

SHB 1782 - H AMD 1020

By Representative Bateman

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

3 **"Sec. 1.** RCW 36.70A.030 and 2021 c 254 s 6 are each amended to
4 read as follows:

5 Unless the context clearly requires otherwise, the definitions in
6 this section apply throughout this chapter.

7 (1) "Adopt a comprehensive land use plan" means to enact a new
8 comprehensive land use plan or to update an existing comprehensive
9 land use plan.

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

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

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

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

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

30 (5) "Comprehensive land use plan," "comprehensive plan," or
31 "plan" means a generalized coordinated land use policy statement of

1 the governing body of a county or city that is adopted pursuant to
2 this chapter.

3 (6) "Cottage housing" means four or more residential units on a
4 lot with a common open space that is either:

5 (a) Owned in common; or

6 (b) Has units owned as condominium units with property owned in
7 common and a minimum of 20 percent of the lot size as open space.

8 (7) "Courtyard apartments" means up to four attached dwelling
9 units arranged on two or three sides of a central courtyard or lawn
10 area.

11 (8) "Critical areas" include the following areas and ecosystems:

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

20 ~~((7))~~ (9) "Department" means the department of commerce.

21 ~~((8))~~ (10) "Development regulations" or "regulation" means the
22 controls placed on development or land use activities by a county or
23 city, including, but not limited to, zoning ordinances, critical
24 areas ordinances, shoreline master programs, official controls,
25 planned unit development ordinances, subdivision ordinances, and
26 binding site plan ordinances together with any amendments thereto. A
27 development regulation does not include a decision to approve a
28 project permit application, as defined in RCW 36.70B.020, even though
29 the decision may be expressed in a resolution or ordinance of the
30 legislative body of the county or city.

31 ~~((9))~~ (11) "Emergency housing" means temporary indoor
32 accommodations for individuals or families who are homeless or at
33 imminent risk of becoming homeless that is intended to address the
34 basic health, food, clothing, and personal hygiene needs of
35 individuals or families. Emergency housing may or may not require
36 occupants to enter into a lease or an occupancy agreement.

37 ~~((10))~~ (12) "Emergency shelter" means a facility that provides
38 a temporary shelter for individuals or families who are currently
39 homeless. Emergency shelter may not require occupants to enter into a
40 lease or an occupancy agreement. Emergency shelter facilities may

1 include day and warming centers that do not provide overnight
2 accommodations.

3 ~~((11))~~ (13) "Extremely low-income household" means a single
4 person, family, or unrelated persons living together whose adjusted
5 income is at or below thirty percent of the median household income
6 adjusted for household size, for the county where the household is
7 located, as reported by the United States department of housing and
8 urban development.

9 ~~((12))~~ (14) "Forestland" means land primarily devoted to
10 growing trees for long-term commercial timber production on land that
11 can be economically and practically managed for such production,
12 including Christmas trees subject to the excise tax imposed under RCW
13 84.33.100 through 84.33.140, and that has long-term commercial
14 significance. In determining whether forestland is primarily devoted
15 to growing trees for long-term commercial timber production on land
16 that can be economically and practically managed for such production,
17 the following factors shall be considered: (a) The proximity of the
18 land to urban, suburban, and rural settlements; (b) surrounding
19 parcel size and the compatibility and intensity of adjacent and
20 nearby land uses; (c) long-term local economic conditions that affect
21 the ability to manage for timber production; and (d) the availability
22 of public facilities and services conducive to conversion of
23 forestland to other uses.

24 ~~((13))~~ (15) "Freight rail dependent uses" means buildings and
25 other infrastructure that are used in the fabrication, processing,
26 storage, and transport of goods where the use is dependent on and
27 makes use of an adjacent short line railroad. Such facilities are
28 both urban and rural development for purposes of this chapter.
29 "Freight rail dependent uses" does not include buildings and other
30 infrastructure that are used in the fabrication, processing, storage,
31 and transport of coal, liquefied natural gas, or "crude oil" as
32 defined in RCW 90.56.010.

33 ~~((14))~~ (16) "Geologically hazardous areas" means areas that
34 because of their susceptibility to erosion, sliding, earthquake, or
35 other geological events, are not suited to the siting of commercial,
36 residential, or industrial development consistent with public health
37 or safety concerns.

