
SUBSTITUTE SENATE BILL 5818

State of Washington

67th Legislature

2022 Regular Session

By Senate Housing & Local Government (originally sponsored by Senators Salomon, Lias, Kuderer, Saldaña, and Short)

READ FIRST TIME 02/02/22.

1 AN ACT Relating to promoting housing construction in cities
2 through amendments to and limiting appeals under the state
3 environmental policy act and growth management act; amending RCW
4 36.70A.600, 36.70A.070, 43.21C.495, and 43.21C.501; adding a new
5 section to chapter 43.21C RCW; creating a new section; and providing
6 an expiration date.

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

8 **Sec. 1.** RCW 36.70A.600 and 2020 c 173 s 1 are each amended to
9 read as follows:

10 (1) A city planning pursuant to RCW 36.70A.040 is encouraged to
11 take the following actions in order to increase its residential
12 building capacity:

13 (a) Authorize development in one or more areas of not fewer than
14 five hundred acres that include at least one train station served by
15 commuter rail or light rail with an average of at least fifty
16 residential units per acre that require no more than an average of
17 one on-site parking space per two bedrooms in the portions of
18 multifamily zones that are located within the areas;

19 (b) Authorize development in one or more areas of not fewer than
20 two hundred acres in cities with a population greater than forty
21 thousand or not fewer than one hundred acres in cities with a

1 population less than forty thousand that include at least one bus
2 stop served by scheduled bus service of at least four times per hour
3 for twelve or more hours per day with an average of at least twenty-
4 five residential units per acre that require no more than an average
5 of one on-site parking space per two bedrooms in portions of the
6 multifamily zones that are located within the areas;

7 (c) Authorize at least one duplex, triplex, quadplex, sixplex,
8 stacked flat, townhouse, or courtyard apartment on each parcel in one
9 or more zoning districts that permit single-family residences unless
10 a city documents a specific infrastructure of physical constraint
11 that would make this requirement unfeasible for a particular parcel;

12 (d) Authorize a duplex, triplex, quadplex, sixplex, stacked flat,
13 townhouse, or courtyard apartment on one or more parcels for which
14 they are not currently authorized;

15 (e) Authorize cluster zoning or lot size averaging in all zoning
16 districts that permit single-family residences;

17 (f) Adopt a subarea plan pursuant to RCW 43.21C.420;

18 (g) Adopt a planned action pursuant to RCW 43.21C.440(1)(b)(ii),
19 except that an environmental impact statement pursuant to RCW
20 43.21C.030 is not required for such an action;

21 (h) Adopt increases in categorical exemptions pursuant to RCW
22 43.21C.229 for residential or mixed-use development;

23 (i) Adopt a form-based code in one or more zoning districts that
24 permit residential uses. "Form-based code" means a land development
25 regulation that uses physical form, rather than separation of use, as
26 the organizing principle for the code;

27 (j) Authorize a duplex on each corner lot within all zoning
28 districts that permit single-family residences;

29 (k) Allow for the division or redivision of land into the maximum
30 number of lots through the short subdivision process provided in
31 chapter 58.17 RCW;

32 (l) Authorize a minimum net density of six dwelling units per
33 acre in all residential zones, where the residential development
34 capacity will increase within the city. For purposes of this
35 subsection, the calculation of net density does not include the
36 square footage of areas that are otherwise prohibited from
37 development, such as critical areas, the area of buffers around
38 critical areas, and the area of roads and similar features;

39 (m) Create one or more zoning districts of medium density in
40 which individual lots may be no larger than three thousand five

1 hundred square feet and single-family residences may be no larger
2 than one thousand two hundred square feet;

3 (n) Authorize accessory dwelling units in one or more zoning
4 districts in which they are currently prohibited;

5 (o) Remove minimum residential parking requirements related to
6 accessory dwelling units;

7 (p) Remove owner occupancy requirements related to accessory
8 dwelling units;

9 (q) Adopt new square footage requirements related to accessory
10 dwelling units that are less restrictive than existing square footage
11 requirements related to accessory dwelling units;

