shoreline regulations under chapter  
5 90.58 RCW, building codes under chapter 19.27 RCW, energy codes under  
6 chapter 19.27A RCW, or electrical codes under chapter 19.28 RCW;

7       ~~((d))~~ (c) Shall not require off-street parking as a condition  
8 of permitting development of middle housing within one-half mile  
9 walking distance of a major transit stop;

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

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

18       ~~((g))~~ (f) Are not required to achieve the per unit density  
19 under chapter 332, Laws of 2023 on lots after subdivision below 1,000  
20 square feet unless the city chooses to enact smaller allowable lot  
21 sizes.

22       (7) The provisions of subsection (6)~~((d))~~ (c) through ~~((f))~~  
23 (e) of this section do not apply:

24       (a) If a local government submits to the department an empirical  
25 study prepared by a credentialed transportation or land use planning  
26 expert that clearly demonstrates, and the department finds and  
27 certifies, that the application of the parking limitations of  
28 subsection (6)~~((d))~~ (c) through ~~((f))~~ (e) of this section for  
29 middle housing will be significantly less safe for vehicle drivers or  
30 passengers, pedestrians, or bicyclists than if the jurisdiction's  
31 parking requirements were applied to the same location for the same  
32 number of detached houses. The department must develop guidance to  
33 assist cities on items to include in the study; or

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

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

38       (a) Portions of a lot, parcel, or tract designated with critical  
39 areas designated under RCW 36.70A.170 or their buffers as required by  
40 RCW 36.70A.170, except for critical aquifer recharge areas where a

1 single-family detached house is an allowed use provided that any  
2 requirements to maintain aquifer recharge are met;

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

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

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

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

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

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

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

20 (a) Six months after its next periodic comprehensive plan update  
21 required under RCW 36.70A.130 if the city meets the population  
22 threshold based on the 2020 office of financial management population  
23 data; or

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

28 (12) A city complying with this section and not granted a  
29 timeline extension under RCW 36.70A.638 does not have to update its  
30 capital facilities plan element required by RCW 36.70A.070(3) to  
31 accommodate the increased housing required by chapter 332, Laws of  
32 2023 until the first periodic comprehensive plan update required for  
33 the city under RCW 36.70A.130(5) that occurs on or after June 30,  
34 2034.

35 (13) Until June 30, 2026, for cities subject to a growth target  
36 adopted under RCW 36.70A.210 that limit the maximum residential  
37 capacity of the jurisdiction, any additional residential capacity  
38 required by this section for lots, parcels, and tracts with critical  
39 areas or critical area buffers outside of critical areas or their  
40 buffers may not be considered an inconsistency with the countywide



1 planning policies, multicounty planning policies, or growth targets  
2 adopted under RCW 36.70A.210.

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