

E2SHB 1220 - S COMM AMD

By Committee on Housing & Local Government

NOT ADOPTED 04/10/2021

1 Strike everything after the enacting clause and insert the
2 following:

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

5 The following goals are adopted to guide the development and
6 adoption of comprehensive plans and development regulations of those
7 counties and cities that are required or choose to plan under RCW
8 36.70A.040. The following goals are not listed in order of priority
9 and shall be used exclusively for the purpose of guiding the
10 development of comprehensive plans and development regulations:

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

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

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

19 (4) Housing. (~~Encourage the availability of affordable~~) Plan
20 for and accommodate housing affordable to all economic segments of
21 the population of this state, promote a variety of residential
22 densities and housing types, and encourage preservation of existing
23 housing stock.

24 (5) Economic development. Encourage economic development
25 throughout the state that is consistent with adopted comprehensive
26 plans, promote economic opportunity for all citizens of this state,
27 especially for unemployed and for disadvantaged persons, promote the
28 retention and expansion of existing businesses and recruitment of new
29 businesses, recognize regional differences impacting economic
30 development opportunities, and encourage growth in areas experiencing
31 insufficient economic growth, all within the capacities of the
32 state's natural resources, public services, and public facilities.

1 (6) Property rights. Private property shall not be taken for
2 public use without just compensation having been made. The property
3 rights of landowners shall be protected from arbitrary and
4 discriminatory actions.

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

8 (8) Natural resource industries. Maintain and enhance natural
9 resource-based industries, including productive timber, agricultural,
10 and fisheries industries. Encourage the conservation of productive
11 forestlands and productive agricultural lands, and discourage
12 incompatible uses.

13 (9) Open space and recreation. Retain open space, enhance
14 recreational opportunities, conserve fish and wildlife habitat,
15 increase access to natural resource lands and water, and develop
16 parks and recreation facilities.

17 (10) Environment. Protect the environment and enhance the state's
18 high quality of life, including air and water quality, and the
19 availability of water.

20 (11) Citizen participation and coordination. Encourage the
21 involvement of citizens in the planning process and ensure
22 coordination between communities and jurisdictions to reconcile
23 conflicts.

24 (12) Public facilities and services. Ensure that those public
25 facilities and services necessary to support development shall be
26 adequate to serve the development at the time the development is
27 available for occupancy and use without decreasing current service
28 levels below locally established minimum standards.

29 (13) Historic preservation. Identify and encourage the
30 preservation of lands, sites, and structures, that have historical or
31 archaeological significance.

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

34 The comprehensive plan of a county or city that is required or
35 chooses to plan under RCW 36.70A.040 shall consist of a map or maps,
36 and descriptive text covering objectives, principles, and standards
37 used to develop the comprehensive plan. The plan shall be an
38 internally consistent document and all elements shall be consistent
39 with the future land use map. A comprehensive plan shall be adopted

1 and amended with public participation as provided in RCW 36.70A.140.
2 Each comprehensive plan shall include a plan, scheme, or design for
3 each of the following:

4 (1) A land use element designating the proposed general
5 distribution and general location and extent of the uses of land,
6 where appropriate, for agriculture, timber production, housing,
7 commerce, industry, recreation, open spaces, general aviation
8 airports, public utilities, public facilities, and other land uses.
9 The land use element shall include population densities, building
10 intensities, and estimates of future population growth. The land use
11 element shall provide for protection of the quality and quantity of
12 groundwater used for public water supplies. Wherever possible, the
13 land use element should consider utilizing urban planning approaches
14 that promote physical activity. Where applicable, the land use
15 element shall review drainage, flooding, and stormwater runoff in the
16 area and nearby jurisdictions and provide guidance for corrective
17 actions to mitigate or cleanse those discharges that pollute waters
18 of the state, including Puget Sound or waters entering Puget Sound.

