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HOUSE BILL 1220

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By Representatives Peterson, Macri, Bateman, Ryu, Lekanoff, Fitzgibbon, Kloba, Davis, Lovick, Santos, Ortiz-Self, Simmons, Berg, Hackney, Chopp, Tharinger, and Frame

Read first time 01/15/21. Referred to Committee on Local Government.

1 AN ACT Relating to supporting emergency shelters and housing  
2 through local planning and development regulations; amending RCW  
3 36.70A.020 and 36.70A.030; reenacting and amending RCW 36.70A.070;  
4 adding a new section to chapter 35A.21 RCW; and adding a new section  
5 to chapter 35.21 RCW.

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

7 **Sec. 1.** RCW 36.70A.020 and 2002 c 154 s 1 are each amended to  
8 read as follows:

9 The following goals are adopted to guide the development and  
10 adoption of comprehensive plans and development regulations of those  
11 counties and cities that are required or choose to plan under RCW  
12 36.70A.040. The following goals are not listed in order of priority  
13 and shall be used exclusively for the purpose of guiding the  
14 development of comprehensive plans and development regulations:

15 (1) Urban growth. Encourage development in urban areas where  
16 adequate public facilities and services exist or can be provided in  
17 an efficient manner.

18 (2) Reduce sprawl. Reduce the inappropriate conversion of  
19 undeveloped land into sprawling, low-density development.

1 (3) Transportation. Encourage efficient multimodal transportation  
2 systems that are based on regional priorities and coordinated with  
3 county and city comprehensive plans.

4 (4) Housing. (~~Encourage the availability of affordable~~) Plan  
5 for and accommodate housing affordable to all economic segments of  
6 the population of this state, promote a variety of residential  
7 densities and housing types, and encourage preservation of existing  
8 housing stock.

9 (5) Economic development. Encourage economic development  
10 throughout the state that is consistent with adopted comprehensive  
11 plans, promote economic opportunity for all citizens of this state,  
12 especially for unemployed and for disadvantaged persons, promote the  
13 retention and expansion of existing businesses and recruitment of new  
14 businesses, recognize regional differences impacting economic  
15 development opportunities, and encourage growth in areas experiencing  
16 insufficient economic growth, all within the capacities of the  
17 state's natural resources, public services, and public facilities.

18 (6) Property rights. Private property shall not be taken for  
19 public use without just compensation having been made. The property  
20 rights of landowners shall be protected from arbitrary and  
21 discriminatory actions.

22 (7) Permits. Applications for both state and local government  
23 permits should be processed in a timely and fair manner to ensure  
24 predictability.

25 (8) Natural resource industries. Maintain and enhance natural  
26 resource-based industries, including productive timber, agricultural,  
27 and fisheries industries. Encourage the conservation of productive  
28 forestlands and productive agricultural lands, and discourage  
29 incompatible uses.

30 (9) Open space and recreation. Retain open space, enhance  
31 recreational opportunities, conserve fish and wildlife habitat,  
32 increase access to natural resource lands and water, and develop  
33 parks and recreation facilities.

34 (10) Environment. Protect the environment and enhance the state's  
35 high quality of life, including air and water quality, and the  
36 availability of water.

37 (11) Citizen participation and coordination. Encourage the  
38 involvement of citizens in the planning process and ensure  
39 coordination between communities and jurisdictions to reconcile  
40 conflicts.

1 (12) Public facilities and services. Ensure that those public  
2 facilities and services necessary to support development shall be  
3 adequate to serve the development at the time the development is  
4 available for occupancy and use without decreasing current service  
5 levels below locally established minimum standards.

6 (13) Historic preservation. Identify and encourage the  
7 preservation of lands, sites, and structures, that have historical or  
8 archaeological significance.

