



MEDINA, WASHINGTON

PLANNING COMMISSION MEETING

Hybrid - Virtual/In-Person
Medina City Hall - Council Chambers
501 Evergreen Point Road, Medina, WA 98039
Tuesday, September 22, 2026 – 6:00 PM

AGENDA

COMMISSION CHAIR | Shawn Schubring

COMMISSION VICE-CHAIR | Brian Pao

COMMISSIONERS | Julie Barrett, Sandhya Edupuganti, Li-Tan Hsu, Evonne Lai, Mark Nelson

STAFF LIASON | Steven Wilcox, Development Services Director

DEVELOPMENT SERVICES COORDINATOR | Rebecca Bennett

Online Meeting Participation

The Medina Planning Commission offers both in-person and online meeting participation. If you will be participating online and wish to speak to the Commission at the meeting, please register with Medina's Development Services Coordinator prior to 2:00pm on the day of the Planning Commission meeting at 425.233.6414, or email rbennett@medina-wa.gov. You will be called by name or telephone number when it is your turn to speak. You will be allotted 3 minutes for your comments and will be asked to stop when the time limit is reached. The Commission will also accept your written comments. Written comments must be submitted by 2:00pm on the day of the Planning Commission meeting to the Development Services Coordinator.

Join Zoom Meeting

<https://medina-wa.zoom.us/j/83812503412?pwd=p4qSITsHHmVER3qutsNGzkGwQdLiD6.1>

Meeting ID: 838 1250 3412

Passcode: 068712

One tap mobile

+12532050468,,83812503412#,,,,*068712# US

+12532158782,,83812503412#,,,,*068712# US (Tacoma)

1. **CALL TO ORDER / ROLL CALL**

2. **APPROVAL OF MEETING AGENDA**

3. **APPROVAL OF MINUTES**

3.1 Planning Commission Meeting Minutes of August 25, 2026

Recommendation: Adopt Minutes

Staff Contact: Rebecca Bennett, Development Services Coordinator

4. **ANNOUNCEMENTS**

4.1 Staff/Commissioners

5. **PUBLIC COMMENT PERIOD**

Please see "Online Meeting Participation" above.

6. **DISCUSSION**

[6.1](#) Council Priorities Nos. 18-21

Recommendation: Discussion only

Staff Contact: Kim Gunderson, City Planning Consultant

Time Estimate: 1 hour 30 minutes

7. **ADJOURNMENT**

Next Planning Commission Meeting: October, 27, 2026 at 6:00 PM.

ADDITIONAL INFORMATION

Planning Commission meetings are normally conducted on the 4th Tuesday of the month at 6:00pm, unless otherwise scheduled. Please see the City of Medina website Meetings | Medina Washington for a current meeting schedule.

In compliance with the Americans with Disabilities Act, if you need an accommodation, including auxiliary aids or services, please contact the City Clerk's Office at (425) 233-6410 at least 48 hours prior to the meeting.

UPCOMING MEETINGS

~~Tuesday, October 27, 2026~~ - CANCELLED

Wednesday, November 18, 2026 (Special Meeting)

Tuesday, December 15, 2026 (Special Meeting)

Tuesday, January 26, 2027

Tuesday, February 23, 2027

Tuesday, March 23, 2027



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PLANNING COMMISSION MEETING

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 Medina City Hall - Council Chambers
 501 Evergreen Point Road, Medina, WA 98039
Tuesday, August 25, 2026 – 6:00 PM

MINUTES

1. CALL TO ORDER / ROLL CALL

Planning Commission Chair Shawn Schubring called the meeting of the Medina Planning Commission to order at 6:02p.m. in the Council Chambers.

PRESENT

Commission Chair Shawn Schubring
 Commissioner Julie Barrett
 Commissioner Sandhya Edupuganti (online)
 Commissioner Li-Tan Hsu (online)
 Commissioner Evonne Lai (online) (Arrived @ 6:38pm)
 Commissioner Mark Nelson (Departed @ 6:08pm)
 Commissioner Vice-Chair Brian Pao (online)

STAFF

Bennett, Gunderson, Robertson, Swanson, Wilcox

2. APPROVAL OF MEETING AGENDA

ACTION: Motion to approve the meeting agenda. Motion passed 5-0.

Motion made by Commissioner Barrett, Seconded by Commissioner Nelson.
 Voting Yea: Commission Chair Schubring, Commissioner Barrett, Commissioner Hsu,
 Commissioner Nelson, Commissioner Vice-Chair Pao
 Voting Abstaining: Commissioner Edupuganti

3. APPROVAL OF MINUTES

3.1 Planning Commission Meeting Minutes of July 28, 2026

Recommendation: Adopt Minutes

Staff Contact: Rebecca Bennett, Development Services Coordinator

ACTION: Motion to approve the meeting minutes. Motion passed 4-0.

Motion made by Commissioner Nelson, Seconded by Commissioner Barrett.
 Voting Yea: Commission Chair Schubring, Commissioner Barrett, Commissioner Hsu,
 Commissioner Nelson
 Voting Abstaining: Commissioner Vice-Chair Pao, Commissioner Edupuganti

4. ANNOUNCEMENTS

4.1 Staff/Commissioners

Development Services Coordinator Bennett announced that Special Meetings have been scheduled for November and December due to the holidays. The November meeting will be held on Wednesday, November 18, and the December meeting will be held on Tuesday, December 15.

5. PUBLIC COMMENT PERIOD

Chair Schubring opened the public comment period. None were heard. Chair Schubring closed the public comment period.

6. PUBLIC HEARING

6.1 Development Impacts Project, Phase 1

Recommendation: Discussion and Approval of Recommendation

Staff Contact: Kim Gunderson, City Planning Consultant

City Planning Consultant, Kim Gunderson, provided a brief summary regarding Development Impacts Project, Phase 1.

Chair Schubring opened the public hearing. The following people provided public testimony:

Brian Brand representing Baylis Architects
Tassie Christopher representing 7617 NE 8th St
Todd Bennett representing The Custom Home Company
Jerry Parrish representing 2827 Evergreen Point Road
Matt Mamiya representing Lochwood Lozier Custom Homes
Chris Koh representing 3257 Evergreen Point Road
Tyler Wilson representing Tyler Wilson Architects
Scott Hommas representing 300 Overlake Dr E
Cindy Spengler representing an 7804 NE 12th St

Chair Schubring closed the public hearing.

ACTION: Motion to recommend approval of the Development Impacts Project, Phase 1 Ordinance and to direct staff to forward the Planning Commission's recommendation to the City Council. Motion passed 6-0.

Motion made by Commissioner Hsu, Seconded by Commissioner Lai.
Voting Yea: Commission Chair Schubring, Commissioner Vice-Chair Pao,
Commissioner Barrett, Commissioner Edupuganti, Commissioner Hsu, Commissioner Lai

7. DISCUSSION

No discussion.

8. ADJOURNMENT

Meeting adjourned at 7:20pm

ACTION: Motion to adjourn. Motion passed 6-0.