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

21 (a) Includes an inventory and analysis of existing and projected
22 housing needs that identifies the number of housing units necessary
23 to manage projected growth, as provided by the department of
24 commerce, including:

25 (i) Units for moderate, low, very low, and extremely low-income
26 households; and

27 (ii) Emergency housing, emergency shelters, and permanent
28 supportive housing;

29 (b) ~~((includes))~~ Includes a statement of goals, policies,
30 objectives, and mandatory provisions for the preservation,
31 improvement, and development of housing, including single-family
32 residences and moderate density housing options;

33 (c) ~~((identifies))~~ Identifies sufficient land and zoning
34 capacities for housing, including, but not limited to, government-
35 assisted housing, housing for ~~((low-income families))~~ moderate, low,
36 very low, and extremely low-income households, manufactured housing,
37 multifamily housing, ~~((and))~~ group homes ~~((and)),~~ foster care
38 facilities, emergency housing, emergency shelters, and permanent
39 supportive housing; ((and))

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

3 (i) Incorporating consideration for low, very low, extremely low,
4 and moderate-income households;

5 (ii) Documenting programs and actions needed to achieve housing
6 availability including gaps in local funding, barriers such as
7 development regulations, and other limitations;

8 (iii) Consideration of housing locations in relation to
9 employment location; and

10 (iv) Consideration of the role of accessory dwelling units in
11 meeting housing needs;

12 (e) Identifies local policies and regulations that result in
13 racially disparate impacts, displacement, and exclusion in housing,
14 including:

15 (i) Zoning that may have a discriminatory effect;

16 (ii) Disinvestment; and

17 (iii) Infrastructure availability;

18 (f) Identifies and implements policies and regulations to address
19 and begin to undo racially disparate impacts, displacement, and
20 exclusion in housing caused by local policies, plans, and actions;

21 (g) Identifies areas that may be at higher risk of displacement
22 from market forces that occur with changes to zoning development
23 regulations and capital investments; and

24 (h) Establishes antidisplacement policies, with consideration
25 given to the preservation of historical and cultural communities as
26 well as investments in low, very low, extremely low, and moderate-
27 income housing; equitable development initiatives; inclusionary
28 zoning; community planning requirements; tenant protections; land
29 disposition policies; and consideration of land that may be used for
30 affordable housing. In counties and cities subject to the review and
31 evaluation requirements of RCW 36.70A.215, any revision to the
32 housing element shall include consideration of prior review and
33 evaluation reports and any reasonable measures identified.

34 (3) A capital facilities plan element consisting of: (a) An
35 inventory of existing capital facilities owned by public entities,
36 showing the locations and capacities of the capital facilities; (b) a
37 forecast of the future needs for such capital facilities; (c) the
38 proposed locations and capacities of expanded or new capital
39 facilities; (d) at least a six-year plan that will finance such
40 capital facilities within projected funding capacities and clearly

1 identifies sources of public money for such purposes; and (e) a
2 requirement to reassess the land use element if probable funding
3 falls short of meeting existing needs and to ensure that the land use
4 element, capital facilities plan element, and financing plan within
5 the capital facilities plan element are coordinated and consistent.
6 Park and recreation facilities shall be included in the capital
7 facilities plan element.

8 (4) A utilities element consisting of the general location,
9 proposed location, and capacity of all existing and proposed
10 utilities, including, but not limited to, electrical lines,
11 telecommunication lines, and natural gas lines.

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

16 (a) Growth management act goals and local circumstances. Because
17 circumstances vary from county to county, in establishing patterns of
18 rural densities and uses, a county may consider local circumstances,
19 but shall develop a written record explaining how the rural element
20 harmonizes the planning goals in RCW 36.70A.020 and meets the
21 requirements of this chapter.

22 (b) Rural development. The rural element shall permit rural
23 development, forestry, and agriculture in rural areas. The rural
24 element shall provide for a variety of rural densities, uses,
25 essential public facilities, and rural governmental services needed
26 to serve the permitted densities and uses. To achieve a variety of
27 rural densities and uses, counties may provide for clustering,
28 density transfer, design guidelines, conservation easements, and
29 other innovative techniques that will accommodate appropriate rural
30 economic advancement, densities, and uses that are not characterized
31 by urban growth and that are consistent with rural character.

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

35 (i) Containing or otherwise controlling rural development;

36 (ii) Assuring visual compatibility of rural development with the
37 surrounding rural area;

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

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

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

5 (d) Limited areas of more intensive rural development. Subject to
6 the requirements of this subsection and except as otherwise
7 specifically provided in this subsection (5)(d), the rural element
8 may allow for limited areas of more intensive rural development,
9 including necessary public facilities and public services to serve
10 the limited area as follows:

11 (i) Rural development consisting of the infill, development, or
12 redevelopment of existing commercial, industrial, residential, or
13 mixed-use areas, whether characterized as shoreline development,
14 villages, hamlets, rural activity centers, or crossroads
15 developments.