38 ~~((15))~~ (17) "Long-term commercial significance" includes the
39 growing capacity, productivity, and soil composition of the land for
40 long-term commercial production, in consideration with the land's

1 proximity to population areas, and the possibility of more intense
2 uses of the land.

3 ~~((16))~~ (18) "Low-income household" means a single person,
4 family, or unrelated persons living together whose adjusted income is
5 at or below eighty percent of the median household income adjusted
6 for 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 ~~((17))~~ (19) "Major transit stop" means:

10 (a) A stop on a high capacity transportation system funded or
11 expanded under the provisions of chapter 81.104 RCW;

12 (b) Commuter rail stops;

13 (c) Stops on rail or fixed guideway systems, including
14 transitways;

15 (d) Stops on bus rapid transit routes or routes that run on high
16 occupancy vehicle lanes;

17 (e) Stops for a bus or other transit mode providing actual fixed
18 route service at intervals of at least 15 minutes for at least five
19 hours during the peak hours of operation on weekdays; or

20 (f) Washington state ferry terminals.

21 (20) "Middle housing" means duplexes, triplexes, fourplexes,
22 attached and detached accessory dwelling units, cottage housing,
23 stacked flats, townhouses, and courtyard apartments.

24 (21) "Minerals" include gravel, sand, and valuable metallic
25 substances.

26 ~~((18))~~ (22) "Moderate-income household" means a single person,
27 family, or unrelated persons living together whose adjusted income is
28 at or below 120 percent of the median household income adjusted for
29 household size, for the county where the household is located, as
30 reported by the United States department of housing and urban
31 development.

32 ~~((19))~~ (23) "Permanent supportive housing" is subsidized,
33 leased housing with no limit on length of stay that prioritizes
34 people who need comprehensive support services to retain tenancy and
35 utilizes admissions practices designed to use lower barriers to entry
36 than would be typical for other subsidized or unsubsidized rental
37 housing, especially related to rental history, criminal history, and
38 personal behaviors. Permanent supportive housing is paired with on-
39 site or off-site voluntary services designed to support a person
40 living with a complex and disabling behavioral health or physical

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

8 ~~((20))~~ (24) "Public facilities" include streets, roads,
9 highways, sidewalks, street and road lighting systems, traffic
10 signals, domestic water systems, storm and sanitary sewer systems,
11 parks and recreational facilities, and schools.

12 ~~((21))~~ (25) "Public services" include fire protection and
13 suppression, law enforcement, public health, education, recreation,
14 environmental protection, and other governmental services.

15 ~~((22))~~ (26) "Recreational land" means land so designated under
16 RCW 36.70A.1701 and that, immediately prior to this designation, was
17 designated as agricultural land of long-term commercial significance
18 under RCW 36.70A.170. Recreational land must have playing fields and
19 supporting facilities existing before July 1, 2004, for sports played
20 on grass playing fields.

21 ~~((23))~~ (27) "Rural character" refers to the patterns of land
22 use and development established by a county in the rural element of
23 its comprehensive plan:

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

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

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

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

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

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

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

39 ~~((24))~~ (28) "Rural development" refers to development outside
40 the urban growth area and outside agricultural, forest, and mineral

1 resource lands designated pursuant to RCW 36.70A.170. Rural
2 development can consist of a variety of uses and residential
3 densities, including clustered residential development, at levels
4 that are consistent with the preservation of rural character and the
5 requirements of the rural element. Rural development does not refer
6 to agriculture or forestry activities that may be conducted in rural
7 areas.

8 ~~((25))~~ (29) "Rural governmental services" or "rural services"
9 include those public services and public facilities historically and
10 typically delivered at an intensity usually found in rural areas, and
11 may include domestic water systems, fire and police protection
12 services, transportation and public transit services, and other
13 public utilities associated with rural development and normally not
14 associated with urban areas. Rural services do not include storm or
15 sanitary sewers, except as otherwise authorized by RCW 36.70A.110(4).

16 ~~((26))~~ (30) "Short line railroad" means those railroad lines
17 designated class II or class III by the United States surface
18 transportation board.

19 ~~((27))~~ (31) "Stacked flat" means dwelling units in a two or
20 three story residential building on a residential zoned lot in which
21 each floor may be separately rented or owned and is a discrete
22 dwelling unit.