Motion made by Commissioner Barrett, Seconded by Commissioner Vice-Chair Pao.
Voting Yea: Commission Chair Schubring, Commissioner Vice-Chair Pao,
Commissioner Barrett, Commissioner Edupuganti, Commissioner Hsu, Commissioner
Lai

Meeting minutes taken by Rebecca Bennett, Development Services Coordinator

DRAFT



MEDINA, WASHINGTON

Planning Commission

Tuesday September 22, 2026

Subject: Council Priorities Nos. 18-21

Planning Commission Action: Discussion item only. No action.

Staff Contact: Kim Gunderson, Medina Planning Consultant

Summary

The Washington state legislature has been active in recent years creating statutes that largely aim at addressing the availability of housing and affordable housing. In large part, these statutes require cities to adopt by ordinance provisions of House Bills (HBs) and Senate Bills (SBs) which have amended the zoning landscape in Washington cities, particularly those subject to the Growth Management Act (GMA). As a fully planning city under Washington's GMA, and as an incorporated code city, Medina is subject to complying with the requirements of these new statutes. The 2025-26 legislative session concluded with four bills passed into law that are required to be implemented in the Medina Municipal Code (MMC) by summer 2027: HB 1757, HB 1096, SB 5559, and SB 5509. Below is a summary of each new law:

HB/SB	RCW	Bill Summary
1757 Existing buildings used for residential purposes	35A.21.440 35.21.990	Related to the conversion of existing buildings for residential use, code cities may not: • Restrict density increases of up to 50% for housing units built within existing buildings, subject to building code and fire and life safety limitations. • Require off-street parking commensurate with added dwelling units in an existing building. • Require a change of use permit or other use-based permitting requirement for an existing building's residential conversion or use, except for transitional or emergency housing. • Impose design regulations, setbacks, FAR, or lot coverage requirements for residential use of an existing building beyond what applies in the underlying zone. • Impose exterior design requirements on residential use of an existing building beyond what's necessary for health and safety of the interior use of the structure, or to preserve character-defining streetscapes. • Prohibit housing units along major pedestrian corridors, except on the ground floor. • Require unchanged portions of a building used or previously permitted for residences to comply with current energy codes, or require changed portions of the building to comply with new energy codes except under certain instances. • Deny building permit application for the addition of housing units if nonconformities to parking, height, setbacks, etc. exist. • Require a transportation concurrency study or SEPA environmental study based on the addition of living units in an existing building.

<u>1096</u> Residential lot splitting	36.70A.635	In general, cities must allow a “parent lot” to be divided via an administrative process creating two lots, each of which must meet minimum density and lot size zoning standards. “Unbuildable lots” due to critical areas are not eligible for lot splits.
<u>5559</u> Unit lot subdivision	58.17.020 58.17.060	Cities are required to allow for unit lot subdivisions and unit lot short subdivisions, which are new ways to subdivide land that rely on a “parent lot” and “children lot” collectively meeting the minimum dimensional standards of a zone, rather than each individual lot needing to meet those requirements (as is typical in a traditional subdivision).
<u>5509</u> Siting of childcare centers	35.21.996	Cities must allow childcare centers, and the conversion of existing buildings into childcare centers, as an outright permitted use in all zones except industrial zones, light industrial zones, and open space zones. Cities may impose reasonable restrictions on the use, such as pick-up and drop-off areas.

Kim Gunderson of Mahoney Planning, LLC is under contract with the City of Medina to provide on-call current and long-range planning support services, and has been asked to present an introduction of these new laws to Planning Commission at its September 22, 2026 meeting. Kim will offer a summary of these bills and discuss the City’s requirement to amend its MMC implementing each bill. Further discussion on the particulars of MMC amendments to complete this project would commence following direction from Council for Planning Commission to recommend such amendments.

Attachment(s)

HB 1757
HB 1096
SB 5559
SB 5509

Proposed Planning Commission Motion:

Discussion item only. No action.



Council Priorities 18-21

Introduction of:

HB 1096

HB 1757

SB 5559

SB 5509

Mahoney Planning, LLC
Kimberly Gunderson, Principal

Medina Planning Commission
September 22, 2026

Agenda

01

Council Priorities 18-21

AGENDA ITEM 6.1

02

SB 5509 – Child Care
Centers

03

SB 5559 – Unit Lot
Subdivisions

04

HB 1096 – Residential Lot
Splitting

05

HB 1757 – Conversion of
Existing Buildings for
Residential Purposes

06

Timeline

07

Questions or Comments

Council Priorities 18-21

Implement into MMC, as required by RCW:

1. SB 5509 – Child Care Centers
2. SB 5559 – Unit Lot Subdivisions
3. HB 1096 – Residential Lot Splitting
4. HB 1757 – Conversion of Existing Buildings for Residential Purposes

SB 5509 – Child Care Centers

- Cities must allow child care centers as an outright permitted use in all zones except industrial and open space
- Reasonable restrictions on permit, including pick-up/drop-off areas are allowed
- Child care center means: “an agency that regularly provides early childhood education and early learning services for a group of children for periods of less than 24 hours.”
- “Agency” and “early learning services” also defined by RCW

SB 5559 – Unit Lot Subdivisions

- Cities must allow for unit lot short subdivisions (ULSS) and unit lot subdivisions (ULS)
- ULS means the subdivision of a “parent lot” into “unit lots” when the development standards applicable to the parent lot are met but subsequent unit lots may not all meet the development standards
- Portions of parent lot not used for unit lots must be owned in common by unit lot owners or an HOA
- Public notice is required. Pre-decision hearing or design review is prohibited.
- Cities must accept ULS/ULSS applications even if the deadline for implementing SB 5559 is missed