16 (A) A commercial, industrial, residential, shoreline, or mixed-
17 use area are subject to the requirements of (d)(iv) of this
18 subsection, but are not subject to the requirements of (c)(ii) and
19 (iii) of this subsection.

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

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

29 (ii) The intensification of development on lots containing, or
30 new development of, small-scale recreational or tourist uses,
31 including commercial facilities to serve those recreational or
32 tourist uses, that rely on a rural location and setting, but that do
33 not include new residential development. A small-scale recreation or
34 tourist use is not required to be principally designed to serve the
35 existing and projected rural population. Public services and public
36 facilities shall be limited to those necessary to serve the
37 recreation or tourist use and shall be provided in a manner that does
38 not permit low-density sprawl;

39 (iii) The intensification of development on lots containing
40 isolated nonresidential uses or new development of isolated cottage

1 industries and isolated small-scale businesses that are not
2 principally designed to serve the existing and projected rural
3 population and nonresidential uses, but do provide job opportunities
4 for rural residents. Rural counties may allow the expansion of small-
5 scale businesses as long as those small-scale businesses conform with
6 the rural character of the area as defined by the local government
7 according to RCW 36.70A.030(~~((+16+))~~) (23). Rural counties may also
8 allow new small-scale businesses to utilize a site previously
9 occupied by an existing business as long as the new small-scale
10 business conforms to the rural character of the area as defined by
11 the local government according to RCW 36.70A.030(~~((+16+))~~) (23). Public
12 services and public facilities shall be limited to those necessary to
13 serve the isolated nonresidential use and shall be provided in a
14 manner that does not permit low-density sprawl;

15 (iv) A county shall adopt measures to minimize and contain the
16 existing areas or uses of more intensive rural development, as
17 appropriate, authorized under this subsection. Lands included in such
18 existing areas or uses shall not extend beyond the logical outer
19 boundary of the existing area or use, thereby allowing a new pattern
20 of low-density sprawl. Existing areas are those that are clearly
21 identifiable and contained and where there is a logical boundary
22 delineated predominately by the built environment, but that may also
23 include undeveloped lands if limited as provided in this subsection.
24 The county shall establish the logical outer boundary of an area of
25 more intensive rural development. In establishing the logical outer
26 boundary, the county shall address (A) the need to preserve the
27 character of existing natural neighborhoods and communities, (B)
28 physical boundaries, such as bodies of water, streets and highways,
29 and land forms and contours, (C) the prevention of abnormally
30 irregular boundaries, and (D) the ability to provide public
31 facilities and public services in a manner that does not permit low-
32 density sprawl;

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

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

37 (B) On the date the county adopted a resolution under RCW
38 36.70A.040(2), in a county that is planning under all of the
39 provisions of this chapter under RCW 36.70A.040(2); or

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

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

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

11 (a) The transportation element shall include the following
12 subelements:

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

14 (ii) Estimated traffic impacts to state-owned transportation
15 facilities resulting from land use assumptions to assist the
16 department of transportation in monitoring the performance of state
17 facilities, to plan improvements for the facilities, and to assess
18 the impact of land-use decisions on state-owned transportation
19 facilities;

20 (iii) Facilities and services needs, including:

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

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

30 (C) For state-owned transportation facilities, level of service
31 standards for highways, as prescribed in chapters 47.06 and 47.80
32 RCW, to gauge the performance of the system. The purposes of
33 reflecting level of service standards for state highways in the local
34 comprehensive plan are to monitor the performance of the system, to
35 evaluate improvement strategies, and to facilitate coordination
36 between the county's or city's six-year street, road, or transit
37 program and the office of financial management's ten-year investment
38 program. The concurrency requirements of (b) of this subsection do
39 not apply to transportation facilities and services of statewide
40 significance except for counties consisting of islands whose only

1 connection to the mainland are state highways or ferry routes. In
2 these island counties, state highways and ferry route capacity must
3 be a factor in meeting the concurrency requirements in (b) of this
4 subsection;

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

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

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

15 (iv) Finance, including:

16 (A) An analysis of funding capability to judge needs against
17 probable funding resources;

18 (B) A multiyear financing plan based on the needs identified in
19 the comprehensive plan, the appropriate parts of which shall serve as
20 the basis for the six-year street, road, or transit program required
21 by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW
22 35.58.2795 for public transportation systems. The multiyear financing
23 plan should be coordinated with the ten-year investment program
24 developed by the office of financial management as required by RCW
25 47.05.030;

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

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

33 (vi) Demand-management strategies;

34 (vii) Pedestrian and bicycle component to include collaborative
35 efforts to identify and designate planned improvements for pedestrian
36 and bicycle facilities and corridors that address and encourage
37 enhanced community access and promote healthy lifestyles.

