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**SUBSTITUTE HOUSE BILL 1782**

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**State of Washington**

**67th Legislature**

**2022 Regular Session**

**By** House Local Government (originally sponsored by Representatives Bateman, Macri, Berry, Fitzgibbon, Ryu, Dolan, Wicks, J. Johnson, Barkis, Davis, Goodman, Gregerson, Morgan, Peterson, Ramel, Simmons, Slatter, Bergquist, Valdez, Thai, Duerr, Stonier, Riccelli, Ormsby, Taylor, Harris-Talley, Hackney, Kloba, and Frame; by request of Office of the Governor)

READ FIRST TIME 02/03/22.

1 AN ACT Relating to creating additional middle housing near  
2 transit and in areas traditionally dedicated to single-family  
3 detached housing; amending RCW 36.70A.030, 36.70A.190, and  
4 36.70A.070; adding new sections to chapter 36.70A RCW; adding a new  
5 section to chapter 64.38 RCW; adding a new section to chapter 64.90  
6 RCW; and creating new sections.

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

8 NEW SECTION. **Sec. 1.** The legislature finds that every  
9 Washington resident should have access to safe, healthy, secure, and  
10 affordable housing; and, that it is the responsibility of the state  
11 and all cities and counties to plan for all current and future  
12 residents within their jurisdictions of all income levels, races, and  
13 ethnicities to have such housing. As our state population grows, the  
14 legislature recognizes the need for the state's housing supply to  
15 grow and adapt to meet the needs of all households, regardless of  
16 age, race, ethnicity, religion, sexual orientation, gender identity,  
17 country of origin, or income, including families with children,  
18 seniors, and people who have a disability.

19 The legislature finds that adding a built environment subelement  
20 to comprehensive plans is desirable as the legislature mandates  
21 increasing density for middle housing, particularly in larger cities,

1 pursuant to this act, in order to protect and improve the physical  
2 and mental health of communities with less access to open space and  
3 tree canopy, reduce health risks of extreme heat events related to  
4 climate change, or reduce disproportionately higher risks of exposure  
5 to air pollution or other environmental contaminants.

6 The legislature finds that it has duties under existing statutes,  
7 including chapter 36.70A RCW, to provide funding for all cities and  
8 counties to plan for new required elements of comprehensive plans  
9 including, but not limited to, planning for affordable housing and  
10 meeting the goals of the state in reducing our contribution to  
11 climate change. The legislature recognizes that it has been difficult  
12 to project what the costs may be of planning for new elements  
13 pursuant to this act. It is the intent of the legislature that the  
14 evaluation provided for in RCW 36.70A.190, and updates to it  
15 periodically thereafter, shall determine what constitutes adequate  
16 funding for planning for new elements of comprehensive plans and for  
17 the adoption of implementing ordinances and development regulations  
18 pursuant to chapter 36.70A RCW for future comprehensive plan updates.

19 **Sec. 2.** RCW 36.70A.030 and 2021 c 254 s 6 are each amended to  
20 read as follows:

21 Unless the context clearly requires otherwise, the definitions in  
22 this section apply throughout this chapter.

23 (1) "Adopt a comprehensive land use plan" means to enact a new  
24 comprehensive land use plan or to update an existing comprehensive  
25 land use plan.

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

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

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

38 (3) "Agricultural land" means land primarily devoted to the  
39 commercial production of horticultural, viticultural, floricultural,

1 dairy, apiary, vegetable, or animal products or of berries, grain,  
2 hay, straw, turf, seed, Christmas trees not subject to the excise tax  
3 imposed by RCW 84.33.100 through 84.33.140, finfish in upland  
4 hatcheries, or livestock, and that has long-term commercial  
5 significance for agricultural production.

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

7 (5) "Comprehensive land use plan," "comprehensive plan," or  
8 "plan" means a generalized coordinated land use policy statement of  
9 the governing body of a county or city that is adopted pursuant to  
10 this chapter.

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

13 (a) Owned in common; or

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

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

19 (8) "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)) (9) "Department" means the department of commerce.