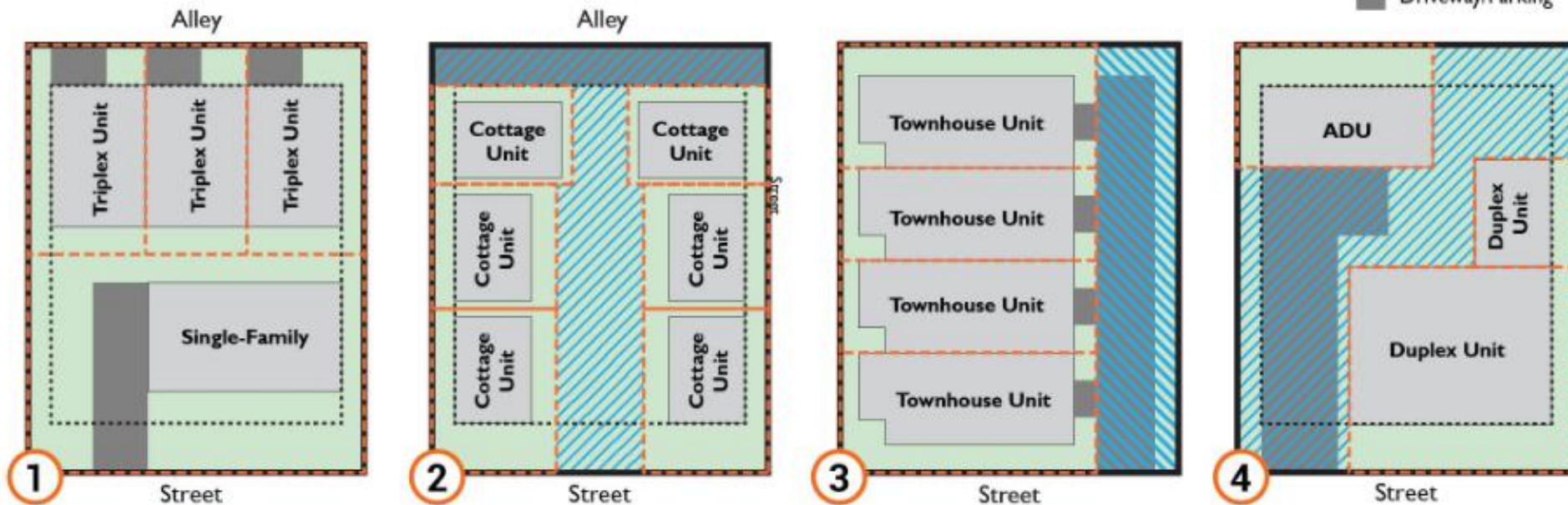
SB 5559 – Unit Lot Subdivisions

- Decision based only on “clear and objective design and development standards”
- “Clear and objective design and development standards” means locally adopted development regulations that involve no personal or subjective judgment by a public official, and are ascertainable by reference to measurable written or graphic criteria available and knowable to the permit applicant, the public, and public officials prior to submittal.

SB 5559 – Unit Lot Subdivisions

The examples illustrate how setbacks apply to a parent lot and unit lots.

1. Preserved single-family house with three attached units built in the back yard.
2. A cottage cluster development with a shared open space.
3. A townhouse development with a shared driveway.
4. A duplex with an accessory dwelling unit (ADU) on its own unit lot.



HB 1096 – Residential Lot Splitting

- Cities must allow “parent lot” to be divided via administrative process creating two lots
- Each lot must meet minimum density and lot size zoning standards
- Lot splits inapplicable to lots “unbuildable” due to critical areas, shorelines, impervious surface areas, setbacks, structural coverage, and stormwater regulations
- Decision on application must be rendered by Director/designee
- Cannot include design review or pre-decision hearing
- Decision **must** be approved and cannot be subject to administrative appeal if application complies with lot splitting rules set forth in HB

HB 1096 – Residential Lot Splitting

- Cities may condition lot split upon dedication of ROW if required under codes/standards, or upon construction of frontage improvements to ROW
- Cities may not limit no. of dwelling units allowed on both lots that is less than allowed by zone
- Lots that undergo administrative lot split cannot undergo the process twice
- If lot split would create lots sized for further land division, lot split cannot be used (different subdivision process required)
- Survey of lot split required to be recorded with County

HB 1757 – Conversion of Existing Buildings for Residential Purposes

AGENDA ITEM 6.1

- Applies to all commercial, mixed use, and residential zones
- Cities may not:
 - Restrict density increases of up to 50% for housing units built within existing buildings, subject to building code and fire and life safety limitations.
 - Require off-street parking commensurate with added dwelling units in an existing building.
 - Require a change of use permit or other use-based permitting requirement for an existing building's residential conversion or use, except for transitional or emergency housing.
 - Impose design regulations, setbacks, FAR, or lot coverage requirements for residential use of an existing building beyond what applies in the underlying zone.

HB 1757 – Conversion of Existing Buildings for Residential Purposes

AGENDA ITEM 6.1

- Cities may not (cont.):
 - Impose exterior design requirements on residential use of an existing building beyond what's necessary for health and safety of the interior use of the structure, or to preserve character-defining streetscapes.
 - Prohibit housing units along major pedestrian corridors, except on the ground floor.
 - Require unchanged portions of a building used or previously permitted for residences to comply with current energy codes, or require changed portions of the building to comply with new energy codes except under certain instances.
 - Deny building permit application for the addition of housing units if nonconformities to parking, height, setbacks, etc. exist.
 - Require a transportation concurrency study or SEPA environmental study based on the addition of living units in an existing building.

Timeline

HB/SB	Deadline for MMC Implementation
HB 1096 Residential Lot Splitting	July 27, 2027
HB 1757 Conversion of Existing Buildings for Residential Purposes	June 30, 2026
SB 5509 Child Care Centers	July 27, 2027
SB 5559 Unit Lot Subdivision	July 27, 2027

Questions or Comments?

Please offer any thoughts or questions on the introduction of these HBs and SBs.

Thank you!

CERTIFICATION OF ENROLLMENT

ENGROSSED SUBSTITUTE SENATE BILL 5509

Chapter 276, Laws of 2025

69th Legislature
2025 Regular Session

CHILD CARE CENTERS—ZONING

EFFECTIVE DATE: July 27, 2025

Passed by the Senate March 6, 2025
Yeas 42 Nays 7

DENNY HECK

President of the Senate

Passed by the House April 10, 2025
Yeas 95 Nays 0

LAURIE JINKINS

**Speaker of the House of
Representatives**

Approved May 13, 2025 10:51 AM

BOB FERGUSON

Governor of the State of Washington

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 5509** as passed by the Senate and the House of Representatives on the dates hereon set forth.

SARAH BANNISTER

Secretary

FILED

May 14, 2025

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 5509

Passed Legislature - 2025 Regular Session

State of Washington

69th Legislature

2025 Regular Session

By Senate Local Government (originally sponsored by Senators Alvarado, Salomon, Bateman, Conway, Nobles, Saldaña, Trudeau, Valdez, and C. Wilson)

READ FIRST TIME 02/14/25.

1 AN ACT Relating to the siting of child care centers; adding a new
2 section to chapter 35.21 RCW; and adding a new section to chapter
3 35A.21 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 35.21
6 RCW to read as follows:

7 (1) Cities and towns must allow child care centers, and the
8 conversion of existing buildings for use as child care centers, as an
9 outright permitted use in all zones except industrial zones, light
10 industrial zones, and open space zones.

11 (2) Cities may impose reasonable restrictions on the permit,
12 including pickup and drop-off areas.

13 (3) Cities that plan under the growth management act and that are
14 required to submit their next comprehensive plan update in 2027
15 pursuant to RCW 36.70A.130 must adopt or amend by ordinance, and
16 incorporate into their development regulations, zoning regulations,
17 and other official controls, the requirements of this section in
18 their next comprehensive plan update. All other cities must implement
19 the requirements of this section within two years of the effective
20 date of this section.

(4) Nothing in this section limits a city from allowing child care centers in other zones, including industrial zones or light industrial zones. A city must provide for a conditional use approval of an on-site child care center in industrial or light industrial zones, except in or around high hazard facilities.

(5) For the purposes of this section, "child care centers" has the same meaning as in RCW 43.216.010.

NEW SECTION. **Sec. 2.** A new section is added to chapter 35A.21 RCW to read as follows:

(1) Code cities and towns must allow child care centers, and the conversion of existing buildings for use as child care centers, as an outright permitted use in all zones except industrial zones, light industrial zones, and open space zones.

(2) Code cities may impose reasonable restrictions on the permit, including pickup and drop-off areas.