38 (b) After adoption of the comprehensive plan by jurisdictions
39 required to plan or who choose to plan under RCW 36.70A.040, local
40 jurisdictions must adopt and enforce ordinances which prohibit

1 development approval if the development causes the level of service
2 on a locally owned transportation facility to decline below the
3 standards adopted in the transportation element of the comprehensive
4 plan, unless transportation improvements or strategies to accommodate
5 the impacts of development are made concurrent with the development.
6 These strategies may include increased public transportation service,
7 ride-sharing programs, demand management, and other transportation
8 systems management strategies. For the purposes of this subsection
9 (6), "concurrent with the development" means that improvements or
10 strategies are in place at the time of development, or that a
11 financial commitment is in place to complete the improvements or
12 strategies within six years. If the collection of impact fees is
13 delayed under RCW 82.02.050(3), the six-year period required by this
14 subsection (6)(b) must begin after full payment of all impact fees is
15 due to the county or city.

16 (c) The transportation element described in this subsection (6),
17 the six-year plans required by RCW 35.77.010 for cities, RCW
18 36.81.121 for counties, and RCW 35.58.2795 for public transportation
19 systems, and the ten-year investment program required by RCW
20 47.05.030 for the state, must be consistent.

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

26 (8) A park and recreation element that implements, and is
27 consistent with, the capital facilities plan element as it relates to
28 park and recreation facilities. The element shall include: (a)
29 Estimates of park and recreation demand for at least a ten-year
30 period; (b) an evaluation of facilities and service needs; and (c) an
31 evaluation of intergovernmental coordination opportunities to provide
32 regional approaches for meeting park and recreational demand.

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

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

3 A code city may not prohibit emergency housing, transitional
4 housing, or permanent supportive housing in any zones in which
5 residential dwelling units, hotels, or short-term rentals are
6 allowed, and may not prohibit emergency shelters in any zone in which
7 hotels are allowed. Reasonable occupancy, spacing, intensity of use,
8 and operational restrictions may be imposed on indoor emergency
9 housing and indoor emergency shelters. Any such restrictions on
10 occupancy, spacing, and intensity of use may not prevent the siting
11 of sufficient indoor emergency housing or indoor emergency shelters
12 necessary to accommodate each code city's projected need for such
13 housing and shelter. For purposes of this section, "dwelling unit"
14 has the same meaning as defined in RCW 36.70A.696, "hotel" has the
15 same meaning as defined in RCW 19.48.010, and "short-term rental" has
16 the same meaning as defined in RCW 64.37.010.

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

19 A city may not prohibit emergency housing, transitional housing,
20 or permanent supportive housing in any zones in which residential
21 dwelling units, hotels, or short-term rentals are allowed, and may
22 not prohibit emergency shelters in any zone in which hotels are
23 allowed. Reasonable occupancy, spacing, intensity of use, and
24 operational restrictions may be imposed on indoor emergency housing
25 and indoor emergency shelters. Any such restrictions on occupancy,
26 spacing, and intensity of use may not prevent the siting of
27 sufficient indoor emergency housing or indoor emergency shelters
28 necessary to accommodate each city's projected need for such housing
29 and shelter. For purposes of this section, "dwelling unit" has the
30 same meaning as defined in RCW 36.70A.696, "hotel" has the same
31 meaning as defined in RCW 19.48.010, and "short-term rental" has the
32 same meaning as defined in RCW 64.37.010.

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

35 Unless the context clearly requires otherwise, the definitions in
36 this section apply throughout this chapter.

1 (1) "Adopt a comprehensive land use plan" means to enact a new
2 comprehensive land use plan or to update an existing comprehensive
3 land use plan.

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

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

12 (b) For owner-occupied housing, eighty percent of the median
13 household income adjusted for household size, for the county where
14 the household is located, as reported by the United States department
15 of housing and urban development.