9 **Sec. 2.** RCW 36.70A.070 and 2017 3rd sp.s. c 18 s 4 and 2017 3rd  
10 sp.s. c 16 s 4 are each reenacted and amended to read as follows:

11 The comprehensive plan of a county or city that is required or  
12 chooses to plan under RCW 36.70A.040 shall consist of a map or maps,  
13 and descriptive text covering objectives, principles, and standards  
14 used to develop the comprehensive plan. The plan shall be an  
15 internally consistent document and all elements shall be consistent  
16 with the future land use map. A comprehensive plan shall be adopted  
17 and amended with public participation as provided in RCW 36.70A.140.  
18 Each comprehensive plan shall include a plan, scheme, or design for  
19 each of the following:

20 (1) A land use element designating the proposed general  
21 distribution and general location and extent of the uses of land,  
22 where appropriate, for agriculture, timber production, housing,  
23 commerce, industry, recreation, open spaces, general aviation  
24 airports, public utilities, public facilities, and other land uses.  
25 The land use element shall include population densities, building  
26 intensities, and estimates of future population growth. The land use  
27 element shall provide for protection of the quality and quantity of  
28 groundwater used for public water supplies. Wherever possible, the  
29 land use element should consider utilizing urban planning approaches  
30 that promote physical activity. Where applicable, the land use  
31 element shall review drainage, flooding, and stormwater runoff in the  
32 area and nearby jurisdictions and provide guidance for corrective  
33 actions to mitigate or cleanse those discharges that pollute waters  
34 of the state, including Puget Sound or waters entering Puget Sound.

35 (2) A housing element ensuring the vitality and character of  
36 established residential neighborhoods that:

37 (a) Includes an inventory and analysis of existing and projected  
38 housing needs that identifies the number of housing units necessary  
39 to manage projected growth, including:

1 (i) Units for moderate, low, very low, and extremely low-income  
2 households; and

3 (ii) Emergency housing, emergency shelters, and permanent  
4 supportive housing;

5 ~~((includes))~~ Includes a statement of goals, policies,  
6 objectives, and mandatory provisions for the preservation,  
7 improvement, and development of housing, including single-family  
8 residences and moderate density housing options;

9 ~~((identifies))~~ Identifies sufficient land and zoning  
10 capacities for housing, including, but not limited to, government-  
11 assisted housing, housing for ~~((low-income families))~~ moderate, low,  
12 very low, and extremely low-income households, manufactured housing,  
13 multifamily housing, ~~((and))~~ group homes ~~((and)),~~ foster care  
14 facilities, emergency housing, emergency shelters, and permanent  
15 supportive housing; ((and))

16 ~~((makes))~~ Makes adequate provisions for existing and  
17 projected needs of all economic segments of the community, including:

18 (i) Incorporating special consideration for low, very low,  
19 extremely low, and moderate-income households; and

20 (ii) If unable to achieve adequate housing for low, very low, and  
21 extremely low-income households, documenting programs and actions  
22 needed to achieve housing availability including gaps in funding,  
23 barriers such as development regulations, and other limitations;

24 (e) Identifies local policies, regulations, and practices that  
25 have resulted in racially disparate impacts, displacement, and  
26 exclusion in housing, including:

27 (i) Zoning that may have a discriminatory effect;  
28 (ii) Disinvestment; and  
29 (iii) Infrastructure availability;

30 (f) Identifies and implements policies, regulations, and  
31 practices to address and undo racially disparate impacts,  
32 displacement, and exclusion in housing caused by local policies,  
33 plans, and actions;

34 (g) Identifies areas with high risk of displacement from market  
35 forces that occur with changes to zoning development regulations and  
36 capital investments; and

37 (h) Implements antidisplacement policies, investments, and  
38 regulations to reduce displacement such as investments in low, very  
39 low, extremely low, and moderate-income housing; equitable  
40 development initiatives; inclusionary zoning; community planning

1 requirements; tenant protections; land disposition policies; and  
2 consideration of land that may be used for affordable housing. In  
3 counties and cities subject to the review and evaluation requirements  
4 of RCW 36.70A.215, any revision to the housing element shall include  
5 consideration of prior review and evaluation reports and any  
6 reasonable measures identified.

7 (3) A capital facilities plan element consisting of: (a) An  
8 inventory of existing capital facilities owned by public entities,  
9 showing the locations and capacities of the capital facilities; (b) a  
10 forecast of the future needs for such capital facilities; (c) the  
11 proposed locations and capacities of expanded or new capital  
12 facilities; (d) at least a six-year plan that will finance such  
13 capital facilities within projected funding capacities and clearly  
14 identifies sources of public money for such purposes; and (e) a  
15 requirement to reassess the land use element if probable funding  
16 falls short of meeting existing needs and to ensure that the land use  
17 element, capital facilities plan element, and financing plan within  
18 the capital facilities plan element are coordinated and consistent.  
19 Park and recreation facilities shall be included in the capital  
20 facilities plan element.