(3) Code cities that plan under the growth management act and that are required to submit their next comprehensive plan update in 2027 pursuant to RCW 36.70A.130 must adopt or amend by ordinance, and incorporate into their development regulations, zoning regulations, and other official controls, the requirements of this section in their next comprehensive plan update. All other code cities must implement the requirements of this section within two years of the effective date of this section.

(4) Nothing in this section limits a code city from allowing child care centers in other zones, including industrial zones or light industrial zones. A code city must provide for a conditional use approval of an on-site child care center in industrial or light industrial zones, except in or around high hazard facilities.

(5) For the purposes of this section, "child care centers" has the same meaning as in RCW 43.216.010.

Passed by the Senate March 6, 2025.

Passed by the House April 10, 2025.

Approved by the Governor May 13, 2025.

Filed in Office of Secretary of State May 14, 2025.

--- END ---

CERTIFICATION OF ENROLLMENT

ENGROSSED SENATE BILL 5559

Chapter 271, Laws of 2025

69th Legislature
2025 Regular Session

UNIT LOT SUBDIVISIONS—LOCAL GOVERNMENT PROCEDURES

EFFECTIVE DATE: July 27, 2025

Passed by the Senate April 21, 2025
Yeas 48 Nays 0

JOHN LOVICK

President of the Senate

Passed by the House April 10, 2025
Yeas 95 Nays 0

LAURIE JINKINS

**Speaker of the House of
Representatives**

Approved May 13, 2025 10:37 AM

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SENATE BILL 5559** as passed by the Senate and the House of Representatives on the dates hereon set forth.

SARAH BANNISTER

Secretary

FILED

May 14, 2025

BOB FERGUSON

Governor of the State of Washington

**Secretary of State
State of Washington**

ENGROSSED SENATE BILL 5559

AS AMENDED BY THE HOUSE

Passed Legislature - 2025 Regular Session

State of Washington 69th Legislature 2025 Regular Session**By** Senators Lovelett, Nobles, and Trudeau

Read first time 01/28/25. Referred to Committee on Local Government.

1 AN ACT Relating to streamlining the subdivision process inside
2 urban growth areas; and amending RCW 58.17.020 and 58.17.060.

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

4 **Sec. 1.** RCW 58.17.020 and 2002 c 262 s 1 are each amended to
5 read as follows:

6 As used in this chapter, unless the context or subject matter
7 clearly requires otherwise, the words or phrases defined in this
8 section shall have the indicated meanings.

9 (1) "Subdivision" is the division or redivision of land into five
10 or more lots, tracts, parcels, sites, or divisions for the purpose of
11 sale, lease, or transfer of ownership, except as provided in
12 subsection (6) of this section.

13 (2) "Plat" is a map or representation of a subdivision, showing
14 thereon the division of a tract or parcel of land into lots, blocks,
15 streets and alleys, or other divisions and dedications.

16 (3) "Dedication" is the deliberate appropriation of land by an
17 owner for any general and public uses, reserving to himself or
18 herself no other rights than such as are compatible with the full
19 exercise and enjoyment of the public uses to which the property has
20 been devoted. The intention to dedicate shall be evidenced by the
21 owner by the presentment for filing of a final plat or short plat

1 showing the dedication thereon; and, the acceptance by the
2 shall be evidenced by the approval of such plat for filing by the
3 appropriate governmental unit.

4 A dedication of an area of less than two acres for use as a
5 public park may include a designation of a name for the park, in
6 honor of a deceased individual of good character.

7 (4) "Preliminary plat" is a neat and approximate drawing of a
8 proposed subdivision showing the general layout of streets and
9 alleys, lots, blocks, and other elements of a subdivision consistent
10 with the requirements of this chapter. The preliminary plat shall be
11 the basis for the approval or disapproval of the general layout of a
12 subdivision.

13 (5) "Final plat" is the final drawing of the subdivision and
14 dedication prepared for filing for record with the county auditor and
15 containing all elements and requirements set forth in this chapter
16 and in local regulations adopted under this chapter.

17 (6) "Short subdivision" is the division or redivision of land
18 into four or fewer lots, tracts, parcels, sites, or divisions for the
19 purpose of sale, lease, or transfer of ownership. However, the
20 legislative authority of any city or town may by local ordinance
21 increase the number of lots, tracts, or parcels to be regulated as
22 short subdivisions to a maximum of nine. The legislative authority of
23 any county planning under RCW 36.70A.040 that has adopted a
24 comprehensive plan and development regulations in compliance with
25 chapter 36.70A RCW may by ordinance increase the number of lots,
26 tracts, or parcels to be regulated as short subdivisions to a maximum
27 of nine in any urban growth area.

28 (7) "Binding site plan" means a drawing to a scale specified by
29 local ordinance which: (a) Identifies and shows the areas and
30 locations of all streets, roads, improvements, utilities, open
31 spaces, and any other matters specified by local regulations; (b)
32 contains inscriptions or attachments setting forth such appropriate
33 limitations and conditions for the use of the land as are established
34 by the local government body having authority to approve the site
35 plan; and (c) contains provisions making any development be in
36 conformity with the site plan.

37 (8) "Short plat" is the map or representation of a short
38 subdivision.

39 (9) "Lot" is a fractional part of divided lands having fixed
40 boundaries, being of sufficient area and dimension to meet minimum

zoning requirements for width and area. The term shall include or parcels.

(10) "Block" is a group of lots, tracts, or parcels within well defined and fixed boundaries.

(11) "County treasurer" shall be as defined in chapter 36.29 RCW or the office or person assigned such duties under a county charter.

(12) "County auditor" shall be as defined in chapter 36.22 RCW or the office or person assigned such duties under a county charter.

(13) "County road engineer" shall be as defined in chapter 36.40 RCW or the office or person assigned such duties under a county charter.

(14) "Planning commission" means that body as defined in chapter 36.70, 35.63, or 35A.63 RCW as designated by the legislative body to perform a planning function or that body assigned such duties and responsibilities under a city or county charter.

(15) "County commissioner" shall be as defined in chapter 36.32 RCW or the body assigned such duties under a county charter.

(16) "Parent lot" means a residential lot that is subdivided into unit lots through the unit lot subdivision process.

(17) "Unit lot" means a subdivided lot within a residential development as created from a parent lot and approved through the unit lot subdivision process.

(18) "Unit lot subdivision" means a subdivision or short subdivision proposed as part of a residential development project that meets the development standards applicable to the parent lot at the time the application is vested, but which may result in development on one or more individual unit lots becoming nonconforming as to specified land use and development standards based on the analysis of the individual unit lot. By June 30, 2026, all unit lot subdivisions shall require notification to purchasers of their legal status as further described in RCW 58.17.060.

(19) "Clear and objective design and development standards" means locally adopted development regulations that involve no personal or subjective judgment by a public official, and are ascertainable by reference to measurable written or graphic criteria available and knowable to the permit applicant, the public, and public officials prior to submittal.