23 (32) "Townhouses" means dwelling units constructed in a row of
24 two or more attached units, where each dwelling unit is located on an
25 individual lot or parcel and shares at least one common wall with an
26 adjacent unit.

27 (33) "Urban governmental services" or "urban services" include
28 those public services and public facilities at an intensity
29 historically and typically provided in cities, specifically including
30 storm and sanitary sewer systems, domestic water systems, street
31 cleaning services, fire and police protection services, public
32 transit services, and other public utilities associated with urban
33 areas and normally not associated with rural areas.

34 ~~((28))~~ (34) "Urban growth" refers to growth that makes
35 intensive use of land for the location of buildings, structures, and
36 impermeable surfaces to such a degree as to be incompatible with the
37 primary use of land for the production of food, other agricultural
38 products, or fiber, or the extraction of mineral resources, rural
39 uses, rural development, and natural resource lands designated
40 pursuant to RCW 36.70A.170. A pattern of more intensive rural

1 development, as provided in RCW 36.70A.070(5)(d), is not urban
2 growth. When allowed to spread over wide areas, urban growth
3 typically requires urban governmental services. "Characterized by
4 urban growth" refers to land having urban growth located on it, or to
5 land located in relationship to an area with urban growth on it as to
6 be appropriate for urban growth.

7 ~~((29))~~ (35) "Urban growth areas" means those areas designated
8 by a county pursuant to RCW 36.70A.110.

9 ~~((30))~~ (36) "Very low-income household" means a single person,
10 family, or unrelated persons living together whose adjusted income is
11 at or below fifty percent of the median household income adjusted for
12 household size, for the county where the household is located, as
13 reported by the United States department of housing and urban
14 development.

15 ~~((31))~~ (37) "Wetland" or "wetlands" means areas that are
16 inundated or saturated by surface water or groundwater at a frequency
17 and duration sufficient to support, and that under normal
18 circumstances do support, a prevalence of vegetation typically
19 adapted for life in saturated soil conditions. Wetlands generally
20 include swamps, marshes, bogs, and similar areas. Wetlands do not
21 include those artificial wetlands intentionally created from
22 nonwetland sites, including, but not limited to, irrigation and
23 drainage ditches, grass-lined swales, canals, detention facilities,
24 wastewater treatment facilities, farm ponds, and landscape amenities,
25 or those wetlands created after July 1, 1990, that were
26 unintentionally created as a result of the construction of a road,
27 street, or highway. Wetlands may include those artificial wetlands
28 intentionally created from nonwetland areas created to mitigate
29 conversion of wetlands.

30 **Sec. 2.** RCW 36.70A.210 and 2009 c 121 s 2 are each amended to
31 read as follows:

32 (1) The legislature recognizes that counties are regional
33 governments within their boundaries, and cities are primary providers
34 of urban governmental services within urban growth areas. For the
35 purposes of this section, a "countywide planning policy" is a written
36 policy statement or statements used solely for establishing a
37 countywide framework from which county and city comprehensive plans
38 are developed and adopted pursuant to this chapter. This framework
39 shall ensure that city and county comprehensive plans are consistent

1 as required in RCW 36.70A.100. Nothing in this section shall be
2 construed to alter the land-use powers of cities.

3 (2) The legislative authority of a county that plans under RCW
4 36.70A.040 shall adopt a countywide planning policy in cooperation
5 with the cities located in whole or in part within the county as
6 follows:

7 (a) No later than sixty calendar days from July 16, 1991, the
8 legislative authority of each county that as of June 1, 1991, was
9 required or chose to plan under RCW 36.70A.040 shall convene a
10 meeting with representatives of each city located within the county
11 for the purpose of establishing a collaborative process that will
12 provide a framework for the adoption of a countywide planning policy.
13 In other counties that are required or choose to plan under RCW
14 36.70A.040, this meeting shall be convened no later than sixty days
15 after the date the county adopts its resolution of intention or was
16 certified by the office of financial management.

17 (b) The process and framework for adoption of a countywide
18 planning policy specified in (a) of this subsection shall determine
19 the manner in which the county and the cities agree to all procedures
20 and provisions including but not limited to desired planning
21 policies, deadlines, ratification of final agreements and
22 demonstration thereof, and financing, if any, of all activities
23 associated therewith.

