
HOUSE BILL 1232

State of Washington **67th Legislature** **2021 Regular Session**

By Representatives Barkis, Griffey, Eslick, Robertson, and Young

Read first time 01/18/21. Referred to Committee on Local Government.

1 AN ACT Relating to planning for affordable housing under the
2 growth management act; amending RCW 36.70A.210; and reenacting and
3 amending RCW 36.70A.070.

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

5 **Sec. 1.** RCW 36.70A.070 and 2017 3rd sp.s. c 18 s 4 and 2017 3rd
6 sp.s. c 16 s 4 are each reenacted and amended to read as follows:

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

16 (1) A land use element designating the proposed general
17 distribution and general location and extent of the uses of land,
18 where appropriate, for agriculture, timber production, housing,
19 commerce, industry, recreation, open spaces, general aviation
20 airports, public utilities, public facilities, and other land uses.
21 The land use element shall include population densities, building

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

10 (2) A housing element ensuring the vitality and character of
11 established residential neighborhoods that: (a) Includes an inventory
12 and analysis of existing and projected housing needs that identifies
13 the number of housing units necessary to manage projected growth; (b)
14 includes a statement of goals, policies, objectives, and mandatory
15 provisions for the preservation, improvement, and development of
16 housing, including single-family residences such as single-family
17 detached dwellings, duplexes, triplexes, and townhomes; (c)
18 identifies sufficient land for housing, including, but not limited
19 to, government-assisted housing, housing for low-income families,
20 manufactured housing, multifamily housing, ~~((and))~~ group homes and
21 foster care facilities, and single-family residences such as single-
22 family detached dwellings, duplexes, triplexes, and townhomes; and
23 (d) makes adequate provisions for existing and projected needs of all
24 economic segments of the community, including consideration of
25 housing locations in relation to employment locations. In counties
26 and cities subject to the review and evaluation requirements of RCW
27 36.70A.215, any revision to the housing element shall include
28 consideration of prior review and evaluation reports and any
29 reasonable measures identified. The housing element should link
30 jurisdictional goals with overall county goals to ensure that the
31 housing element goals are met. If a county or city does not plan for
32 each housing type identified in this subsection, including single-
33 family residences such as single-family detached dwellings, duplexes,
34 triplexes, and townhomes, then the applicable countywide planning
35 policy required under RCW 36.70A.210 must provide for how the county,
36 as a whole, and its cities will meet the existing and projected
37 housing needs of all economic segments of the community during the
38 planning period.

39 (3) A capital facilities plan element consisting of: (a) An
40 inventory of existing capital facilities owned by public entities,

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

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

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

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

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

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

40 (i) Containing or otherwise controlling rural development;

1 (ii) Assuring visual compatibility of rural development with the
2 surrounding rural area;

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

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

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

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

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

20 (A) A commercial, industrial, residential, shoreline, or mixed-
21 use area are subject to the requirements of (d)(iv) of this
22 subsection, but are not subject to the requirements of (c)(ii) and
23 (iii) of this subsection.

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

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

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

1 recreation or tourist use and shall be provided in a manner that does
2 not permit low-density sprawl;

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

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

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

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

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

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

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

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

14 (a) The transportation element shall include the following
15 subelements:

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

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

23 (iii) Facilities and services needs, including:

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

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

33 (C) For state-owned transportation facilities, level of service
34 standards for highways, as prescribed in chapters 47.06 and 47.80
35 RCW, to gauge the performance of the system. The purposes of
36 reflecting level of service standards for state highways in the local
37 comprehensive plan are to monitor the performance of the system, to
38 evaluate improvement strategies, and to facilitate coordination
39 between the county's or city's six-year street, road, or transit
40 program and the office of financial management's ten-year investment

1 program. The concurrency requirements of (b) of this subsection do
2 not apply to transportation facilities and services of statewide
3 significance except for counties consisting of islands whose only
4 connection to the mainland are state highways or ferry routes. In
5 these island counties, state highways and ferry route capacity must
6 be a factor in meeting the concurrency requirements in (b) of this
7 subsection;

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

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

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

18 (iv) Finance, including:

19 (A) An analysis of funding capability to judge needs against
20 probable funding resources;

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

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

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

36 (vi) Demand-management strategies;

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

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

19 (c) The transportation element described in this subsection (6),
20 the six-year plans required by RCW 35.77.010 for cities, RCW
21 36.81.121 for counties, and RCW 35.58.2795 for public transportation
22 systems, and the ten-year investment program required by RCW
23 47.05.030 for the state, must be consistent.

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

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

36 (9) It is the intent that new or amended elements required after
37 January 1, 2002, be adopted concurrent with the scheduled update
38 provided in RCW 36.70A.130. Requirements to incorporate any such new
39 or amended elements shall be null and void until funds sufficient to
40 cover applicable local government costs are appropriated and

1 distributed by the state at least two years before local government
2 must update comprehensive plans as required in RCW 36.70A.130.

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

5 (1) The legislature recognizes that counties are regional
6 governments within their boundaries, and cities are primary providers
7 of urban governmental services within urban growth areas. For the
8 purposes of this section, a "countywide planning policy" is a written
9 policy statement or statements used solely for establishing a
10 countywide framework from which county and city comprehensive plans
11 are developed and adopted pursuant to this chapter. This framework
12 shall ensure that city and county comprehensive plans are consistent
13 as required in RCW 36.70A.100. Nothing in this section shall be
14 construed to alter the land-use powers of cities.