Sec. 2. RCW 58.17.060 and 2023 c 337 s 11 are each amended to read as follows:

(1) The legislative body of a city, town, or county shall regulate regulations and procedures, and appoint administrative personnel for the summary approval of short plats and short subdivisions or alteration or vacation thereof. When an alteration or vacation involves a public dedication, the alteration or vacation shall be processed as provided in RCW 58.17.212 or 58.17.215. Such regulations shall be adopted by ordinance and shall provide that a short plat and short subdivision may be approved only if written findings that are appropriate, as provided in RCW 58.17.110, are made by the administrative personnel, and may contain wholly different requirements than those governing the approval of preliminary and final plats of subdivisions and may require surveys and monumentations and shall require filing of a short plat, or alteration or vacation thereof, for record in the office of the county auditor: PROVIDED, That such regulations must contain a requirement that land in short subdivisions may not be further divided in any manner within a period of five years without the filing of a final plat, except that when the short plat contains fewer than four parcels, nothing in this section shall prevent the owner who filed the short plat from filing an alteration within the five-year period to create up to a total of four lots within the original short plat boundaries: PROVIDED FURTHER, That such regulations are not required to contain a penalty clause as provided in RCW 36.32.120 and may provide for wholly injunctive relief.

An ordinance requiring a survey shall require that the survey be completed and filed with the application for approval of the short subdivision.

(2) Cities, towns, and counties shall include in their short plat regulations and procedures pursuant to subsection (1) of this section provisions for considering sidewalks and other planning features that assure safe walking conditions for students who walk to and from school.

(3) All cities((~~r~~)) and towns(~~(, and counties shall include in their short plat regulations))~~ located in a county planning under RCW 36.70A.040 shall adopt or enact procedures for unit lot subdivisions (~~((allowing division of a parent lot into separately owned unit lots))~~). Portions of the parent lot not subdivided for individual unit lots shall be owned in common by the owners of the individual unit lots, or by a homeowners' association comprised of the owners of the individual unit lots.

1 (a) These procedures shall include, at a minimum, the re
2 that prominent informational notes be placed on the unit lot
3 subdivision's plat, and recorded in the county or counties in which
4 such land is located, to acknowledge each of the following:

5 (i) Approval of the design and layout of the unit lot's housing
6 development project was granted based on detailed review of that
7 specified project, as a whole, on the parent lot, including specific
8 reference to the applicable permit or file number for that specified
9 project;

10 (ii) Subsequent subdivision actions, additions, or modifications
11 to the unit lot housing development project's structures may not
12 create or increase any nonconformity of the parent lot as a whole,
13 and shall conform to the approved unit lot housing development
14 project or to the land use and development standards in effect at the
15 time of the proposed actions, additions, or modifications;

16 (iii) If a structure or portion of a structure within the unit lot
17 housing development project has been damaged or destroyed, any
18 repair, reconstruction, or replacement of any structure shall conform
19 to the approved unit lot housing development project or to the land
20 use and development standards in effect at the time the proposed
21 repair, reconstruction, or replacement project's permit application
22 becomes vested; and

23 (iv) Additional development or redevelopment of the individual
24 unit lots may be limited as a result of the application of
25 development standards to the parent lot.

26 (b) These procedures shall also:

27 (i) Not require any public predecision meeting or hearing, nor
28 any design review other than administrative design review, except for
29 those required to comply with state law, including chapter 90.58 RCW.
30 A city must ensure that the community and property owners within 250
31 feet of the unit lot to be subdivided are provided notice consistent
32 with RCW 36.70B.110 of how to provide written comments to the
33 administrative decision maker, including through notice posted on the
34 closest public sidewalk or roadway;

35 (ii) Apply only clear and objective design and development
36 standards;

37 (iii) Be logically integrated with the application, review, and
38 approval procedures that apply to the underlying unit lot housing
39 development project to the greatest extent feasible; and

1 (iv) Be specifically subject to the maximum time period
2 government actions as set forth in RCW 36.70B.080, unless extended
3 pursuant to project-specific mutual agreement as permitted by RCW
4 36.70B.080.

5 (c) After the deadlines in (e) of this subsection, no city or
6 town subject to this section may decline to accept, process, or
7 approve an application for a unit lot subdivision, consistent with
8 the procedural requirements of (a) and (b) of this subsection, solely
9 because that city or town has not completed adoption or enactment of
10 the procedures required under this section.

11 (d) Nothing in this section:

12 (i) Prohibits a city or county from applying public health,
13 safety, building code, and environmental permitting requirements to a
14 development project that is subject to or integrated with a unit lot
15 subdivision process;

16 (ii) Requires a city or county to authorize a development project
17 or a unit lot subdivision in a location where development is
18 restricted under other laws, rules, or ordinances, such as in
19 locations where development is limited as a result of physical
20 proximity to on-site sewage system infrastructure, critical areas, or
21 other unsuitable physical characteristics of a property.

22 (e) Cities and towns that are required to submit their next
23 comprehensive plan update in 2027 pursuant to RCW 36.70A.130 must
24 adopt or amend by ordinance, and incorporate into their development
25 regulations, zoning regulations, and other official controls, the
26 requirements of this section in their next comprehensive plan update.
27 All other cities and towns must implement the requirements of this
28 section within two years of the effective date of this section.

29 (f) Nothing in this subsection alters the vesting requirements
30 set forth in RCW 58.17.033.

Passed by the Senate April 21, 2025.

Passed by the House April 10, 2025.

Approved by the Governor May 13, 2025.

Filed in Office of Secretary of State May 14, 2025.

--- END ---

CERTIFICATION OF ENROLLMENT

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1096

Chapter 301, Laws of 2025

69th Legislature
2025 Regular Session

RESIDENTIAL LOT SPLITTING

EFFECTIVE DATE: July 27, 2025

Passed by the House April 27, 2025
Yeas 94 Nays 4

LAURIE JINKINS

**Speaker of the House of
Representatives**

Passed by the Senate April 14, 2025
Yeas 43 Nays 4

DENNY HECK

President of the Senate

Approved May 17, 2025 11:25 AM

BOB FERGUSON

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1096** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

May 19, 2025

**Secretary of State
State of Washington**

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1096

AS AMENDED BY THE SENATE

Passed Legislature - 2025 Regular Session

State of Washington

69th Legislature

2025 Regular Session

By House Appropriations (originally sponsored by Representatives Barkis, Ryu, Connors, Leavitt, Klicker, Reed, Fitzgibbon, Richards, Couture, Macri, Callan, Doglio, Bronoske, Tharinger, Wylie, Duerr, Timmons, Ormsby, Fosse, Stonier, Bernbaum, and Hill)

READ FIRST TIME 02/21/25.

1 AN ACT Relating to increasing housing options through lot
2 splitting; amending RCW 36.70A.635; adding a new section to chapter
3 58.17 RCW; and creating new sections.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that allowing an
6 existing residential lot to be split to create a new residential lot
7 through a simple, administrative process can offer many advantages to
8 both the existing homeowner and to prospective homebuyers. The
9 legislature further finds that administrative lot splitting can
10 provide current owners the opportunity to maintain homeownership in
11 changing life circumstances while facilitating development of middle
12 housing to provide homebuyers, including first-time homebuyers, with
13 more affordable ownership opportunities. The legislature also finds
14 that lot splitting can be combined with the review of a residential
15 building permit application to create a single integrated process
16 benefiting both homeowners and cities. Therefore, it is the intent of
17 the legislature to ease restrictions on, and expand opportunities
18 for, lot splitting in cities.