24 (c) If a county fails for any reason to convene a meeting with
25 representatives of cities as required in (a) of this subsection, the
26 governor may immediately impose any appropriate sanction or sanctions
27 on the county from those specified under RCW 36.70A.340.

28 (d) If there is no agreement by October 1, 1991, in a county that
29 was required or chose to plan under RCW 36.70A.040 as of June 1,
30 1991, or if there is no agreement within one hundred twenty days of
31 the date the county adopted its resolution of intention or was
32 certified by the office of financial management in any other county
33 that is required or chooses to plan under RCW 36.70A.040, the
34 governor shall first inquire of the jurisdictions as to the reason or
35 reasons for failure to reach an agreement. If the governor deems it
36 appropriate, the governor may immediately request the assistance of
37 the department of ~~((community, trade, and economic development))~~
38 commerce to mediate any disputes that preclude agreement. If
39 mediation is unsuccessful in resolving all disputes that will lead to
40 agreement, the governor may impose appropriate sanctions from those

1 specified under RCW 36.70A.340 on the county, city, or cities for
2 failure to reach an agreement as provided in this section. The
3 governor shall specify the reason or reasons for the imposition of
4 any sanction.

5 (e) No later than July 1, 1992, the legislative authority of each
6 county that was required or chose to plan under RCW 36.70A.040 as of
7 June 1, 1991, or no later than fourteen months after the date the
8 county adopted its resolution of intention or was certified by the
9 office of financial management the county legislative authority of
10 any other county that is required or chooses to plan under RCW
11 36.70A.040, shall adopt a countywide planning policy according to the
12 process provided under this section and that is consistent with the
13 agreement pursuant to (b) of this subsection, and after holding a
14 public hearing or hearings on the proposed countywide planning
15 policy.

16 (3) A countywide planning policy shall at a minimum, address the
17 following:

18 (a) Policies to implement RCW 36.70A.110;

19 (b) Policies for promotion of contiguous and orderly development
20 and provision of urban services to such development;

21 (c) Policies for siting public capital facilities of a countywide
22 or statewide nature, including transportation facilities of statewide
23 significance as defined in RCW 47.06.140;

24 (d) Policies for countywide transportation facilities and
25 strategies;

26 (e) Policies that consider the need for affordable housing, such
27 as housing for all economic segments of the population and parameters
28 for its distribution and to address how the county and its cities
29 will jointly meet the requirements to consider all housing types
30 identified in RCW 36.70A.070(2), including, within an urban growth
31 area boundary, single-family residences and all middle housing types.
32 Such policies must address how the combined efforts of the county and
33 its cities will ensure the housing element requirements in RCW
34 36.70A.070(2) are met as the county and each city update their
35 comprehensive plans. The requirements of this subsection related to
36 considering middle housing within an urban growth area boundary do
37 not apply to a county or city that is not subject to the review and
38 evaluation requirements of RCW 36.70A.215 if the county or city has
39 adopted findings and provided evidence as provided for in RCW
40 36.70A.070(2) that the current infrastructure within an urban growth

1 area boundary is not capable of supporting such development or that
2 there is little likelihood that infrastructure will be built to
3 support such development within the 20-year planning period;

4 (f) Policies to address how the county and its cities will
5 jointly meet the requirements of RCW 36.70A.070(1);

6 ~~((f))~~ (g) Policies for joint county and city planning within
7 urban growth areas;

8 ~~((g))~~ (h) Policies for countywide economic development and
9 employment, which must include consideration of the future
10 development of commercial and industrial facilities; and

11 ~~((h))~~ (i) An analysis of the fiscal impact.

12 (4) Federal agencies and Indian tribes may participate in and
13 cooperate with the countywide planning policy adoption process.
14 Adopted countywide planning policies shall be adhered to by state
15 agencies.

16 (5) Failure to adopt a countywide planning policy that meets the
17 requirements of this section may result in the imposition of a
18 sanction or sanctions on a county or city within the county, as
19 specified in RCW 36.70A.340. In imposing a sanction or sanctions, the
20 governor shall specify the reasons for failure to adopt a countywide
21 planning policy in order that any imposed sanction or sanctions are
22 fairly and equitably related to the failure to adopt a countywide
23 planning policy.