15 (2) The legislative authority of a county that plans under RCW
16 36.70A.040 shall adopt a countywide planning policy in cooperation
17 with the cities located in whole or in part within the county (~~as~~
18 ~~follows:~~

19 ~~(a) No later than sixty calendar days from July 16, 1991, the~~
20 ~~legislative authority of each county that as of June 1, 1991, was~~
21 ~~required or chose to plan under RCW 36.70A.040 shall convene a~~
22 ~~meeting with representatives of each city located within the county~~
23 ~~for the purpose of establishing a collaborative process that will~~
24 ~~provide a framework for the adoption of a countywide planning policy.~~
25 ~~In other counties that are required or choose to plan under RCW~~
26 ~~36.70A.040, this meeting shall be convened no later than sixty days~~
27 ~~after the date the county adopts its resolution of intention or was~~
28 ~~certified by the office of financial management.~~

29 ~~(b) The process and framework for adoption of a countywide~~
30 ~~planning policy specified in (a) of this subsection shall determine~~
31 ~~the manner in which the county and the cities agree to all procedures~~
32 ~~and provisions including but not limited to desired planning~~
33 ~~policies, deadlines, ratification of final agreements and~~
34 ~~demonstration thereof, and financing, if any, of all activities~~
35 ~~associated therewith.~~

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

1 ~~(d) If there is no agreement by October 1, 1991, in a county that~~
2 ~~was required or chose to plan under RCW 36.70A.040 as of June 1,~~
3 ~~1991, or if there is no agreement within one hundred twenty days of~~
4 ~~the date the county adopted its resolution of intention or was~~
5 ~~certified by the office of financial management in any other county~~
6 ~~that is required or chooses to plan under RCW 36.70A.040, the~~
7 ~~governor shall first inquire of the jurisdictions as to the reason or~~
8 ~~reasons for failure to reach an agreement. If the governor deems it~~
9 ~~appropriate, the governor may immediately request the assistance of~~
10 ~~the department of community, trade, and economic development to~~
11 ~~mediate any disputes that preclude agreement. If mediation is~~
12 ~~unsuccessful in resolving all disputes that will lead to agreement,~~
13 ~~the governor may impose appropriate sanctions from those specified~~
14 ~~under RCW 36.70A.340 on the county, city, or cities for failure to~~
15 ~~reach an agreement as provided in this section. The governor shall~~
16 ~~specify the reason or reasons for the imposition of any sanction.~~

17 ~~(e) No later than July 1, 1992, the legislative authority of each~~
18 ~~county that was required or chose to plan under RCW 36.70A.040 as of~~
19 ~~June 1, 1991, or no later than fourteen months after the date the~~
20 ~~county adopted its resolution of intention or was certified by the~~
21 ~~office of financial management the county legislative authority of~~
22 ~~any other county that is required or chooses to plan under RCW~~
23 ~~36.70A.040, shall adopt a countywide planning policy according to the~~
24 ~~process provided under this section and that is consistent with the~~
25 ~~agreement pursuant to (b) of this subsection, and after holding a~~
26 ~~public hearing or hearings on the proposed countywide planning~~
27 ~~policy)) The countywide planning policy must be updated no later than~~
28 ~~fourteen months prior to any update of a comprehensive plan as~~
29 ~~required under RCW 36.70A.130.~~

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

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

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

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

38 (d) Policies for countywide transportation facilities and
39 strategies;

1 (e) Policies that consider the need for affordable housing, such
2 as housing for all economic segments of the population and parameters
3 for its distribution, and to address how the county and its cities
4 will jointly meet the requirements to provide for all housing types
5 identified in RCW 36.70A.070(2), including single-family residences
6 such as single-family detached dwellings, duplexes, triplexes, and
7 townhomes. Such policies must address how the combined efforts of the
8 county and its cities will ensure the housing element requirements in
9 RCW 36.70A.070(2) are met as the county and each city update their
10 comprehensive plans;

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

13 (g) Policies for joint county and city planning within urban
14 growth areas;

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

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

19 (4) Federal agencies and Indian tribes may participate in and
20 cooperate with the countywide planning policy adoption process.
21 Adopted countywide planning policies shall be adhered to by state
22 agencies.

23 (5) Failure to adopt a countywide planning policy that meets the
24 requirements of this section may result in the imposition of a
25 sanction or sanctions on a county or city within the county, as
26 specified in RCW 36.70A.340. In imposing a sanction or sanctions, the
27 governor shall specify the reasons for failure to adopt a countywide
28 planning policy in order that any imposed sanction or sanctions are
29 fairly and equitably related to the failure to adopt a countywide
30 planning policy.

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

34 (7) Multicounty planning policies shall be adopted by two or more
35 counties, each with a population of four hundred fifty thousand or
36 more, with contiguous urban areas and may be adopted by other
37 counties, according to the process established under this section or

1 other processes agreed to among the counties and cities within the
2 affected counties throughout the multicounty region.

--- **END** ---