19 NEW SECTION. **Sec. 2.** A new section is added to chapter 58.17
20 RCW to read as follows:

1 (1) Cities shall include in their development regul
2 process through which an applicant can seek review and approval of an
3 administrative lot split, which may be combined with concurrent
4 review of a residential building permit to create new middle housing,
5 as defined in RCW 36.70A.030, or single-family housing. The
6 application process for a residential lot to be split may require
7 only an administrative decision, through which the application is
8 reviewed, approved, or denied by the planning director or other
9 designee based on applicable clear and objective development
10 standards, with neither a predecision public hearing, nor any design
11 review other than administrative design review. A new buildable
12 residential lot and residential building permit or permits must be
13 administratively approved and are not subject to administrative
14 appeal if they comply with applicable development standards and the
15 following conditions are met:

16 (a) No more than one newly created lot is created through the
17 administrative lot split;

18 (b) Both the parent lot and the newly created lot meet the
19 minimum lot size allowed under applicable development regulations;

20 (c) The parent lot was not created through the splitting of a
21 residential lot authorized by this section;

22 (d) The parent lot is located in a residential zone and not in an
23 exclusively nonresidential zone including, but not limited to, zones
24 that are exclusively commercial, retail, agricultural, or industrial;

25 (e) If the lot split would require demolition or alteration of
26 any existing housing that would displace a renter, the applicant must
27 recommend a displacement mitigation strategy that may include, but is
28 not limited to, relocation assistance;

29 (f) The applicable sewer and water purveyors have issued
30 certificates of availability to serve the newly created lot and
31 dwelling units;

32 (g) Access and utility rights are granted or conveyed as
33 necessary on or before recording of the lot split survey to provide
34 access for the maximum number of dwelling units that could be
35 developed on the newly created lot, provided such access rights may
36 be reduced consistent with a city's adopted codes, regulations, or
37 design standards as applicable through review of a subsequent
38 application for a building permit, short subdivision, unit lot
39 subdivision, subdivision application, or short subdivision if less

1 than the maximum number of dwelling units are built on
2 created lot;

3 (h) The planning director or other designee determines that the
4 application follows all applicable development regulations; and

5 (i) The lot split survey has been approved by the planning
6 director or other designee and includes a condition on the face of
7 the survey that further lot splits of the parent lot and newly
8 created lot are not authorized by this section.

9 (2) A proposed lot split may be conditioned upon dedication of
10 right-of-way on the parent lot to the extent such dedication is
11 required under applicable codes, regulations, and design standards
12 for the development, short plat, or subdivision of the parent lot
13 absent an administrative lot split.

14 (3) Development of dwelling units on the newly created lot may be
15 conditioned upon construction of frontage improvements to a right-of-
16 way adjacent to either the parent lot or the newly created lot to the
17 extent required under applicable codes, regulations, and design
18 standards.

19 (4) Any construction on the newly created lot is subject to all
20 existing state and local laws including those specified in this
21 section. Nothing in this section modifies the requirements for
22 approval of residential building permits in chapter 19.27 RCW.

23 (5) A city subject to the requirements of this section may not
24 impose a limit on the total number of dwelling units allowed on the
25 parent lot or newly created lot that is less than the number of
26 dwelling units allowed by the underlying zoning of the parent lot
27 prior to the administrative lot split.

28 (6) Notwithstanding the provisions of this section, lots that are
29 not buildable according to locally adopted development regulations
30 including, but not limited to, critical areas, shorelines,
31 stormwater, setbacks, impervious surface areas, and building coverage
32 standards, are not eligible for a lot split under this section.

33 (7) If a lot split results in a lot of a size that would allow
34 for further land division, the lot is not eligible for a lot split
35 but may be divided under other applicable land subdivision processes.

36 (8) The newly created lot must meet any locally adopted minimum
37 density requirements.

38 (9) Cities are immune from any liability, loss, or other damage
39 suffered by another that is related to the city's approval of a lot

1 split under this act, including if the lot split creates a
2 is later determined to not be buildable.

3 (10) Parent lots and newly created lots approved under this
4 section must have a lot split survey recorded with the county auditor
5 with a notation that future lot splits are not allowed on the lot.

6 (11) An application process or a residential lot to be split
7 under this section is subject to the maximum time period for local
8 government actions as set forth in RCW 36.70B.080, unless extended
9 pursuant to project-specific mutual agreement as permitted by RCW
10 36.70B.080.

11 (12) Ordinances adopted to comply with this section are not
12 subject to administrative or judicial appeal under chapter 43.21C
13 RCW.

14 (13) The department of commerce must develop guidance for cities
15 in implementing the lot splitting requirements.

16 (14) A city required to comply with the requirements of this
17 section that has its next comprehensive plan update due in 2027,
18 pursuant to RCW 36.70A.130, must adopt or amend by ordinance, and
19 incorporate into its development regulations, zoning regulations, and
20 other official controls, the requirements of this section in its next
21 comprehensive plan update. All other cities required to comply with
22 this section must implement the requirements within two years of the
23 effective date of this section.

24 (15) For the purposes of this section, the following definitions
25 apply unless the context clearly requires otherwise:

26 (a) "Lot split" means the administrative process of dividing an
27 existing lot into two lots for the purpose of sale, lease, or
28 transfer of ownership pursuant to this section.

29 (b) "Lot split survey" means the final survey prepared for filing
30 for record with the county auditor and containing all elements and
31 requirements for a lot split under this section and any local
32 regulations.

33 (c) "Newly created lot" means a lot that was created by a lot
34 split under this section.

35 (d) "Parent lot" means a lot that is subjected to a lot split
36 under this section.

37 (16) The provisions of this section do not apply to areas
38 designated as sole-source aquifers by the United States environmental
39 protection agency on islands in the Puget Sound.

1 **Sec. 3.** RCW 36.70A.635 and 2024 c 152 s 2 are each a
2 read as follows:

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

8 (a) For cities with a population of at least 25,000 but less than
9 75,000 based on office of financial management population estimates:

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

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

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

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

23 (i) The development of at least four units per lot on all lots
24 zoned predominantly for residential use, unless zoning permitting
25 higher densities or intensities applies;

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

30 (iii) The development of at least six units per lot on all lots
31 zoned predominantly for residential use, unless zoning permitting
32 higher densities or intensities applies, if at least two units are
33 affordable housing.

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

1 (2)(a) To qualify for the additional units allow
2 subsection (1) of this section, the applicant must commit to renting
3 or selling the required number of units as affordable housing. The
4 units must be maintained as affordable for a term of at least 50
5 years, and the property must satisfy that commitment and all required
6 affordability and income eligibility conditions adopted by the local
7 government under this chapter. A city must require the applicant to
8 record a covenant or deed restriction that ensures the continuing
9 rental of units subject to these affordability requirements
10 consistent with the conditions in chapter 84.14 RCW for a period of
11 no less than 50 years. The covenant or deed restriction must also
12 address criteria and policies to maintain public benefit if the
13 property is converted to a use other than which continues to provide
14 for permanently affordable housing.

