
ENGROSSED SENATE BILL 5471

State of Washington

69th Legislature

2025 Regular Session

By Senators Goehner, Bateman, Chapman, Frame, Lias, Nobles, and Saldaña

Read first time 01/23/25. Referred to Committee on Housing.

1 AN ACT Relating to authorizing middle housing in unincorporated
2 urban growth areas, certain limited areas of more intensive rural
3 development, and fully contained communities; reenacting and amending
4 RCW 43.21C.495 and 36.70A.280; and adding a new section to chapter
5 36.70A RCW.

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

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

9 Any county that is required or chooses to plan under RCW
10 36.70A.040 may provide by ordinance and incorporate into its
11 development regulations, zoning regulations, and other official
12 controls, authorization for the following:

13 (1)(a) Middle housing types on each parcel that permits single-
14 family residences in limited areas of more intensive rural
15 development designated according to the requirements in RCW
16 36.70A.070(5)(d)(i);

17 (b) If a county takes action authorized by this subsection, it
18 may not authorize more than 4 residential units per lot in limited
19 areas of more intensive rural development designated according to RCW
20 36.70A.070(5)(d)(i), and its development regulations must:

1 (i) Not require any standards for middle housing that are more
2 restrictive than those required for detached single-family
3 residences, but may apply any objective development regulations that
4 are required for detached single-family residences, including, but
5 not limited to, setback, lot coverage, stormwater, clearing, and tree
6 canopy and retention requirements;

7 (ii) Apply to middle housing the same development permit and
8 environmental review processes that apply to detached single-family
9 residences, unless otherwise required by state law, including, but
10 not limited to, shoreline regulations under chapter 90.58 RCW,
11 building codes under chapter 19.27 RCW, energy codes under chapter
12 19.27A RCW, or electrical codes under chapter 19.28 RCW; and

13 (iii) Require that middle housing in limited areas of more
14 intensive rural development be served by sewer service.

15 (2)(a) At least one middle housing unit on each parcel that
16 permits single-family residences in designated urban growth areas.

17 (b) If a county takes action authorized by this subsection, it
18 may not authorize more than four residential units per lot within the
19 designated urban growth area and its development regulations must:

20 (i) Not require any standards for middle housing that are more
21 restrictive than those required for detached single-family
22 residences, but may apply any objective development regulations that
23 are required for detached single-family residences, including, but
24 not limited to, setback, lot coverage, stormwater, clearing, and tree
25 canopy and retention requirements;

26 (ii) Apply to middle housing the same development permit and
27 environmental review processes that apply to detached single-family
28 residences, unless otherwise required by state law, including, but
29 not limited to, shoreline regulations under chapter 90.58 RCW,
30 building codes under chapter 19.27 RCW, energy codes under chapter
31 19.27A RCW, or electrical codes under chapter 19.28 RCW; and

32 (iii) Require that middle housing in designated urban growth
33 areas be served by water and sewer services.

34 **Sec. 2.** RCW 43.21C.495 and 2023 c 334 s 6 and 2023 c 332 s 8 are
35 each reenacted and amended to read as follows:

36 (1) Adoption of ordinances, development regulations and
37 amendments to such regulations, and other nonproject actions taken by
38 a city to implement: The actions specified in section 2, chapter 246,
39 Laws of 2022 unless the adoption of such ordinances, development

1 regulations and amendments to such regulations, or other nonproject
2 actions has a probable significant adverse impact on fish habitat;
3 and the increased residential building capacity actions identified in
4 RCW 36.70A.600(1), with the exception of the action specified in RCW
5 36.70A.600(1)(f), are not subject to administrative or judicial
6 appeals under this chapter.

7 (2) Amendments to development regulations and other nonproject
8 actions taken by a city to implement the requirements under RCW
9 36.70A.635 pursuant to RCW 36.70A.636(3)(b) are not subject to
10 administrative or judicial appeals under this chapter.

11 (3) Adoption of ordinances, development regulations and
12 amendments to such regulations, and other nonproject actions taken by
13 a city or county consistent with the requirements of RCW 36.70A.680
14 and 36.70A.681 are not subject to administrative or judicial appeals
15 under this chapter.

16 (4) Adoption of ordinances, development regulations, amendments
17 to such regulations, and other nonproject actions taken by a county
18 to implement section 1 of this act are not subject to administrative
19 or judicial appeals under this chapter.

20 **Sec. 3.** RCW 36.70A.280 and 2023 c 334 s 7, 2023 c 332 s 6, and
21 2023 c 228 s 7 are each reenacted and amended to read as follows:

22 (1) The growth management hearings board shall hear and determine
23 only those petitions alleging either:

24 (a) That, except as provided otherwise by this subsection, a
25 state agency, county, or city planning under this chapter is not in
26 compliance with the requirements of this chapter, chapter 90.58 RCW
27 as it relates to the adoption of shoreline master programs or
28 amendments thereto, or chapter 43.21C RCW as it relates to plans,
29 development regulations, or amendments, adopted under RCW 36.70A.040
30 or chapter 90.58 RCW. Nothing in this subsection authorizes the board
31 to hear petitions alleging noncompliance based on a city or county's
32 actions taken to implement the requirements of RCW 36.70A.680
33 (~~and~~), 36.70A.681, or section 1 of this act within an urban growth
34 area;

35 (b) That the 20-year growth management planning population
36 projections adopted by the office of financial management pursuant to
37 RCW 43.62.035 should be adjusted;

1 (c) That the approval of a work plan adopted under RCW
2 36.70A.735(1)(a) is not in compliance with the requirements of the
3 program established under RCW 36.70A.710;

4 (d) That regulations adopted under RCW 36.70A.735(1)(b) are not
5 regionally applicable and cannot be adopted, wholly or partially, by
6 another jurisdiction;

7 (e) That a department certification under RCW 36.70A.735(1)(c) is
8 erroneous;

9 (f) That the department's final decision to approve or reject a
10 proposed greenhouse gas emissions reduction subelement or amendments
11 by a local government planning under RCW 36.70A.040 was not in
12 compliance with the joint guidance issued by the department pursuant
13 to RCW 70A.45.120; or

14 (g) That the department's final decision to approve or reject
15 actions by a city implementing RCW 36.70A.635 is clearly erroneous.

16 (2) A petition may be filed only by: (a) The state, or a county
17 or city that plans under this chapter; (b) a person who has
18 participated orally or in writing before the county or city regarding
19 the matter on which a review is being requested; (c) a person who is
20 certified by the governor within 60 days of filing the request with
21 the board; or (d) a person qualified pursuant to RCW 34.05.530.

22 (3) For purposes of this section "person" means any individual,
23 partnership, corporation, association, state agency, governmental
24 subdivision or unit thereof, or public or private organization or
25 entity of any character.

26 (4) To establish participation standing under subsection (2)(b)
27 of this section, a person must show that his or her participation
28 before the county or city was reasonably related to the person's
29 issue as presented to the board.

30 (5) When considering a possible adjustment to a growth management
31 planning population projection prepared by the office of financial
32 management, the board shall consider the implications of any such
33 adjustment to the population forecast for the entire state.

34 The rationale for any adjustment that is adopted by the board
35 must be documented and filed with the office of financial management
36 within ten working days after adoption.

37 If adjusted by the board, a county growth management planning
38 population projection shall only be used for the planning purposes
39 set forth in this chapter and shall be known as the "board adjusted
40 population projection." None of these changes shall affect the

1 official state and county population forecasts prepared by the office
2 of financial management, which shall continue to be used for state
3 budget and planning purposes.

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