12 (r) Adopt maximum allowable exemption levels in WAC 197-11-800(1)
13 as it existed on June 11, 2020, or such subsequent date as may be
14 provided by the department of ecology by rule, consistent with the
15 purposes of this section;

16 (s) Adopt standards for administrative approval of final plats
17 pursuant to RCW 58.17.100;

18 (t) Adopt ordinances authorizing administrative review of
19 preliminary plats pursuant to RCW 58.17.095;

20 (u) Adopt other permit process improvements where it is
21 demonstrated that the code, development regulation, or ordinance
22 changes will result in a more efficient permit process for customers;

23 (v) Update use matrices and allowable use tables that eliminate
24 conditional use permits and administrative conditional use permits
25 for all housing types, including single-family homes, townhomes,
26 multifamily housing, low-income housing, and senior housing, but
27 excluding essential public facilities;

28 (w) Allow off-street parking to compensate for lack of on-street
29 parking when private roads are utilized or a parking demand study
30 shows that less parking is required for the project;

31 (x) Develop a local program that offers homeowners a combination
32 of financing, design, permitting, or construction support to build
33 accessory dwelling units. A city may condition this program on a
34 requirement to provide the unit for affordable home ownership or rent
35 the accessory dwelling unit for a defined period of time to either
36 tenants in a housing subsidy program as defined in RCW 43.31.605(14)
37 or to tenants whose income is less than eighty percent of the city or
38 county median family income. If the city includes an affordability
39 requirement under the program, it must provide additional incentives,
40 such as:

1 (i) Density bonuses;
2 (ii) Height and bulk bonuses;
3 (iii) Fee waivers or exemptions;
4 (iv) Parking reductions; or
5 (v) Expedited permitting; and
6 (y) Develop a local program that offers homeowners a combination
7 of financing, design, permitting, or construction support to convert
8 a single-family home into a duplex, triplex, or quadplex where those
9 housing types are authorized. A local government may condition this
10 program on a requirement to provide a certain number of units for
11 affordable home ownership or to rent a certain number of the newly
12 created units for a defined period of time to either tenants in a
13 housing subsidy program as defined in RCW 43.31.605(14) or to tenants
14 whose income is less than eighty percent of the city or county median
15 family income. If the city includes an affordability requirement, it
16 must provide additional incentives, such as:

17 (i) Density bonuses;
18 (ii) Height and bulk bonuses;
19 (iii) Fee waivers or exemptions;
20 (iv) Parking reductions; or
21 (v) Expedited permitting.

22 (2) A city planning pursuant to RCW 36.70A.040 may adopt a
23 housing action plan as described in this subsection. The goal of any
24 such housing plan must be to encourage construction of additional
25 affordable and market rate housing in a greater variety of housing
26 types and at prices that are accessible to a greater variety of
27 incomes, including strategies aimed at the for-profit single-family
28 home market. A housing action plan may utilize data compiled pursuant
29 to RCW 36.70A.610. The housing action plan should:

30 (a) Quantify existing and projected housing needs for all income
31 levels, including extremely low-income households, with documentation
32 of housing and household characteristics, and cost-burdened
33 households;

34 (b) Develop strategies to increase the supply of housing, and
35 variety of housing types, needed to serve the housing needs
36 identified in (a) of this subsection;

37 (c) Analyze population and employment trends, with documentation
38 of projections;

39 (d) Consider strategies to minimize displacement of low-income
40 residents resulting from redevelopment;

1 (e) Review and evaluate the current housing element adopted
2 pursuant to RCW 36.70A.070, including an evaluation of success in
3 attaining planned housing types and units, achievement of goals and
4 policies, and implementation of the schedule of programs and actions;

5 (f) Provide for participation and input from community members,
6 community groups, local builders, local realtors, nonprofit housing
7 advocates, and local religious groups; and

8 (g) Include a schedule of programs and actions to implement the
9 recommendations of the housing action plan.