15 (b) The units dedicated as affordable must be provided in a range
16 of sizes comparable to other units in the development. To the extent
17 practicable, the number of bedrooms in affordable units must be in
18 the same proportion as the number of bedrooms in units within the
19 entire development. The affordable units must generally be
20 distributed throughout the development and have substantially the
21 same functionality as the other units in the development.

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

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

31 (4)(a) As an alternative to the density requirements in
32 subsection (1) of this section, a city may implement the density
33 requirements in subsection (1) of this section for at least 75
34 percent of lots in the city that are primarily dedicated to single-
35 family detached housing units.

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

1 (i) Any areas within the city for which the department
2 certified an extension of the implementation timelines under RCW
3 36.70A.637 due to the risk of displacement;

4 (ii) Any areas within the city for which the department has
5 certified an extension of the implementation timelines under RCW
6 36.70A.638 due to a lack of infrastructure capacity;

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

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

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

17 (c) Unless identified as at higher risk of displacement under RCW
18 36.70A.070(2)(g), the 25 percent of lots for which the requirements
19 of subsection (1) of this section are not implemented may not
20 include:

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

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

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

29 (5) A city subject to the requirements of subsection (1)(a) or
30 (b) of this section must allow at least six of the nine types of
31 middle housing to achieve the unit density required in subsection (1)
32 of this section. A city may allow accessory dwelling units to achieve
33 the unit density required in subsection (1) of this section. Cities
34 are not required to allow accessory dwelling units or middle housing
35 types beyond the density requirements in subsection (1) of this
36 section. A city must also allow zero lot line short subdivision where
37 the number of lots created is equal to the unit density required in
38 subsection (1) of this section.

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

1 (a) If applying design review for middle housing
2 administrative design review shall be required;

3 (b) Except as provided in (a) of this subsection, shall not
4 require through development regulations any standards for middle
5 housing that are more restrictive than those required for detached
6 single-family residences, but may apply any objective development
7 regulations that are required for detached single-family residences,
8 including, but not limited to, set-back, lot coverage, stormwater,
9 clearing, and tree canopy and retention requirements;

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

16 (d) Shall not require off-street parking as a condition of
17 permitting development of middle housing within one-half mile walking
18 distance of a major transit stop;

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

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

27 (g) Are not required to achieve the per unit density under
28 chapter 332, Laws of 2023 on lots after subdivision below 1,000
29 square feet unless the city chooses to enact smaller allowable lot
30 sizes.

31 (7) The provisions of subsection (6)(d) through (f) of this
32 section do not apply:

33 (a) If a local government submits to the department an empirical
34 study prepared by a credentialed transportation or land use planning
35 expert that clearly demonstrates, and the department finds and
36 certifies, that the application of the parking limitations of
37 subsection (6)(d) through (f) of this section for middle housing will
38 be significantly less safe for vehicle drivers or passengers,
39 pedestrians, or bicyclists than if the jurisdiction's parking
40 requirements were applied to the same location for the same number of

1 detached houses. The department must develop guidance t
2 cities on items to include in the study; or

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

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

7 (a) Portions of a lot, parcel, or tract designated with critical
8 areas designated under RCW 36.70A.170 or their buffers as required by
9 RCW 36.70A.170, except for critical aquifer recharge areas where a
10 single-family detached house is an allowed use provided that any
11 requirements to maintain aquifer recharge are met;

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

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

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

20 (e) A lot that was created through the splitting of a single
21 residential lot pursuant to section 2 of this act.

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

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

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

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

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

37 (12) A city complying with this section and not granted a
38 timeline extension under RCW 36.70A.638 does not have to update its
39 capital facilities plan element required by RCW 36.70A.070(3) to
40 accommodate the increased housing required by chapter 332, Laws of

1 2023 until the first periodic comprehensive plan update req
2 the city under RCW 36.70A.130(5) that occurs on or after June 30,
3 2034.

4 (13) Until June 30, 2026, for cities subject to a growth target
5 adopted under RCW 36.70A.210 that limit the maximum residential
6 capacity of the jurisdiction, any additional residential capacity
7 required by this section for lots, parcels, and tracts with critical
8 areas or critical area buffers outside of critical areas or their
9 buffers may not be considered an inconsistency with the countywide
10 planning policies, multicounty planning policies, or growth targets
11 adopted under RCW 36.70A.210.

12 NEW SECTION. **Sec. 4.** If specific funding for the purposes of
13 this act, referencing this act by bill or chapter number, is not
14 provided by June 30, 2025, in the omnibus appropriations act, this
15 act is null and void.

Passed by the House April 27, 2025.
Passed by the Senate April 14, 2025.
Approved by the Governor May 17, 2025.
Filed in Office of Secretary of State May 19, 2025.

--- END ---

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1757

Chapter 203, Laws of 2025

69th Legislature
2025 Regular Session

EXISTING BUILDINGS USED FOR RESIDENTIAL PURPOSES—VARIOUS PROVISIONS

EFFECTIVE DATE: July 27, 2025

Passed by the House April 18, 2025
Yeas 94 Nays 1

LAURIE JINKINS

**Speaker of the House of
Representatives**

Passed by the Senate April 2, 2025
Yeas 48 Nays 1

DENNY HECK

President of the Senate

Approved May 7, 2025 1:20 PM

BOB FERGUSON

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1757** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

May 12, 2025

**Secretary of State
State of Washington**

HOUSE BILL 1757

AS AMENDED BY THE SENATE

Passed Legislature - 2025 Regular Session

State of Washington 69th Legislature 2025 Regular Session**By** Representatives Walen, Fitzgibbon, Parshley, Paul, Ramel, and Reed

Read first time 01/31/25. Referred to Committee on Housing.

1 AN ACT Relating to modifying regulations for existing buildings
2 used for residential purposes; and amending RCW 35A.21.440 and
3 35.21.990.

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

5 **Sec. 1.** RCW 35A.21.440 and 2023 c 285 s 1 are each amended to
6 read as follows:

7 (1)(a) Code cities must adopt or amend by ordinance, and
8 incorporate into their development regulations, zoning regulations,
9 and other official controls the requirements of subsection (2) of
10 this section for buildings (~~((that are zoned for commercial or mixed~~
11 ~~use no later than six months after its next periodic comprehensive~~
12 ~~plan update required under RCW 36.70A.130))~~ in commercial, mixed-use,
13 or residential zones no later than June 30, 2026.

14 (b) The requirements of subsection (2) of this section apply and
15 take effect in any code city that has not adopted or amended
16 ordinances, regulations, or other official controls as required under
17 this section by the timeline in (a) of this subsection and supersede,
18 preempt, and invalidate any conflicting local development
19 regulations.