21 (4) A utilities element consisting of the general location,  
22 proposed location, and capacity of all existing and proposed  
23 utilities, including, but not limited to, electrical lines,  
24 telecommunication lines, and natural gas lines.

25 (5) Rural element. Counties shall include a rural element  
26 including lands that are not designated for urban growth,  
27 agriculture, forest, or mineral resources. The following provisions  
28 shall apply to the rural element:

29 (a) Growth management act goals and local circumstances. Because  
30 circumstances vary from county to county, in establishing patterns of  
31 rural densities and uses, a county may consider local circumstances,  
32 but shall develop a written record explaining how the rural element  
33 harmonizes the planning goals in RCW 36.70A.020 and meets the  
34 requirements of this chapter.

35 (b) Rural development. The rural element shall permit rural  
36 development, forestry, and agriculture in rural areas. The rural  
37 element shall provide for a variety of rural densities, uses,  
38 essential public facilities, and rural governmental services needed  
39 to serve the permitted densities and uses. To achieve a variety of  
40 rural densities and uses, counties may provide for clustering,

1 density transfer, design guidelines, conservation easements, and  
2 other innovative techniques that will accommodate appropriate rural  
3 economic advancement, densities, and uses that are not characterized  
4 by urban growth and that are consistent with rural character.

5 (c) Measures governing rural development. The rural element shall  
6 include measures that apply to rural development and protect the  
7 rural character of the area, as established by the county, by:

8 (i) Containing or otherwise controlling rural development;

9 (ii) Assuring visual compatibility of rural development with the  
10 surrounding rural area;

11 (iii) Reducing the inappropriate conversion of undeveloped land  
12 into sprawling, low-density development in the rural area;

13 (iv) Protecting critical areas, as provided in RCW 36.70A.060,  
14 and surface water and groundwater resources; and

15 (v) Protecting against conflicts with the use of agricultural,  
16 forest, and mineral resource lands designated under RCW 36.70A.170.

17 (d) Limited areas of more intensive rural development. Subject to  
18 the requirements of this subsection and except as otherwise  
19 specifically provided in this subsection (5)(d), the rural element  
20 may allow for limited areas of more intensive rural development,  
21 including necessary public facilities and public services to serve  
22 the limited area as follows:

23 (i) Rural development consisting of the infill, development, or  
24 redevelopment of existing commercial, industrial, residential, or  
25 mixed-use areas, whether characterized as shoreline development,  
26 villages, hamlets, rural activity centers, or crossroads  
27 developments.

28 (A) A commercial, industrial, residential, shoreline, or mixed-  
29 use area are subject to the requirements of (d)(iv) of this  
30 subsection, but are not subject to the requirements of (c)(ii) and  
31 (iii) of this subsection.

32 (B) Any development or redevelopment other than an industrial  
33 area or an industrial use within a mixed-use area or an industrial  
34 area under this subsection (5)(d)(i) must be principally designed to  
35 serve the existing and projected rural population.

36 (C) Any development or redevelopment in terms of building size,  
37 scale, use, or intensity shall be consistent with the character of  
38 the existing areas. Development and redevelopment may include changes  
39 in use from vacant land or a previously existing use so long as the  
40 new use conforms to the requirements of this subsection (5);

1 (ii) The intensification of development on lots containing, or  
2 new development of, small-scale recreational or tourist uses,  
3 including commercial facilities to serve those recreational or  
4 tourist uses, that rely on a rural location and setting, but that do  
5 not include new residential development. A small-scale recreation or  
6 tourist use is not required to be principally designed to serve the  
7 existing and projected rural population. Public services and public  
8 facilities shall be limited to those necessary to serve the  
9 recreation or tourist use and shall be provided in a manner that does  
10 not permit low-density sprawl;