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

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

24 (5) "Comprehensive land use plan," "comprehensive plan," or
25 "plan" means a generalized coordinated land use policy statement of
26 the governing body of a county or city that is adopted pursuant to
27 this chapter.

28 (6) "Critical areas" include the following areas and ecosystems:

29 (a) Wetlands; (b) areas with a critical recharging effect on aquifers
30 used for potable water; (c) fish and wildlife habitat conservation
31 areas; (d) frequently flooded areas; and (e) geologically hazardous
32 areas. "Fish and wildlife habitat conservation areas" does not
33 include such artificial features or constructs as irrigation delivery
34 systems, irrigation infrastructure, irrigation canals, or drainage
35 ditches that lie within the boundaries of and are maintained by a
36 port district or an irrigation district or company.

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

38 (8) "Development regulations" or "regulation" means the controls
39 placed on development or land use activities by a county or city,
40 including, but not limited to, zoning ordinances, critical areas

1 ordinances, shoreline master programs, official controls, planned
2 unit development ordinances, subdivision ordinances, and binding site
3 plan ordinances together with any amendments thereto. A development
4 regulation does not include a decision to approve a project permit
5 application, as defined in RCW 36.70B.020, even though the decision
6 may be expressed in a resolution or ordinance of the legislative body
7 of the county or city.

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

14 (10) "Emergency shelter" means a facility that provides a
15 temporary shelter for individuals or families who are currently
16 homeless. Emergency shelter may not require occupants to enter into a
17 lease or an occupancy agreement. Emergency shelter facilities may
18 include day and warming centers that do not provide overnight
19 accommodations.

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

26 ((+10)) (12) "Forestland" means land primarily devoted to
27 growing trees for long-term commercial timber production on land that
28 can be economically and practically managed for such production,
29 including Christmas trees subject to the excise tax imposed under RCW
30 84.33.100 through 84.33.140, and that has long-term commercial
31 significance. In determining whether forestland is primarily devoted
32 to growing trees for long-term commercial timber production on land
33 that can be economically and practically managed for such production,
34 the following factors shall be considered: (a) The proximity of the
35 land to urban, suburban, and rural settlements; (b) surrounding
36 parcel size and the compatibility and intensity of adjacent and
37 nearby land uses; (c) long-term local economic conditions that affect
38 the ability to manage for timber production; and (d) the availability
39 of public facilities and services conducive to conversion of
40 forestland to other uses.

1 (~~(11)~~) (13) "Freight rail dependent uses" means buildings and
2 other infrastructure that are used in the fabrication, processing,
3 storage, and transport of goods where the use is dependent on and
4 makes use of an adjacent short line railroad. Such facilities are
5 both urban and rural development for purposes of this chapter.
6 "Freight rail dependent uses" does not include buildings and other
7 infrastructure that are used in the fabrication, processing, storage,
8 and transport of coal, liquefied natural gas, or "crude oil" as
9 defined in RCW 90.56.010.

10 (~~(12)~~) (14) "Geologically hazardous areas" means areas that
11 because of their susceptibility to erosion, sliding, earthquake, or
12 other geological events, are not suited to the siting of commercial,
13 residential, or industrial development consistent with public health
14 or safety concerns.

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

20 (~~(14)~~) (16) "Low-income household" means a single person,
21 family, or unrelated persons living together whose adjusted income is
22 at or below eighty percent of the median household income adjusted
23 for household size, for the county where the household is located, as
24 reported by the United States department of housing and urban
25 development.

26 (~~(15)~~) (17) "Minerals" include gravel, sand, and valuable
27 metallic substances.

28 (~~(16)~~) (18) "Moderate-income household" means a single person,
29 family, or unrelated persons living together whose adjusted income is
30 at or below 120 percent of the median household income adjusted for
31 household size, for the county where the household is located, as
32 reported by the United States department of housing and urban
33 development.

34 (19) "Permanent supportive housing" is subsidized, leased housing
35 with no limit on length of stay that prioritizes people who need
36 comprehensive support services to retain tenancy and utilizes
37 admissions practices designed to use lower barriers to entry than
38 would be typical for other subsidized or unsubsidized rental housing,
39 especially related to rental history, criminal history, and personal
40 behaviors. Permanent supportive housing is paired with on-site or

1 off-site voluntary services designed to support a person living with
2 a complex and disabling behavioral health or physical health
3 condition who was experiencing homelessness or was at imminent risk
4 of homelessness prior to moving into housing to retain their housing
5 and be a successful tenant in a housing arrangement, improve the
6 resident's health status, and connect the resident of the housing
7 with community-based health care, treatment, or employment services.
8 Permanent supportive housing is subject to all of the rights and
9 responsibilities defined in chapter 59.18 RCW.