24 (6) Cities and the governor may appeal an adopted countywide
25 planning policy to the growth management hearings board within sixty
26 days of the adoption of the countywide planning policy.

27 (7) Multicounty planning policies shall be adopted by two or more
28 counties, each with a population of four hundred fifty thousand or
29 more, with contiguous urban areas and may be adopted by other
30 counties, according to the process established under this section or
31 other processes agreed to among the counties and cities within the
32 affected counties throughout the multicounty region. Measured
33 increases to regional housing capacity following implementation of
34 the requirements under section 4 of this act must not be considered
35 in making any determination that a jurisdiction has exceeded or will
36 exceed its population forecast.

37 **Sec. 3.** RCW 36.70A.070 and 2021 c 254 s 2 are each amended to
38 read as follows:

1 The comprehensive plan of a county or city that is required or
2 chooses to plan under RCW 36.70A.040 shall consist of a map or maps,
3 and descriptive text covering objectives, principles, and standards
4 used to develop the comprehensive plan. The plan shall be an
5 internally consistent document and all elements shall be consistent
6 with the future land use map. A comprehensive plan shall be adopted
7 and amended with public participation as provided in RCW 36.70A.140.
8 Each comprehensive plan shall include a plan, scheme, or design for
9 each of the following:

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

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

27 (a) Includes an inventory and analysis of existing and projected
28 housing needs that identifies the number of housing units necessary
29 to manage projected growth, as provided by the department of
30 commerce, including:

31 (i) Units for moderate, low, very low, and extremely low-income
32 households; and

33 (ii) Emergency housing, emergency shelters, and permanent
34 supportive housing;

35 (b) Includes a statement of goals, policies, objectives, and
36 mandatory provisions for the preservation, improvement, and
37 development of housing, including single-family residences, and
38 within an urban growth area boundary, moderate density housing
39 options including ~~(+,+)~~, but not limited to, duplexes, triplexes,
40 and townhomes;

1 (c) Identifies sufficient capacity of land for housing including,
2 but not limited to, government-assisted housing, housing for
3 moderate, low, very low, and extremely low-income households,
4 manufactured housing, multifamily housing, group homes, foster care
5 facilities, emergency housing, emergency shelters, permanent
6 supportive housing, and within an urban growth area boundary,
7 consideration of duplexes, triplexes, and townhomes;

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

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

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

15 (iii) Consideration of housing locations in relation to
16 employment location; and

17 (iv) Consideration of the role of accessory dwelling units in
18 meeting housing needs;

19 (e) Identifies local policies and regulations that result in
20 racially disparate impacts, displacement, and exclusion in housing,
21 including:

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

23 (ii) Disinvestment; and

24 (iii) Infrastructure availability;

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

28 (g) Identifies areas that may be at higher risk of displacement
29 from market forces that occur with changes to zoning development
30 regulations and capital investments; (~~and~~)

31 (h) Establishes antidisplacement policies, with consideration
32 given to the preservation of historical and cultural communities as
33 well as investments in low, very low, extremely low, and moderate-
34 income housing; equitable development initiatives; inclusionary
35 zoning; community planning requirements; tenant protections; land
36 disposition policies; and consideration of land that may be used for
37 affordable housing;

38 (i) Establishes a goal and plan to adopt development regulations,
39 investments, incentives, or other programs which will achieve
40 substantial measurable progress over a 20-year planning horizon

1 toward increased economic and racial integration in all areas of the
2 jurisdiction through programs encouraging, authorizing, directly
3 investing in, or incentivizing new affordable housing options for all
4 economic segments of the population including duplex, triplex,
5 townhomes, accessory dwelling units, multifamily housing, subdivision
6 of properties above minimum lot size, or with condominium common
7 ownership.

8 (i) The county or city shall make a finding that comprehensive
9 plans and development regulations affirmatively prevent displacement
10 of lower and moderate-income community members, including families,
11 in communities of interest. Such communities shall be determined
12 based on community input solicited through appropriate outreach,
13 including public meetings, in order to ensure that there is no net
14 displacement of lower and moderate-income residents or people from
15 racial, ethnic, and religious communities which have been subject to
16 discriminatory housing policies in the past.