11 (iii) The intensification of development on lots containing  
12 isolated nonresidential uses or new development of isolated cottage  
13 industries and isolated small-scale businesses that are not  
14 principally designed to serve the existing and projected rural  
15 population and nonresidential uses, but do provide job opportunities  
16 for rural residents. Rural counties may allow the expansion of small-  
17 scale businesses as long as those small-scale businesses conform with  
18 the rural character of the area as defined by the local government  
19 according to RCW 36.70A.030(~~((+16))~~) (23). Rural counties may also  
20 allow new small-scale businesses to utilize a site previously  
21 occupied by an existing business as long as the new small-scale  
22 business conforms to the rural character of the area as defined by  
23 the local government according to RCW 36.70A.030(~~((+16))~~) (23). Public  
24 services and public facilities shall be limited to those necessary to  
25 serve the isolated nonresidential use and shall be provided in a  
26 manner that does not permit low-density sprawl;

27 (iv) A county shall adopt measures to minimize and contain the  
28 existing areas or uses of more intensive rural development, as  
29 appropriate, authorized under this subsection. Lands included in such  
30 existing areas or uses shall not extend beyond the logical outer  
31 boundary of the existing area or use, thereby allowing a new pattern  
32 of low-density sprawl. Existing areas are those that are clearly  
33 identifiable and contained and where there is a logical boundary  
34 delineated predominately by the built environment, but that may also  
35 include undeveloped lands if limited as provided in this subsection.  
36 The county shall establish the logical outer boundary of an area of  
37 more intensive rural development. In establishing the logical outer  
38 boundary, the county shall address (A) the need to preserve the  
39 character of existing natural neighborhoods and communities, (B)  
40 physical boundaries, such as bodies of water, streets and highways,

1 and land forms and contours, (C) the prevention of abnormally  
2 irregular boundaries, and (D) the ability to provide public  
3 facilities and public services in a manner that does not permit low-  
4 density sprawl;

5 (v) For purposes of (d) of this subsection, an existing area or  
6 existing use is one that was in existence:

7 (A) On July 1, 1990, in a county that was initially required to  
8 plan under all of the provisions of this chapter;

9 (B) On the date the county adopted a resolution under RCW  
10 36.70A.040(2), in a county that is planning under all of the  
11 provisions of this chapter under RCW 36.70A.040(2); or

12 (C) On the date the office of financial management certifies the  
13 county's population as provided in RCW 36.70A.040(5), in a county  
14 that is planning under all of the provisions of this chapter pursuant  
15 to RCW 36.70A.040(5).

16 (e) Exception. This subsection shall not be interpreted to permit  
17 in the rural area a major industrial development or a master planned  
18 resort unless otherwise specifically permitted under RCW 36.70A.360  
19 and 36.70A.365.

20 (6) A transportation element that implements, and is consistent  
21 with, the land use element.

22 (a) The transportation element shall include the following  
23 subelements:

24 (i) Land use assumptions used in estimating travel;

25 (ii) Estimated traffic impacts to state-owned transportation  
26 facilities resulting from land use assumptions to assist the  
27 department of transportation in monitoring the performance of state  
28 facilities, to plan improvements for the facilities, and to assess  
29 the impact of land-use decisions on state-owned transportation  
30 facilities;

31 (iii) Facilities and services needs, including:

32 (A) An inventory of air, water, and ground transportation  
33 facilities and services, including transit alignments and general  
34 aviation airport facilities, to define existing capital facilities  
35 and travel levels as a basis for future planning. This inventory must  
36 include state-owned transportation facilities within the city or  
37 county's jurisdictional boundaries;

38 (B) Level of service standards for all locally owned arterials  
39 and transit routes to serve as a gauge to judge performance of the  
40 system. These standards should be regionally coordinated;



1 (C) For state-owned transportation facilities, level of service  
2 standards for highways, as prescribed in chapters 47.06 and 47.80  
3 RCW, to gauge the performance of the system. The purposes of  
4 reflecting level of service standards for state highways in the local  
5 comprehensive plan are to monitor the performance of the system, to  
6 evaluate improvement strategies, and to facilitate coordination  
7 between the county's or city's six-year street, road, or transit  
8 program and the office of financial management's ten-year investment  
9 program. The concurrency requirements of (b) of this subsection do  
10 not apply to transportation facilities and services of statewide  
11 significance except for counties consisting of islands whose only  
12 connection to the mainland are state highways or ferry routes. In  
13 these island counties, state highways and ferry route capacity must  
14 be a factor in meeting the concurrency requirements in (b) of this  
15 subsection;