10 ~~((17))~~ (20) "Public facilities" include streets, roads,
11 highways, sidewalks, street and road lighting systems, traffic
12 signals, domestic water systems, storm and sanitary sewer systems,
13 parks and recreational facilities, and schools.

14 ~~((18))~~ (21) "Public services" include fire protection and
15 suppression, law enforcement, public health, education, recreation,
16 environmental protection, and other governmental services.

17 ~~((19))~~ (22) "Recreational land" means land so designated under
18 RCW 36.70A.1701 and that, immediately prior to this designation, was
19 designated as agricultural land of long-term commercial significance
20 under RCW 36.70A.170. Recreational land must have playing fields and
21 supporting facilities existing before July 1, 2004, for sports played
22 on grass playing fields.

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

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

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

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

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

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

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

38 (g) That are consistent with the protection of natural surface
39 water flows and groundwater and surface water recharge and discharge
40 areas.

1 (~~(21)~~) (24) "Rural development" refers to development outside
2 the urban growth area and outside agricultural, forest, and mineral
3 resource lands designated pursuant to RCW 36.70A.170. Rural
4 development can consist of a variety of uses and residential
5 densities, including clustered residential development, at levels
6 that are consistent with the preservation of rural character and the
7 requirements of the rural element. Rural development does not refer
8 to agriculture or forestry activities that may be conducted in rural
9 areas.

10 (~~(22)~~) (25) "Rural governmental services" or "rural services"
11 include those public services and public facilities historically and
12 typically delivered at an intensity usually found in rural areas, and
13 may include domestic water systems, fire and police protection
14 services, transportation and public transit services, and other
15 public utilities associated with rural development and normally not
16 associated with urban areas. Rural services do not include storm or
17 sanitary sewers, except as otherwise authorized by RCW 36.70A.110(4).

18 (~~(23)~~) (26) "Short line railroad" means those railroad lines
19 designated class II or class III by the United States surface
20 transportation board.

21 (~~(24)~~) (27) "Urban governmental services" or "urban services"
22 include those public services and public facilities at an intensity
23 historically and typically provided in cities, specifically including
24 storm and sanitary sewer systems, domestic water systems, street
25 cleaning services, fire and police protection services, public
26 transit services, and other public utilities associated with urban
27 areas and normally not associated with rural areas.

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

1 (~~(26)~~) (29) "Urban growth areas" means those areas designated
2 by a county pursuant to RCW 36.70A.110.

3 (~~(27)~~) (30) "Very low-income household" means a single person,
4 family, or unrelated persons living together whose adjusted income is
5 at or below fifty percent of the median household income adjusted for
6 household size, for the county where the household is located, as
7 reported by the United States department of housing and urban
8 development.

9 (~~(28)~~) (31) "Wetland" or "wetlands" means areas that are
10 inundated or saturated by surface water or groundwater at a frequency
11 and duration sufficient to support, and that under normal
12 circumstances do support, a prevalence of vegetation typically
13 adapted for life in saturated soil conditions. Wetlands generally
14 include swamps, marshes, bogs, and similar areas. Wetlands do not
15 include those artificial wetlands intentionally created from
16 nonwetland sites, including, but not limited to, irrigation and
17 drainage ditches, grass-lined swales, canals, detention facilities,
18 wastewater treatment facilities, farm ponds, and landscape amenities,
19 or those wetlands created after July 1, 1990, that were
20 unintentionally created as a result of the construction of a road,
21 street, or highway. Wetlands may include those artificial wetlands
22 intentionally created from nonwetland areas created to mitigate
23 conversion of wetlands.