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

39 ((+9)) (11) "Emergency housing" means temporary indoor  
40 accommodations for individuals or families who are homeless or at

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

5 ~~((10))~~ (12) "Emergency shelter" means a facility that provides  
6 a 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))~~ (13) "Extremely low-income household" means a single  
12 person, family, or unrelated persons living together whose adjusted  
13 income is at or below thirty percent of the median household income  
14 adjusted for household size, for the county where the household is  
15 located, as reported by the United States department of housing and  
16 urban development.

17 ~~((12))~~ (14) "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 ~~((13))~~ (15) "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        ~~((14))~~ (16) "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        ~~((15))~~ (17) "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        ~~((16))~~ (18) "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        ~~((17))~~ (19) "Major transit stop" means:

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

20        (b) Commuter rail stops;

21        (c) Stops on rail or fixed guideway systems, including  
22 transitways;

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

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

28        (f) Washington state ferry terminals.

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

32        (21) "Minerals" include gravel, sand, and valuable metallic  
33 substances.

34        ~~((18))~~ (22) "Moderate-income household" means a single person,  
35 family, or unrelated persons living together whose adjusted income is  
36 at or below 120 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       (~~(19)~~) (23) "Permanent supportive housing" is subsidized,  
2 leased housing with no limit on length of stay that prioritizes  
3 people who need comprehensive support services to retain tenancy and  
4 utilizes admissions practices designed to use lower barriers to entry  
5 than would be typical for other subsidized or unsubsidized rental  
6 housing, especially related to rental history, criminal history, and  
7 personal behaviors. Permanent supportive housing is paired with on-  
8 site or off-site voluntary services designed to support a person  
9 living with a complex and disabling behavioral health or physical  
10 health condition who was experiencing homelessness or was at imminent  
11 risk of homelessness prior to moving into housing to retain their  
12 housing and be a successful tenant in a housing arrangement, improve  
13 the resident's health status, and connect the resident of the housing  
14 with community-based health care, treatment, or employment services.  
15 Permanent supportive housing is subject to all of the rights and  
16 responsibilities defined in chapter 59.18 RCW.

17       (~~(20)~~) (24) "Public facilities" include streets, roads,  
18 highways, sidewalks, street and road lighting systems, traffic  
19 signals, domestic water systems, storm and sanitary sewer systems,  
20 parks and recreational facilities, and schools.

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

24       (~~(22)~~) (26) "Recreational land" means land so designated under  
25 RCW 36.70A.1701 and that, immediately prior to this designation, was  
26 designated as agricultural land of long-term commercial significance  
27 under RCW 36.70A.170. Recreational land must have playing fields and  
28 supporting facilities existing before July 1, 2004, for sports played  
29 on grass playing fields.

30       (~~(23)~~) (27) "Rural character" refers to the patterns of land  
31 use and development established by a county in the rural element of  
32 its comprehensive plan:

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

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

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

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

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

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

5 (g) That are consistent with the protection of natural surface  
6 water flows and groundwater and surface water recharge and discharge  
7 areas.

8 ~~((24))~~ (28) "Rural development" refers to development outside  
9 the urban growth area and outside agricultural, forest, and mineral  
10 resource lands designated pursuant to RCW 36.70A.170. Rural  
11 development can consist of a variety of uses and residential  
12 densities, including clustered residential development, at levels  
13 that are consistent with the preservation of rural character and the  
14 requirements of the rural element. Rural development does not refer  
15 to agriculture or forestry activities that may be conducted in rural  
16 areas.

17 ~~((25))~~ (29) "Rural governmental services" or "rural services"  
18 include those public services and public facilities historically and  
19 typically delivered at an intensity usually found in rural areas, and  
20 may include domestic water systems, fire and police protection  
21 services, transportation and public transit services, and other  
22 public utilities associated with rural development and normally not  
23 associated with urban areas. Rural services do not include storm or  
24 sanitary sewers, except as otherwise authorized by RCW 36.70A.110(4).

25 ~~((26))~~ (30) "Short line railroad" means those railroad lines  
26 designated class II or class III by the United States surface  
27 transportation board.

28 ~~((27))~~ (31) "Stacked flat" means dwelling units in a two or  
29 three story residential building on a residential zoned lot in which  
30 each floor may be separately rented or owned and is a discrete  
31 dwelling unit.