16 (D) Specific actions and requirements for bringing into  
17 compliance locally owned transportation facilities or services that  
18 are below an established level of service standard;

19 (E) Forecasts of traffic for at least ten years based on the  
20 adopted land use plan to provide information on the location, timing,  
21 and capacity needs of future growth;

22 (F) Identification of state and local system needs to meet  
23 current and future demands. Identified needs on state-owned  
24 transportation facilities must be consistent with the statewide  
25 multimodal transportation plan required under chapter 47.06 RCW;

26 (iv) Finance, including:

27 (A) An analysis of funding capability to judge needs against  
28 probable funding resources;

29 (B) A multiyear financing plan based on the needs identified in  
30 the comprehensive plan, the appropriate parts of which shall serve as  
31 the basis for the six-year street, road, or transit program required  
32 by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW  
33 35.58.2795 for public transportation systems. The multiyear financing  
34 plan should be coordinated with the ten-year investment program  
35 developed by the office of financial management as required by RCW  
36 47.05.030;

37 (C) If probable funding falls short of meeting identified needs,  
38 a discussion of how additional funding will be raised, or how land  
39 use assumptions will be reassessed to ensure that level of service  
40 standards will be met;

1 (v) Intergovernmental coordination efforts, including an  
2 assessment of the impacts of the transportation plan and land use  
3 assumptions on the transportation systems of adjacent jurisdictions;

4 (vi) Demand-management strategies;

5 (vii) Pedestrian and bicycle component to include collaborative  
6 efforts to identify and designate planned improvements for pedestrian  
7 and bicycle facilities and corridors that address and encourage  
8 enhanced community access and promote healthy lifestyles.

9 (b) After adoption of the comprehensive plan by jurisdictions  
10 required to plan or who choose to plan under RCW 36.70A.040, local  
11 jurisdictions must adopt and enforce ordinances which prohibit  
12 development approval if the development causes the level of service  
13 on a locally owned transportation facility to decline below the  
14 standards adopted in the transportation element of the comprehensive  
15 plan, unless transportation improvements or strategies to accommodate  
16 the impacts of development are made concurrent with the development.  
17 These strategies may include increased public transportation service,  
18 ride-sharing programs, demand management, and other transportation  
19 systems management strategies. For the purposes of this subsection  
20 (6), "concurrent with the development" means that improvements or  
21 strategies are in place at the time of development, or that a  
22 financial commitment is in place to complete the improvements or  
23 strategies within six years. If the collection of impact fees is  
24 delayed under RCW 82.02.050(3), the six-year period required by this  
25 subsection (6)(b) must begin after full payment of all impact fees is  
26 due to the county or city.

27 (c) The transportation element described in this subsection (6),  
28 the six-year plans required by RCW 35.77.010 for cities, RCW  
29 36.81.121 for counties, and RCW 35.58.2795 for public transportation  
30 systems, and the ten-year investment program required by RCW  
31 47.05.030 for the state, must be consistent.

32 (7) An economic development element establishing local goals,  
33 policies, objectives, and provisions for economic growth and vitality  
34 and a high quality of life. A city that has chosen to be a  
35 residential community is exempt from the economic development element  
36 requirement of this subsection.

37 (8) A park and recreation element that implements, and is  
38 consistent with, the capital facilities plan element as it relates to  
39 park and recreation facilities. The element shall include: (a)  
40 Estimates of park and recreation demand for at least a ten-year

1 period; (b) an evaluation of facilities and service needs; and (c) an  
2 evaluation of intergovernmental coordination opportunities to provide  
3 regional approaches for meeting park and recreational demand.

4 (9) It is the intent that new or amended elements required after  
5 January 1, 2002, be adopted concurrent with the scheduled update  
6 provided in RCW 36.70A.130. Requirements to incorporate any such new  
7 or amended elements shall be null and void until funds sufficient to  
8 cover applicable local government costs are appropriated and  
9 distributed by the state at least two years before local government  
10 must update comprehensive plans as required in RCW 36.70A.130.

11 NEW SECTION. **Sec. 3.** A new section is added to chapter 35A.21  
12 RCW to read as follows:

13 A code city may not prohibit emergency housing, permanent  
14 supportive housing, or emergency shelters in multifamily, commercial,  
15 mixed use, or form-based zones where short-term rentals are allowed.