17 (ii) Any city planning under RCW 36.70A.040 that has a population
18 of 30,000 or more as of the effective date of this section, or any
19 city that is determined by the office of financial management
20 pursuant to RCW 43.62.030 to have a population of 30,000 or more at
21 least one year prior to its next comprehensive plan update, shall
22 adopt a subelement of their plan's housing element which shall ensure
23 that the jurisdiction will adopt development regulations, fees,
24 incentives, subsidies, or funded investment programs, including
25 programs funded pursuant to interlocal agreements, that are found to
26 reasonably meet the projected needs for new housing for all economic
27 segments of the region and to prevent displacement of lower-income
28 residents and communities; and

29 (j) Allows subdivision of lots to increase the supply of housing
30 affordable to lower and moderate-income residents. For short
31 subdivision of lots developed with more than one house, ownership of
32 the houses may be divided using the unit lot subdivision process. A
33 property containing a detached accessory dwelling unit may be
34 segregated in ownership from the principal dwelling unit.

35 In counties and cities subject to the review and evaluation
36 requirements of RCW 36.70A.215, any revision to the housing element
37 shall include consideration of prior review and evaluation reports
38 and any reasonable measures identified. The housing element should
39 link jurisdictional goals with overall county goals to ensure that
40 the housing element goals are met.

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

15 (4) A utilities element consisting of the general location,
16 proposed location, and capacity of all existing and proposed
17 utilities, including, but not limited to, electrical lines,
18 telecommunication lines, and natural gas lines.

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

23 (a) Growth management act goals and local circumstances. Because
24 circumstances vary from county to county, in establishing patterns of
25 rural densities and uses, a county may consider local circumstances,
26 but shall develop a written record explaining how the rural element
27 harmonizes the planning goals in RCW 36.70A.020 and meets the
28 requirements of this chapter.

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

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

4 (i) Containing or otherwise controlling rural development;

5 (ii) Assuring visual compatibility of rural development with the
6 surrounding rural area;

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

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

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

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

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

24 (A) A commercial, industrial, residential, shoreline, or mixed-
25 use area are subject to the requirements of (d)(iv) of this
26 subsection, but are not subject to the requirements of (c)(ii) and
27 (iii) of this subsection.

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

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

37 (ii) The intensification of development on lots containing, or
38 new development of, small-scale recreational or tourist uses,
39 including commercial facilities to serve those recreational or
40 tourist uses, that rely on a rural location and setting, but that do

1 not include new residential development. A small-scale recreation or
2 tourist use is not required to be principally designed to serve the
3 existing and projected rural population. Public services and public
4 facilities shall be limited to those necessary to serve the
5 recreation or tourist use and shall be provided in a manner that does
6 not permit low-density sprawl;

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

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

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

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

5 (B) On the date the county adopted a resolution under RCW
6 36.70A.040(2), in a county that is planning under all of the
7 provisions of this chapter under RCW 36.70A.040(2); or

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

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

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

18 (a) The transportation element shall include the following
19 subelements:

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

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

27 (iii) Facilities and services needs, including:

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

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

37 (C) For state-owned transportation facilities, level of service
38 standards for highways, as prescribed in chapters 47.06 and 47.80
39 RCW, to gauge the performance of the system. The purposes of
40 reflecting level of service standards for state highways in the local

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

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

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

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

22 (iv) Finance, including:

23 (A) An analysis of funding capability to judge needs against
24 probable funding resources;

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

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

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

40 (vi) Demand-management strategies;

1 (vii) Pedestrian and bicycle component to include collaborative
2 efforts to identify and designate planned improvements for pedestrian
3 and bicycle facilities and corridors that address and encourage
4 enhanced community access and promote healthy lifestyles.

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

23 (c) The transportation element described in this subsection (6),
24 the six-year plans required by RCW 35.77.010 for cities, RCW
25 36.81.121 for counties, and RCW 35.58.2795 for public transportation
26 systems, and the ten-year investment program required by RCW
27 47.05.030 for the state, must be consistent.

