
SUBSTITUTE HOUSE BILL 1220

State of Washington

67th Legislature

2021 Regular Session

By House Local Government (originally sponsored by Representatives Peterson, Macri, Bateman, Ryu, Lekanoff, Fitzgibbon, Kloba, Davis, Lovick, Santos, Ortiz-Self, Simmons, Berg, Hackney, Chopp, Tharinger, and Frame)

READ FIRST TIME 02/11/21.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

37 (a) Includes an inventory and analysis of existing and projected
38 housing needs that identifies the number of housing units necessary

1 to manage projected growth, as provided by the department of
2 commerce, including:

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

5 (ii) Emergency housing, emergency shelters, and permanent
6 supportive housing;

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

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

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

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

22 (ii) Documenting programs and actions needed to achieve housing
23 availability including gaps in state and local funding, barriers such
24 as development regulations, and other limitations;

25 (iii) Consideration of housing locations in relation to
26 employment location; and

27 (iv) Consideration of the role of accessory dwelling units in
28 meeting housing needs;

29 (e) Identifies local policies and regulations that result in
30 racially disparate impacts, displacement, and exclusion in housing,
31 including:

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

33 (ii) Disinvestment; and

34 (iii) Infrastructure availability;

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

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

1 (h) Establishes antidisplacement policies, with consideration
2 given to investments in low, very low, extremely low, and moderate-
3 income housing; equitable development initiatives; inclusionary
4 zoning; community planning requirements; tenant protections; land
5 disposition policies; and consideration of land that may be used for
6 affordable housing. In counties and cities subject to the review and
7 evaluation requirements of RCW 36.70A.215, any revision to the
8 housing element shall include consideration of prior review and
9 evaluation reports and any reasonable measures identified.

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

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

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

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

38 (b) Rural development. The rural element shall permit rural
39 development, forestry, and agriculture in rural areas. The rural
40 element shall provide for a variety of rural densities, uses,

1 essential public facilities, and rural governmental services needed
2 to serve the permitted densities and uses. To achieve a variety of
3 rural densities and uses, counties may provide for clustering,
4 density transfer, design guidelines, conservation easements, and
5 other innovative techniques that will accommodate appropriate rural
6 economic advancement, densities, and uses that are not characterized
7 by urban growth and that are consistent with rural character.

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

11 (i) Containing or otherwise controlling rural development;

12 (ii) Assuring visual compatibility of rural development with the
13 surrounding rural area;

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

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

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

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

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

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

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

39 (C) Any development or redevelopment in terms of building size,
40 scale, use, or intensity shall be consistent with the character of

1 the existing areas. Development and redevelopment may include changes
2 in use from vacant land or a previously existing use so long as the
3 new use conforms to the requirements of this subsection (5);

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

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

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

1 boundary, the county shall address (A) the need to preserve the
2 character of existing natural neighborhoods and communities, (B)
3 physical boundaries, such as bodies of water, streets and highways,
4 and land forms and contours, (C) the prevention of abnormally
5 irregular boundaries, and (D) the ability to provide public
6 facilities and public services in a manner that does not permit low-
7 density sprawl;

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

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

12 (B) On the date the county adopted a resolution under RCW
13 36.70A.040(2), in a county that is planning under all of the
14 provisions of this chapter under RCW 36.70A.040(2); or

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

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

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

25 (a) The transportation element shall include the following
26 subelements:

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

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

34 (iii) Facilities and services needs, including:

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

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

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

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

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

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

29 (iv) Finance, including:

30 (A) An analysis of funding capability to judge needs against
31 probable funding resources;

32 (B) A multiyear financing plan based on the needs identified in
33 the comprehensive plan, the appropriate parts of which shall serve as
34 the basis for the six-year street, road, or transit program required
35 by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW
36 35.58.2795 for public transportation systems. The multiyear financing
37 plan should be coordinated with the ten-year investment program
38 developed by the office of financial management as required by RCW
39 47.05.030;

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

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

8 (vi) Demand-management strategies;

9 (vii) Pedestrian and bicycle component to include collaborative
10 efforts to identify and designate planned improvements for pedestrian
11 and bicycle facilities and corridors that address and encourage
12 enhanced community access and promote healthy lifestyles.