16 NEW SECTION. **Sec. 4.** A new section is added to chapter 35.21  
17 RCW to read as follows:

18 A city may not prohibit emergency housing, permanent supportive  
19 housing, or emergency shelters in multifamily, commercial, mixed use,  
20 or form-based zones where short-term rentals are allowed.

21 **Sec. 5.** RCW 36.70A.030 and 2020 c 173 s 4 are each amended to  
22 read as follows:

23 Unless the context clearly requires otherwise, the definitions in  
24 this section apply throughout this chapter.

25 (1) "Adopt a comprehensive land use plan" means to enact a new  
26 comprehensive land use plan or to update an existing comprehensive  
27 land use plan.

28 (2) "Affordable housing" means, unless the context clearly  
29 indicates otherwise, residential housing whose monthly costs,  
30 including utilities other than telephone, do not exceed thirty  
31 percent of the monthly income of a household whose income is:

32 (a) For rental housing, sixty percent of the median household  
33 income adjusted for household size, for the county where the  
34 household is located, as reported by the United States department of  
35 housing and urban development; or

36 (b) For owner-occupied housing, eighty percent of the median  
37 household income adjusted for household size, for the county where

1 the household is located, as reported by the United States department  
2 of housing and urban development.

3 (3) "Agricultural land" means land primarily devoted to the  
4 commercial production of horticultural, viticultural, floricultural,  
5 dairy, apiary, vegetable, or animal products or of berries, grain,  
6 hay, straw, turf, seed, Christmas trees not subject to the excise tax  
7 imposed by RCW 84.33.100 through 84.33.140, finfish in upland  
8 hatcheries, or livestock, and that has long-term commercial  
9 significance for agricultural production.

10 (4) "City" means any city or town, including a code city.

11 (5) "Comprehensive land use plan," "comprehensive plan," or  
12 "plan" means a generalized coordinated land use policy statement of  
13 the governing body of a county or city that is adopted pursuant to  
14 this chapter.

15 (6) "Critical areas" include the following areas and ecosystems:  
16 (a) Wetlands; (b) areas with a critical recharging effect on aquifers  
17 used for potable water; (c) fish and wildlife habitat conservation  
18 areas; (d) frequently flooded areas; and (e) geologically hazardous  
19 areas. "Fish and wildlife habitat conservation areas" does not  
20 include such artificial features or constructs as irrigation delivery  
21 systems, irrigation infrastructure, irrigation canals, or drainage  
22 ditches that lie within the boundaries of and are maintained by a  
23 port district or an irrigation district or company.

24 (7) "Department" means the department of commerce.

25 (8) "Development regulations" or "regulation" means the controls  
26 placed on development or land use activities by a county or city,  
27 including, but not limited to, zoning ordinances, critical areas  
28 ordinances, shoreline master programs, official controls, planned  
29 unit development ordinances, subdivision ordinances, and binding site  
30 plan ordinances together with any amendments thereto. A development  
31 regulation does not include a decision to approve a project permit  
32 application, as defined in RCW 36.70B.020, even though the decision  
33 may be expressed in a resolution or ordinance of the legislative body  
34 of the county or city.

35 (9) "Emergency housing" means temporary indoor accommodations for  
36 individuals or families who are homeless or at imminent risk of  
37 becoming homeless that is intended to address the basic health, food,  
38 clothing, and personal hygiene needs of individuals or families.  
39 Emergency housing may or may not require occupants to enter into a  
40 lease or an occupancy agreement.

1        (10) "Emergency shelter" means a facility that provides a  
2 temporary shelter for individuals or families who are currently  
3 homeless. Emergency shelter may not require occupants to enter into a  
4 lease or an occupancy agreement. Emergency shelter facilities may  
5 include day and warming centers that do not provide overnight  
6 accommodations.

7        (11) "Extremely low-income household" means a single person,  
8 family, or unrelated persons living together whose adjusted income is  
9 at or below thirty percent of the median household income adjusted  
10 for household size, for the county where the household is located, as  
11 reported by the United States department of housing and urban  
12 development.