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

33 (8) A park and recreation element that implements, and is
34 consistent with, the capital facilities plan element as it relates to
35 park and recreation facilities. The element shall include: (a)
36 Estimates of park and recreation demand for at least a ten-year
37 period; (b) an evaluation of facilities and service needs; and (c) an
38 evaluation of intergovernmental coordination opportunities to provide
39 regional approaches for meeting park and recreational demand.

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

8 NEW SECTION. **Sec. 4.** A new section is added to chapter 36.70A
9 RCW to read as follows:

10 (1) Any city planning under RCW 36.70A.040 that has a population
11 of 30,000 or more as of the effective date of this section, or any
12 city that is determined by the office of financial management
13 pursuant to RCW 43.62.030 to have a population of 30,000 or more at
14 least one year prior to its next comprehensive plan update, must
15 authorize the development of no fewer than four residential units on
16 all lots zoned for residential use within one-quarter mile of a major
17 transit stop.

18 (2)(a) As an alternative to the requirements in subsection (1) of
19 this section, cities may alter local zoning to allow an average
20 minimum net density equivalent to 33 dwelling units per acre within
21 one-quarter mile of a major transit stop.

22 (b) In determining net density for housing within one-quarter
23 mile of a major transit stop a city may exclude sensitive or critical
24 areas, dedicated open space, schools, bodies of water, or lands which
25 are not buildable to the level of density otherwise required.

26 (c) Any city that authorizes additional housing units pursuant to
27 subsection (1) of this section or chooses to adopt an average minimum
28 density pursuant to (a) of this subsection shall also adopt findings
29 of fact demonstrating that the actions taken to authorize additional
30 housing units or implement the average minimum density will not
31 result in racially disparate impacts, displacement, or further
32 exclusion in housing. The city shall transmit such findings to the
33 department.

34 (3)(a) A city is exempt from the requirements in subsection (1)
35 of this section if the city has adopted an ordinance to amend its
36 comprehensive plan to allow for an increase in local dwelling unit
37 capacity by an average of 10 units per buildable residential zoned
38 acre across the city since July 1, 2019.

1 (b) A city that is exempt under (a) of this subsection shall
2 implement the requirements of subsection (1) or (2) of this section
3 by the next comprehensive plan update after the effective date of
4 this section.

5 (4) When providing for the required additional housing units as
6 required in subsection (1) of this section or for the minimum net
7 density as required in subsection (2) of this section, the city shall
8 ensure that multifamily housing within such areas includes sufficient
9 units to meet the projections of housing needed within the planning
10 horizon for families and households of various sizes and income
11 levels.

12 (5) Any city with a population over 100,000 may not require the
13 inclusion of off-street parking as a condition for the construction
14 of middle housing within one-quarter mile of a major transit stop,
15 unless the street on which the construction will occur has no on-
16 street parking.

17 (6)(a) Outside of the limitations in this section, a city may
18 apply all otherwise applicable regulations for the development of
19 middle housing, including regulations for health, safety, or
20 environment.

21 (b) Cities may adopt development and design standards related to
22 the siting and design of additional housing units. Such development
23 and design standards may not discourage the development of additional
24 housing units through unreasonable costs, fees, delays, or other
25 requirements or actions which individually or cumulatively make
26 impracticable the permitting, siting, or construction of additional
27 housing units, provided that this subsection does not limit the
28 amount of affordable housing that a city may require to be provided,
29 either on-site or through an in-lieu payment, pursuant to a program
30 enacted under RCW 36.70A.540. A city may not require zoning,
31 development, siting, or design review standards for additional
32 housing units that are more restrictive than those required for
33 detached single-family residences and the same development permit and
34 environmental review processes that apply to detached single-family
35 residences shall be applied to additional housing units.

36 (7) If a county or city does not allow all middle housing types
37 on lots zoned for detached single-family residential use and located
38 more than one-quarter mile of a major transit stop within an urban
39 growth area boundary, then the applicable countywide planning policy
40 required under RCW 36.70A.210 must provide for how the county, as a

1 whole, and its cities will meet the existing and projected housing
2 needs of all economic segments of the community during the planning
3 period. The planning, development, and other requirements of this
4 subsection related to all middle housing types within an urban growth
5 area boundary do not apply to a county or city that is not subject to
6 the review and evaluation requirements of RCW 36.70A.215 if the
7 county or city adopts findings and provides evidence that the current
8 infrastructure within an urban growth area boundary is not capable of
9 supporting such development or that there is little likelihood that
10 infrastructure will be built to support such development within the
11 20-year planning period.