10 (3) (~~If adopted by April 1, 2023,~~) The adoption of ordinances,
11 amendments to development regulations, and other nonproject actions
12 taken by a city to implement the actions specified in subsection (1)
13 of this section, with the exception of the action specified in
14 subsection (1)(f) of this section, or to implement strategies adopted
15 within a housing action plan under subsection (2) of this section,
16 are not subject to environmental or judicial review or administrative
17 or judicial appeal under chapter 43.21C RCW.

18 (4) Any action taken by a city (~~prior to April 1, 2023,~~) to
19 amend (~~their~~) its comprehensive plan(~~(r)~~) or adopt or amend
20 ordinances or development regulations, solely to enact provisions
21 under subsection (1) of this section or to implement strategies
22 adopted within a housing action plan under subsection (2) of this
23 section, is not subject to review or legal challenge under this
24 chapter.

25 (5) In taking action under subsection (1) of this section, cities
26 are encouraged to utilize strategies that increase residential
27 building capacity in areas with frequent transit service and with the
28 transportation and utility infrastructure that supports the
29 additional residential building capacity.

30 (6) A city that is planning to take at least two actions under
31 subsection (1) of this section, and that action will occur between
32 July 28, 2019, and April 1, 2021, is eligible to apply to the
33 department for planning grant assistance of up to one hundred
34 thousand dollars, subject to the availability of funds appropriated
35 for that purpose. The department shall develop grant criteria to
36 ensure that grant funds awarded are proportionate to the level of
37 effort proposed by a city, and the potential increase in housing
38 supply or regulatory streamlining that could be achieved. Funding may
39 be provided in advance of, and to support, adoption of policies or
40 ordinances consistent with this section. A city can request, and the

1 department may award, more than one hundred thousand dollars for
2 applications that demonstrate extraordinary potential to increase
3 housing supply or regulatory streamlining.

4 (7) A city seeking to develop a housing action plan under
5 subsection (2) of this section is eligible to apply to the department
6 for up to one hundred thousand dollars.

7 (8) The department shall establish grant award amounts under
8 subsections (6) and (7) of this section based on the expected number
9 of cities that will seek grant assistance, to ensure that all cities
10 can receive some level of grant support. If funding capacity allows,
11 the department may consider accepting and funding applications from
12 cities with a population of less than twenty thousand if the actions
13 proposed in the application will create a significant amount of
14 housing capacity or regulatory streamlining and are consistent with
15 the actions in this section.

16 (9) In implementing chapter 348, Laws of 2019, cities are
17 encouraged to prioritize the creation of affordable, inclusive
18 neighborhoods and to consider the risk of residential displacement,
19 particularly in neighborhoods with communities at high risk of
20 displacement.

21 **Sec. 2.** RCW 36.70A.070 and 2021 c 254 s 2 are each amended to
22 read as follows:

23 The comprehensive plan of a county or city that is required or
24 chooses to plan under RCW 36.70A.040 shall consist of a map or maps,
25 and descriptive text covering objectives, principles, and standards
26 used to develop the comprehensive plan. The plan shall be an
27 internally consistent document and all elements shall be consistent
28 with the future land use map. A comprehensive plan shall be adopted
29 and amended with public participation as provided in RCW 36.70A.140.
30 Each comprehensive plan shall include a plan, scheme, or design for
31 each of the following:

32 (1) A land use element designating the proposed general
33 distribution and general location and extent of the uses of land,
34 where appropriate, for agriculture, timber production, housing,
35 commerce, industry, recreation, open spaces, general aviation
36 airports, public utilities, public facilities, and other land uses.
37 The land use element shall include population densities, building
38 intensities, and estimates of future population growth. The land use
39 element shall provide for protection of the quality and quantity of

1 groundwater used for public water supplies. Wherever possible, the
2 land use element should consider utilizing urban planning approaches
3 that promote physical activity. Where applicable, the land use
4 element shall review drainage, flooding, and stormwater runoff in the
5 area and nearby jurisdictions and provide guidance for corrective
6 actions to mitigate or cleanse those discharges that pollute waters
7 of the state, including Puget Sound or waters entering Puget Sound.