13        ~~((10))~~ (12) "Forestland" means land primarily devoted to  
14 growing trees for long-term commercial timber production on land that  
15 can be economically and practically managed for such production,  
16 including Christmas trees subject to the excise tax imposed under RCW  
17 84.33.100 through 84.33.140, and that has long-term commercial  
18 significance. In determining whether forestland is primarily devoted  
19 to growing trees for long-term commercial timber production on land  
20 that can be economically and practically managed for such production,  
21 the following factors shall be considered: (a) The proximity of the  
22 land to urban, suburban, and rural settlements; (b) surrounding  
23 parcel size and the compatibility and intensity of adjacent and  
24 nearby land uses; (c) long-term local economic conditions that affect  
25 the ability to manage for timber production; and (d) the availability  
26 of public facilities and services conducive to conversion of  
27 forestland to other uses.

28        ~~((11))~~ (13) "Freight rail dependent uses" means buildings and  
29 other infrastructure that are used in the fabrication, processing,  
30 storage, and transport of goods where the use is dependent on and  
31 makes use of an adjacent short line railroad. Such facilities are  
32 both urban and rural development for purposes of this chapter.  
33 "Freight rail dependent uses" does not include buildings and other  
34 infrastructure that are used in the fabrication, processing, storage,  
35 and transport of coal, liquefied natural gas, or "crude oil" as  
36 defined in RCW 90.56.010.

37        ~~((12))~~ (14) "Geologically hazardous areas" means areas that  
38 because of their susceptibility to erosion, sliding, earthquake, or  
39 other geological events, are not suited to the siting of commercial,

1 residential, or industrial development consistent with public health  
2 or safety concerns.

3 ~~((13))~~ (15) "Long-term commercial significance" includes the  
4 growing capacity, productivity, and soil composition of the land for  
5 long-term commercial production, in consideration with the land's  
6 proximity to population areas, and the possibility of more intense  
7 uses of the land.

8 ~~((14))~~ (16) "Low-income household" means a single person,  
9 family, or unrelated persons living together whose adjusted income is  
10 at or below eighty percent of the median household income adjusted  
11 for household size, for the county where the household is located, as  
12 reported by the United States department of housing and urban  
13 development.

14 ~~((15))~~ (17) "Minerals" include gravel, sand, and valuable  
15 metallic substances.

16 ~~((16))~~ (18) "Moderate-income household" means a single person,  
17 family, or unrelated persons living together whose adjusted income is  
18 at or below 140 percent of the median household income adjusted for  
19 household size, for the county where the household is located, as  
20 reported by the United States department of housing and urban  
21 development.

22 (19) "Permanent supportive housing" is subsidized, leased housing  
23 with no limit on length of stay that prioritizes people who need  
24 comprehensive support services to retain tenancy and utilizes  
25 admissions practices designed to use lower barriers to entry than  
26 would be typical for other subsidized or unsubsidized rental housing,  
27 especially related to rental history, criminal history, and personal  
28 behaviors. Permanent supportive housing is paired with on-site or  
29 off-site voluntary services designed to support a person living with  
30 a complex and disabling behavioral health or physical health  
31 condition who was experiencing homelessness or was at imminent risk  
32 of homelessness prior to moving into housing to retain their housing  
33 and be a successful tenant in a housing arrangement, improve the  
34 resident's health status, and connect the resident of the housing  
35 with community-based health care, treatment, or employment services.  
36 Permanent supportive housing is subject to all of the rights and  
37 responsibilities defined in chapter 59.18 RCW.

38 ~~((17))~~ (20) "Public facilities" include streets, roads,  
39 highways, sidewalks, street and road lighting systems, traffic

1 signals, domestic water systems, storm and sanitary sewer systems,  
2 parks and recreational facilities, and schools.

3 ~~((18))~~ (21) "Public services" include fire protection and  
4 suppression, law enforcement, public health, education, recreation,  
5 environmental protection, and other governmental services.

6 ~~((19))~~ (22) "Recreational land" means land so designated under  
7 RCW 36.70A.1701 and that, immediately prior to this designation, was  
8 designated as agricultural land of long-term commercial significance  
9 under RCW 36.70A.170. Recreational land must have playing fields and  
10 supporting facilities existing before July 1, 2004, for sports played  
11 on grass playing fields.