12 (8) Nothing in this section prohibits a city from permitting
13 detached single-family residences.

14 NEW SECTION. **Sec. 5.** A new section is added to chapter 36.70A
15 RCW to read as follows:

16 (1) Any city subject to the requirements under section 4 of this
17 act may apply to the department for, and the department may certify,
18 an extension of the implementation timelines.

19 (2) An extension certified under this section may be applied only
20 to specific areas where a city has identified water, sewer,
21 stormwater, or transportation services that are currently deficient,
22 or are expected to be deficient within the next five years, and for
23 which the local government has established a plan of actions that
24 will remedy the deficiency in those services on a specific timeline.
25 The department may certify additional extensions of a city's
26 remediation timeline.

27 (3) For any subarea or community of interest within the
28 jurisdiction for which the city or county finds that the increases in
29 housing density required under section 4 of this act may create a
30 significant risk of displacement of lower or moderate-income
31 residents, reducing racial and economic integration, or of not
32 meeting goals to increase affordable housing near transit, the city
33 or county may apply to the department for flexibility in
34 implementation for a limited period of time not to exceed one year.

35 (4) The department may establish by rule any procedures necessary
36 to implement this section.

37 NEW SECTION. **Sec. 6.** A new section is added to chapter 64.38
38 RCW to read as follows:

1 Governing documents of associations within areas of cities
2 subject to the additional housing unit and density requirements of
3 this act that are created after the effective date of this section
4 may not prohibit the construction or development of the types of
5 housing or density requirements that must be permitted by this act
6 within such cities.

7 NEW SECTION. **Sec. 7.** A new section is added to chapter 64.90
8 RCW to read as follows:

9 Declarations and governing documents of a common interest
10 community within areas of cities subject to the additional housing
11 unit and density requirements of this act that are created after the
12 effective date of this section may not prohibit the construction or
13 development of the types of housing or density requirements that must
14 be permitted by this act within such cities.

15 NEW SECTION. **Sec. 8.** If specific funding for the purposes of
16 this act, referencing this act by bill or chapter number, is not
17 provided by June 30, 2022, in the omnibus appropriations act, this
18 act is null and void."

19 Correct the title.

EFFECT: Makes the following changes:

(1) Removes the requirement that the Department of Commerce evaluate the costs for counties and cities to review and revise their comprehensive plans to assure compliance with the Growth Management Act and other requirements related to the evaluation.

(2) Removes additional technical and financial assistance requirements for the Department of Commerce.

(3) Removes the requirement that the Department of Commerce promote equitable and meaningful participation in development of comprehensive plans and development regulations and distribute grants to historically marginalized communities and populations.

(4) Removes the provision allowing the Department of Commerce to contract with a public or nonprofit agency to assist local governments in comprehensive planning and other obligations under the Growth Management Act.

(5) Removes the changes to the land use element, capital facilities plan element, and the transportation element of the comprehensive plan, and removes all changes to the housing element of the comprehensive plan except certain displacement requirements.

(6) Removes the middle housing requirements for cities planning under the Growth Management Act with a population of 20,000 or more and instead requires cities planning under the Growth Management Act with a population of 30,000 or more to authorize up to four units on all lots within one-quarter mile of a major transit stop.

(7) Removes middle housing requirements for cities with a population under 20,000.

(8) Provides that measured increases to regional housing capacity following implementation of the middle housing requirements shall not be considered in making a determination that a jurisdiction has exceeded or will exceed its population forecast for countywide planning policies under the Growth Management Act.

(9) Requires a city or county that does not allow all middle housing types on lots zoned for detached single-family residential use and located more than one-quarter mile of a major transit stop within an urban growth area to provide in the countywide planning policy for how the county and its cities will meet existing and projected housing needs of all economic segments of the community during the planning period.

(10) Provides an exception to the middle housing requirements for a city that has adopted an ordinance to amend its comprehensive plan to allow for an increase in local dwelling unit capacity by an average of 10 units per buildable residential zoned acre across the city since July 1, 2019, provided that the city implements the requirements by the next comprehensive plan update after the act takes effect.

--- END ---