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

10 (a) Includes an inventory and analysis of existing and projected
11 housing needs that identifies the number of housing units necessary
12 to manage projected growth, as provided by the department of
13 commerce, including:

14 (i) Units for moderate, low, very low, and extremely low-income
15 households; and

16 (ii) Emergency housing, emergency shelters, and permanent
17 supportive housing;

18 (b) Includes a statement of goals, policies, objectives, and
19 mandatory provisions for the preservation, improvement, and
20 development of housing, including single-family residences, and
21 within an urban growth area boundary, moderate density housing
22 options including ~~(+)~~, but not limited to, duplexes, triplexes,
23 and townhomes;

24 (c) Identifies sufficient capacity of land for housing including,
25 but not limited to, government-assisted housing, housing for
26 moderate, low, very low, and extremely low-income households,
27 manufactured housing, multifamily housing, group homes, foster care
28 facilities, emergency housing, emergency shelters, permanent
29 supportive housing, and within an urban growth area boundary,
30 consideration of duplexes, triplexes, and townhomes;

31 (d) Makes adequate provisions for existing and projected needs of
32 all economic segments of the community, including:

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

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

38 (iii) Consideration of housing locations in relation to
39 employment location; and

1 (iv) Consideration of the role of accessory dwelling units in
2 meeting housing needs;

3 (e) Identifies local policies and regulations that result in
4 racially disparate impacts, displacement, and exclusion in housing,
5 including:

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

7 (ii) Disinvestment; and

8 (iii) Infrastructure availability;

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

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

15 (h) Establishes antidisplacement policies, with consideration
16 given to the preservation of historical and cultural communities as
17 well as investments in low, very low, extremely low, and moderate-
18 income housing; equitable development initiatives; inclusionary
19 zoning; community planning requirements; tenant protections; land
20 disposition policies; and consideration of land that may be used for
21 affordable housing.

22 In counties and cities subject to the review and evaluation
23 requirements of RCW 36.70A.215, any revision to the housing element
24 shall include consideration of prior review and evaluation reports
25 and any reasonable measures identified. The housing element should
26 link jurisdictional goals with overall county goals to ensure that
27 the housing element goals are met.

28 The adoption of development regulations or amendments by a city
29 that is required or chooses to plan under RCW 36.70A.040 that
30 increase housing capacity, increase housing affordability, and
31 mitigate displacement as required under this subsection (2) and that
32 apply outside of critical areas are not subject to environmental or
33 judicial review under this chapter or administrative or judicial
34 appeal under chapter 43.21C RCW.

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

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

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

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

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

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

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

36 (i) Containing or otherwise controlling rural development;

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

39 (iii) Reducing the inappropriate conversion of undeveloped land
40 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(23). Rural counties may also allow new
8 small-scale businesses to utilize a site previously occupied by an
9 existing business as long as the new small-scale business conforms to
10 the rural character of the area as defined by the local government
11 according to RCW 36.70A.030(23). Public services and public
12 facilities shall be limited to those necessary to serve the isolated
13 nonresidential use and shall be provided in a manner that does not
14 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 **Sec. 3.** RCW 43.21C.495 and 2020 c 173 s 2 are each amended to
2 read as follows:

3 (~~If adopted by April 1, 2023, amendments~~) Amendments to
4 development regulations and other nonproject actions taken by a city
5 to implement: RCW 36.70A.070(2); RCW 36.70A.600 (1) or (4), with the
6 exception of the action specified in RCW 36.70A.600(1)(f); and
7 strategies adopted within a housing action plan under RCW
8 36.70A.600(2), are not subject to environmental or judicial review or
9 administrative or judicial appeals under this chapter.

10 **Sec. 4.** RCW 43.21C.501 and 2019 c 348 s 6 are each amended to
11 read as follows:

12 (1) Project actions described in this section that pertain to
13 residential, multifamily, or mixed-use development evaluated under
14 this chapter by a city or town planning under RCW 36.70A.040 are
15 exempt from appeals under this chapter on the basis of the evaluation
16 of or impacts to the following elements of the environment, provided
17 that the appropriate requirements for a particular element of the
18 environment, as set forth in subsections (2) and (3) of this section,
19 are met.