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

31 (c) The transportation element described in this subsection (6),
32 the six-year plans required by RCW 35.77.010 for cities, RCW
33 36.81.121 for counties, and RCW 35.58.2795 for public transportation
34 systems, and the ten-year investment program required by RCW
35 47.05.030 for the state, must be consistent.

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

1 (8) A park and recreation element that implements, and is
2 consistent with, the capital facilities plan element as it relates to
3 park and recreation facilities. The element shall include: (a)
4 Estimates of park and recreation demand for at least a ten-year
5 period; (b) an evaluation of facilities and service needs; and (c) an
6 evaluation of intergovernmental coordination opportunities to provide
7 regional approaches for meeting park and recreational demand.

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

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

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

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

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

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

27 Unless the context clearly requires otherwise, the definitions in
28 this section apply throughout this chapter.

29 (1) "Adopt a comprehensive land use plan" means to enact a new
30 comprehensive land use plan or to update an existing comprehensive
31 land use plan.

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

36 (a) For rental housing, sixty percent of the median household
37 income adjusted for household size, for the county where the

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

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

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

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

15 (5) "Comprehensive land use plan," "comprehensive plan," or
16 "plan" means a generalized coordinated land use policy statement of
17 the governing body of a county or city that is adopted pursuant to
18 this chapter.

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

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

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

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

39 (9) "Emergency housing" means temporary indoor accommodations for
40 individuals or families who are homeless or at imminent risk of

1 becoming homeless that is intended to address the basic health, food,
2 clothing, and personal hygiene needs of individuals or families.
3 Emergency housing may or may not require occupants to enter into a
4 lease or an occupancy agreement.

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

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

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

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

1 (~~(12)~~) (14) "Geologically hazardous areas" means areas that
2 because of their susceptibility to erosion, sliding, earthquake, or
3 other geological events, are not suited to the siting of commercial,
4 residential, or industrial development consistent with public health
5 or safety concerns.

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

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

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

19 (~~(16)~~) (18) "Moderate-income household" means a single person,
20 family, or unrelated persons living together whose adjusted income is
21 at or below 120 percent of the median household income adjusted for
22 household size, for the county where the household is located, as
23 reported by the United States department of housing and urban
24 development.

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

1 (~~(17)~~) (20) "Public facilities" include streets, roads,
2 highways, sidewalks, street and road lighting systems, traffic
3 signals, domestic water systems, storm and sanitary sewer systems,
4 parks and recreational facilities, and schools.

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

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

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

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

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

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

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

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

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

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

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

1 (~~(22)~~) (25) "Rural governmental services" or "rural services"
2 include those public services and public facilities historically and
3 typically delivered at an intensity usually found in rural areas, and
4 may include domestic water systems, fire and police protection
5 services, transportation and public transit services, and other
6 public utilities associated with rural development and normally not
7 associated with urban areas. Rural services do not include storm or
8 sanitary sewers, except as otherwise authorized by RCW 36.70A.110(4).

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

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

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

32 (~~(26)~~) (29) "Urban growth areas" means those areas designated
33 by a county pursuant to RCW 36.70A.110.

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

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

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

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

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

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

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

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

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

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

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

3 (8) The city or county must permit accessory dwelling units in
4 structures detached from the principal unit, must allow an accessory
5 dwelling unit on any lot that meets the minimum lot size required for
6 the principal unit, and must allow attached accessory dwelling units
7 on any lot with a principal unit that is nonconforming solely because
8 the lot is smaller than the minimum size, as long as the accessory
9 dwelling unit would not increase nonconformity of the residential use
10 with respect to building height, bulk, or lot coverage;

11 (9) The city or county may not establish a maximum gross floor
12 area requirement for accessory dwelling units that are less than
13 1,000 square feet or 60 percent of the principal unit, whichever is
14 greater, or that exceeds 1,200 square feet;

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

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

21 (12) A city or county may not require installation of a new or
22 separate utility connection between an accessory dwelling unit and a
23 utility unless unusual site conditions make it unavoidable, and if
24 such connection is necessary, the connection fees or capacity charges
25 must be consistent with water availability requirements, water system
26 plans, small water system management plans, or established policies
27 adopted by the water or sewer utility provider.

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