(2) Through ordinances, development regulations, regulations, or other official controls as required under subsection (1) of this section, code cities may not:

(a) Impose a restriction on housing unit density that prevents the addition of housing units at a density up to 50 percent more than what is allowed in the underlying zone if constructed entirely within an existing building envelope in a building located within a zone that permits multifamily housing, provided that generally applicable health and safety standards, including but not limited to building code standards and fire and life safety standards, can be met within the building;

(b) Impose parking requirements on the addition of dwelling units or living units added within an existing building, however, cities may require the retention of existing parking that is required to satisfy existing residential parking requirements under local laws and for nonresidential uses that remain after the new units are added;

(c) With the exception of emergency housing and transitional housing uses, impose permitting requirements on the use of an existing building for residential purposes beyond those requirements generally applicable to all residential development within the building's zone, including requiring a change of use permit;

(d) Impose design standard requirements, including setbacks, lot coverage, and floor area ratio requirements, on the use of an existing building for residential purposes beyond those requirements generally applicable to all residential development within the building's zone;

(e) Impose exterior design or architectural requirements on the residential use of an existing building beyond those necessary for health and safety of the use of the interior of the building or to preserve character-defining streetscapes, unless the building is a designated landmark or is within a historic district established through a local preservation ordinance;

(f) Prohibit the addition of housing units in any specific part of a building except ground floor commercial or retail that is along a major pedestrian corridor as defined by the code city, unless the addition of the units would violate applicable building codes or health and safety standards;

(g) Require unchanged portions of an existing building that have been used for residential or previously permit-approved conditioned

space purposes to meet the current energy code solely because of the addition of new dwelling units within the building(~~(, however, if any portion of an~~)). When any other existing building is converted to new dwelling units, ~~changed portions of~~ each of those new units must meet the requirements of the current energy code(~~(+)~~), except if:

(i) The square footage of new dwelling units does not exceed 2,500 square feet or 50 percent of the total building square footage, whichever is greater;

(ii) The building owner submits documentation, in a form acceptable to the code city, showing the building's residential units' projected energy use intensity is less than or equal to the energy use intensity target in accordance with the clean buildings performance standard in RCW 19.27A.210; or

(iii) In all areas zoned for residential housing, an additional housing unit is created within an existing home;

(h) Deny a building permit application for the addition of housing units within an existing building due to nonconformity regarding parking, height, setbacks, elevator size for gurney transport, or modulation, unless the code city official with decision-making authority makes written findings that the nonconformity is causing a significant detriment to the surrounding area; or

(i) Require a transportation concurrency study under RCW 36.70A.070 or an environmental study under chapter 43.21C RCW based on the addition of residential units within an existing building.

(3) Nothing in this section requires a code city to approve a building permit application for the addition of housing units constructed entirely within an existing building envelope in a building located within a zone that permits multifamily housing in cases in which the building cannot satisfy life safety standards.

(4) For the purpose of this section, "existing building" means a building that received a certificate of occupancy at least three years prior to the permit application to add housing units.

Sec. 2. RCW 35.21.990 and 2023 c 285 s 2 are each amended to read as follows:

(1)(a) Cities must adopt or amend by ordinance, and incorporate into their development regulations, zoning regulations, and other official controls the requirements of subsection (2) of this section for buildings (~~that are zoned for commercial or mixed use no later~~

1 ~~than six months after its next periodic comprehensive plan~~
2 ~~required under RCW 36.70A.130))~~ in commercial, mixed-use, or
3 residential zones no later than June 30, 2026.

4 (b) The requirements of subsection (2) of this section apply and
5 take effect in any city that has not adopted or amended ordinances,
6 regulations, or other official controls as required under this
7 section by the timeline in (a) of this subsection and supersede,
8 preempt, and invalidate any conflicting local development
9 regulations.

10 (2) Through ordinances, development regulations, zoning
11 regulations, or other official controls as required under subsection
12 (1) of this section, cities may not:

13 (a) Impose a restriction on housing unit density that prevents
14 the addition of housing units at a density up to 50 percent more than
15 what is allowed in the underlying zone if constructed entirely within
16 an existing building envelope in a building located within a zone
17 that permits multifamily housing, provided that generally applicable
18 health and safety standards, including but not limited to building
19 code standards and fire and life safety standards, can be met within
20 the building;

21 (b) Impose parking requirements on the addition of dwelling units
22 or living units added within an existing building, however, cities
23 may require the retention of existing parking that is required to
24 satisfy existing residential parking requirements under local laws
25 and for nonresidential uses that remain after the new units are
26 added;

27 (c) With the exception of emergency housing and transitional
28 housing uses, impose permitting requirements on the use of an
29 existing building for residential purposes beyond those requirements
30 generally applicable to all residential development within the
31 building's zone, including requiring a change of use permit;

32 (d) Impose design standard requirements, including setbacks, lot
33 coverage, and floor area ratio requirements, on the use of an
34 existing building for residential purposes beyond those requirements
35 generally applicable to all residential development within the
36 building's zone;

37 (e) Impose exterior design or architectural requirements on the
38 residential use of an existing building beyond those necessary for
39 health and safety of the use of the interior of the building or to
40 preserve character-defining streetscapes, unless the building is

1 designated landmark or is within a historic district es
2 through a local preservation ordinance;

3 (f) Prohibit the addition of housing units in any specific part
4 of a building except ground floor commercial or retail that is along
5 a major pedestrian corridor as defined by each city, unless the
6 addition of the units would violate applicable building codes or
7 health and safety standards;

8 (g) Require unchanged portions of an existing building that have
9 been used for residential or previously permit-approved conditioned
10 space purposes to meet the current energy code solely because of the
11 addition of new dwelling units within the building(~~(, however, if any~~
12 ~~portion of an))~~). When any other existing building is converted to new
13 dwelling units, changed portions of each of those new units must meet
14 the requirements of the current energy code(~~(+)~~), except if:

15 (i) The square footage of new dwelling units does not exceed
16 2,500 square feet or 50 percent of the total building square footage,
17 whichever is greater;

18 (ii) The building owner submits documentation, in a form
19 acceptable to the city, showing the building's residential units'
20 projected energy use intensity is less than or equal to the energy
21 use intensity target in accordance with the clean buildings
22 performance standard in RCW 19.27A.210; or

23 (iii) In all areas zoned for residential housing, an additional
24 housing unit is created within an existing home;

25 (h) Deny a building permit application for the addition of
26 housing units within an existing building due to nonconformity
27 regarding parking, height, setbacks, elevator size for gurney
28 transport, or modulation, unless the city official with decision-
29 making authority makes written findings that the nonconformity is
30 causing a significant detriment to the surrounding area; or

31 (i) Require a transportation concurrency study under RCW
32 36.70A.070 or an environmental study under chapter 43.21C RCW based
33 on the addition of residential units within an existing building.

34 (3) Nothing in this section requires a city to approve a building
35 permit application for the addition of housing units constructed
36 entirely within an existing building envelope in a building located
37 within a zone that permits multifamily housing in cases in which the
38 building cannot satisfy life safety standards.

1 (4) For the purpose of this section, "existing building
2 building that received a certificate of occupancy at least three
3 years prior to the permit application to add housing units.

Passed by the House April 18, 2025.

Passed by the Senate April 2, 2025.

Approved by the Governor May 7, 2025.

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