24 NEW SECTION. **Sec. 6.** A new section is added to chapter 36.70A
25 RCW to read as follows:

26 In addition to ordinances, development regulations, and other
27 official controls adopted or amended, a city or county should
28 consider policies to encourage the construction of accessory dwelling
29 units as a way to meet affordable housing goals. These policies could
30 include, but are not limited to:

31 (1) The city or county may not require the owner of a lot on
32 which there is an accessory dwelling unit to reside in or occupy the
33 accessory dwelling unit or another housing unit on the same lot;

34 (2) The city or county may require the owner not to use the
35 accessory dwelling unit for short-term rentals;

36 (3) The city or county may not count residents of accessory
37 dwelling units against existing limits on the number of unrelated
38 residents on a lot;

1 (4) The city or county may not establish a minimum gross floor
2 area for accessory dwelling units that exceeds the state building
3 code;

4 (5) The city or county must make the same allowances for
5 accessory dwelling units' roof decks, balconies, and porches to
6 encroach on setbacks as are allowed for the principal unit;

7 (6) The city or county must apply abutting lot setbacks to
8 accessory dwelling units on lots abutting zones with lower setback
9 requirements;

10 (7) The city or county must establish an amnesty program to help
11 owners of unpermitted accessory dwelling units to obtain a permit;

12 (8) The city or county must permit accessory dwelling units in
13 structures detached from the principal unit, must allow an accessory
14 dwelling unit on any lot that meets the minimum lot size required for
15 the principal unit, and must allow attached accessory dwelling units
16 on any lot with a principal unit that is nonconforming solely because
17 the lot is smaller than the minimum size, as long as the accessory
18 dwelling unit would not increase nonconformity of the residential use
19 with respect to building height, bulk, or lot coverage;

20 (9) The city or county may not establish a maximum gross floor
21 area requirement for accessory dwelling units that are less than
22 1,000 square feet or 60 percent of the principal unit, whichever is
23 greater, or that exceeds 1,200 square feet;

24 (10) A city or county must allow accessory dwelling units to be
25 converted from existing structures, including but not limited to
26 detached garages, even if they violate current code requirements for
27 setbacks or lot coverage;

28 (11) A city or county may not require public street improvements
29 as a condition of permitting accessory dwelling units; and

30 (12) A city or county may require a new or separate utility
31 connection between an accessory dwelling unit and a utility only when
32 necessary to be consistent with water availability requirements,
33 water system plans, small water system management plans, or
34 established policies adopted by the water or sewer utility provider.
35 If such a connection is necessary, the connection fees and capacity
36 charges must:

37 (a) Be proportionate to the burden of the proposed accessory
38 dwelling unit upon the water or sewer system; and

39 (b) Not exceed the reasonable cost of providing the service."

NOT ADOPTED 04/10/2021

1 On page 1, line 2 of the title, after "regulations;" strike the
2 remainder of the title and insert "amending RCW 36.70A.020 and
3 36.70A.030; reenacting and amending RCW 36.70A.070; adding a new
4 section to chapter 35A.21 RCW; adding a new section to chapter 35.21
5 RCW; and adding a new section to chapter 36.70A RCW."

EFFECT: (1) Modifies the new action of the housing element addressing the documentation of programs and actions needed to achieve housing availability to include gaps in local funding only as opposed to both state and local funding.

(2) Modifies the new action of the housing element addressing the establishment of antidisplacement policies by prioritizing consideration of the preservation of historical and cultural communities.

(3) Replaces the prohibition on cities preventing emergency housing and shelters and permanent supportive housing in certain zones where short-term rentals are allowed, and the requirement that such housing be permitted at the same occupancy levels as short-term rentals in the residential zone, with the following:

(a) Prohibits cities from preventing emergency housing, transitional housing, or permanent supportive housing in any zones in which residential dwelling units, hotels, or short-term rentals are allowed, and from preventing emergency shelters in any zone in which hotels are allowed.

(b) Authorizes the imposition of reasonable occupancy, spacing, intensity of use, and operational restrictions on indoor emergency housing and indoor emergency shelters, but that any such restrictions on occupancy, spacing, and intensity of use does not prevent the siting of sufficient indoor emergency housing or shelters to accommodate the projected need.

(c) Provides definitions for "dwelling unit" and "hotel," while clarifying the definition of "short-term rental" to align with how the term is defined under statutory provisions regulating short-term rentals.

(4) Modifies one of the suggested policies to encourage the construction of ADUs to meet affordable housing goals, specifically authorizing cities and counties to require a new or separate utility connection between the ADU and a utility only when necessary to be consistent with certain water availability requirements and system plans, and requiring any fees associated with a necessary connection to be proportionate and not exceed reasonable costs.

--- END ---