20 (2)(a) Transportation. A project action pertaining to
21 residential, multifamily, or mixed-use development evaluated under
22 this chapter by a city or town planning under RCW 36.70A.040 is
23 exempt from appeals under this chapter on the basis of the evaluation
24 of or impacts to transportation elements of the environment, so long
25 as (~~the project does not present significant adverse impacts to the~~
26 ~~state-owned transportation system as determined by the department of~~
27 ~~transportation and~~) the project is:

28 (~~(a)(i)~~) (i)(A) Consistent with a locally adopted
29 transportation plan; or

30 (~~(ii)~~) (B) Consistent with the transportation element of a
31 comprehensive plan; and

32 (~~(b)(i)~~) (ii)(A) A project for which traffic or parking impact
33 fees are imposed pursuant to RCW 82.02.050 through 82.02.090; or

34 (~~(ii)~~) (B) A project for which traffic or parking impacts are
35 (~~expressly~~) mitigated by an ordinance, or ordinances, of general
36 application adopted by the city or town.

37 (~~(2)~~) (b) The exemption under this subsection (2) does not
38 apply if the department of transportation has found that the project

1 will present significant adverse impacts to the state-owned
2 transportation system.

3 (3) (a) Aesthetics. A project action pertaining to residential,
4 multifamily, or mixed-use development evaluated under this chapter by
5 a city or town planning under RCW 36.70A.040 is exempt from appeals
6 under this chapter on the basis of the evaluation of or impacts to
7 the aesthetics element of the environment, so long as the project is
8 subject to design review pursuant to adopted design review
9 requirements at the local government level.

10 (b) Light and glare. A project action pertaining to residential,
11 multifamily, or mixed-use development evaluated under this chapter by
12 a city or town planning under RCW 36.70A.040 is exempt from appeals
13 under this chapter on the basis of the evaluation of or impacts to
14 the light and glare element of the environment, so long as the
15 project is subject to design review pursuant to adopted design review
16 requirements at the local government level.

17 (4) For purposes of this section (~~(7) "impacts"~~):

18 (a) "Design review" means a formally adopted local government
19 process by which projects are reviewed for compliance with design
20 standards for the type of use adopted through local ordinance.

21 (b) "Impacts to transportation elements of the environment"
22 include impacts to transportation systems; vehicular traffic;
23 waterborne, rail, and air traffic; parking; movement or circulation
24 of people or goods; and traffic hazards.

25 NEW SECTION. Sec. 5. (1) The legislature recognizes that
26 certain rule-based categorical exemption thresholds to chapter 43.21C
27 RCW, found in WAC 197-11-800, have not been updated in recent years,
28 and should be modified in light of the increased environmental
29 protections in place under chapters 36.70A and 90.58 RCW, the current
30 affordable housing crisis, and other laws. It is the intent of the
31 legislature to direct the department of ecology to conduct expedited
32 rule making to modify the thresholds for the categorical exemptions
33 described under subsection (2) of this section.

34 (2) By December 31, 2022, the department of ecology shall modify
35 the rule-based categorical exemptions to chapter 43.21C RCW found in
36 WAC 197-11-800 as follows:

37 (a) Include four attached single-family residential units to the
38 current exemption under WAC 197-11-800 (1) (b) (i);

1 (b) Create a new exemption level under WAC 197-11-800(1)(d) for
2 single-family residential project types with a total square footage
3 of fewer than 1,500 square feet in incorporated urban growth areas of
4 at least 100 units; and

5 (c) Increase the exemption level under WAC 197-11-800(1)(d) for
6 multifamily residential project types in incorporated urban growth
7 areas from 60 units to 200 units.

8 (3) This section expires January 1, 2024.

9 NEW SECTION. **Sec. 6.** A new section is added to chapter 43.21C
10 RCW to read as follows:

11 Any applicant whose project qualifies as exempt or categorically
12 exempt under this chapter or by rule is not required to file a
13 checklist or any other paperwork to prove the exemption if the
14 initial project application contains sufficient information showing
15 that the project is exempt or categorically exempt under this chapter
16 or by rule.

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