12 ~~((20))~~ (23) "Rural character" refers to the patterns of land  
13 use and development established by a county in the rural element of  
14 its comprehensive plan:

15 (a) In which open space, the natural landscape, and vegetation  
16 predominate over the built environment;

17 (b) That foster traditional rural lifestyles, rural-based  
18 economies, and opportunities to both live and work in rural areas;

19 (c) That provide visual landscapes that are traditionally found  
20 in rural areas and communities;

21 (d) That are compatible with the use of the land by wildlife and  
22 for fish and wildlife habitat;

23 (e) That reduce the inappropriate conversion of undeveloped land  
24 into sprawling, low-density development;

25 (f) That generally do not require the extension of urban  
26 governmental services; and

27 (g) That are consistent with the protection of natural surface  
28 water flows and groundwater and surface water recharge and discharge  
29 areas.

30 ~~((21))~~ (24) "Rural development" refers to development outside  
31 the urban growth area and outside agricultural, forest, and mineral  
32 resource lands designated pursuant to RCW 36.70A.170. Rural  
33 development can consist of a variety of uses and residential  
34 densities, including clustered residential development, at levels  
35 that are consistent with the preservation of rural character and the  
36 requirements of the rural element. Rural development does not refer  
37 to agriculture or forestry activities that may be conducted in rural  
38 areas.

39 ~~((22))~~ (25) "Rural governmental services" or "rural services"  
40 include those public services and public facilities historically and

1 typically delivered at an intensity usually found in rural areas, and  
2 may include domestic water systems, fire and police protection  
3 services, transportation and public transit services, and other  
4 public utilities associated with rural development and normally not  
5 associated with urban areas. Rural services do not include storm or  
6 sanitary sewers, except as otherwise authorized by RCW 36.70A.110(4).

7 ~~((23))~~ (26) "Short line railroad" means those railroad lines  
8 designated class II or class III by the United States surface  
9 transportation board.

10 ~~((24))~~ (27) "Urban governmental services" or "urban services"  
11 include those public services and public facilities at an intensity  
12 historically and typically provided in cities, specifically including  
13 storm and sanitary sewer systems, domestic water systems, street  
14 cleaning services, fire and police protection services, public  
15 transit services, and other public utilities associated with urban  
16 areas and normally not associated with rural areas.

17 ~~((25))~~ (28) "Urban growth" refers to growth that makes  
18 intensive use of land for the location of buildings, structures, and  
19 impermeable surfaces to such a degree as to be incompatible with the  
20 primary use of land for the production of food, other agricultural  
21 products, or fiber, or the extraction of mineral resources, rural  
22 uses, rural development, and natural resource lands designated  
23 pursuant to RCW 36.70A.170. A pattern of more intensive rural  
24 development, as provided in RCW 36.70A.070(5)(d), is not urban  
25 growth. When allowed to spread over wide areas, urban growth  
26 typically requires urban governmental services. "Characterized by  
27 urban growth" refers to land having urban growth located on it, or to  
28 land located in relationship to an area with urban growth on it as to  
29 be appropriate for urban growth.

30 ~~((26))~~ (29) "Urban growth areas" means those areas designated  
31 by a county pursuant to RCW 36.70A.110.

32 ~~((27))~~ (30) "Very low-income household" means a single person,  
33 family, or unrelated persons living together whose adjusted income is  
34 at or below fifty percent of the median household income adjusted for  
35 household size, for the county where the household is located, as  
36 reported by the United States department of housing and urban  
37 development.

38 ~~((28))~~ (31) "Wetland" or "wetlands" means areas that are  
39 inundated or saturated by surface water or groundwater at a frequency  
40 and duration sufficient to support, and that under normal



1 circumstances do support, a prevalence of vegetation typically  
2 adapted for life in saturated soil conditions. Wetlands generally  
3 include swamps, marshes, bogs, and similar areas. Wetlands do not  
4 include those artificial wetlands intentionally created from  
5 nonwetland sites, including, but not limited to, irrigation and  
6 drainage ditches, grass-lined swales, canals, detention facilities,  
7 wastewater treatment facilities, farm ponds, and landscape amenities,  
8 or those wetlands created after July 1, 1990, that were  
9 unintentionally created as a result of the construction of a road,  
10 street, or highway. Wetlands may include those artificial wetlands  
11 intentionally created from nonwetland areas created to mitigate  
12 conversion of wetlands.

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