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

36 (33) "Urban governmental services" or "urban services" include  
37 those public services and public facilities at an intensity  
38 historically and typically provided in cities, specifically including  
39 storm and sanitary sewer systems, domestic water systems, street  
40 cleaning services, fire and police protection services, public

1 transit services, and other public utilities associated with urban  
2 areas and normally not associated with rural areas.

3 ~~((28))~~ (34) "Urban growth" refers to growth that makes  
4 intensive use of land for the location of buildings, structures, and  
5 impermeable surfaces to such a degree as to be incompatible with the  
6 primary use of land for the production of food, other agricultural  
7 products, or fiber, or the extraction of mineral resources, rural  
8 uses, rural development, and natural resource lands designated  
9 pursuant to RCW 36.70A.170. A pattern of more intensive rural  
10 development, as provided in RCW 36.70A.070(5)(d), is not urban  
11 growth. When allowed to spread over wide areas, urban growth  
12 typically requires urban governmental services. "Characterized by  
13 urban growth" refers to land having urban growth located on it, or to  
14 land located in relationship to an area with urban growth on it as to  
15 be appropriate for urban growth.

16 ~~((29))~~ (35) "Urban growth areas" means those areas designated  
17 by a county pursuant to RCW 36.70A.110.

18 ~~((30))~~ (36) "Very low-income household" means a single person,  
19 family, or unrelated persons living together whose adjusted income is  
20 at or below fifty percent of the median household income adjusted for  
21 household size, for the county where the household is located, as  
22 reported by the United States department of housing and urban  
23 development.

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

1       **Sec. 3.** RCW 36.70A.190 and 1991 sp.s. c 32 s 3 are each amended  
2 to read as follows:

3       (1) The department shall establish a program of technical and  
4 financial assistance and incentives to counties and cities to  
5 encourage and facilitate the adoption and implementation of  
6 comprehensive plans and development regulations throughout the state.

7       (2)(a) The department shall evaluate the costs for counties and  
8 cities to review and revise their comprehensive plans to assure  
9 compliance with this chapter. This evaluation must be completed by  
10 December 1, 2022, and updated every five years thereafter. The  
11 department shall provide a report of the evaluation to the  
12 legislature upon completion of the evaluation. The evaluation must  
13 include, at a minimum, the costs for each general jurisdiction size  
14 and type, and the costs to complete various types of planning  
15 requirements, including:

16       (i) Meeting the requirements of a new goal in RCW 36.70A.020;

17       (ii) Meeting the requirements of a new comprehensive plan element  
18 in RCW 36.70A.070;

19       (iii) Updating a critical areas ordinance;

20       (iv) Updating a shoreline master program;

21       (v) Making a minor update to a comprehensive plan element;

22       (vi) Making a complex update to a comprehensive plan element;

23       (vii) Updating a development regulation; and

24       (viii) Implementing a new development regulation.

25       (b) The department shall consult with the Washington state  
26 association of counties and the association of Washington cities as  
27 part of the process for performing and completing the evaluation.

28       (c) In order to ensure that jurisdictions receive adequate  
29 funding for their comprehensive plan updates, the department shall  
30 distribute funds in the form of grants.

31       (d) The department shall promote equitable and meaningful  
32 participation in development of comprehensive plans and development  
33 regulations and shall distribute grants to community-based  
34 organizations representing historically marginalized communities and  
35 populations, communities with a high proportion of limited English  
36 proficient speakers, and communities at elevated risk of displacement  
37 pursuant to RCW 36.70A.070(2) or experiencing disparately higher  
38 health risks due to environmental factors related to the built  
39 environment, subject to the availability of amounts appropriated by  
40 the legislature for this specific purpose.

1        (3)(a) The department shall develop a priority list and establish  
2 funding levels for planning and technical assistance grants both for  
3 counties and cities that plan under RCW 36.70A.040. Priority for  
4 assistance shall be based on a county's or city's population growth  
5 rates, commercial and industrial development rates, the existence and  
6 quality of a comprehensive plan and development regulations, and  
7 other relevant factors.

8        ~~((3))~~ (b) The department may also contract with a public or  
9 nonprofit agency with appropriate experience in providing technical  
10 assistance and training to assist local governments related to  
11 comprehensive planning and other obligations under this chapter.

12        (4) The department shall develop and administer a grant program  
13 to provide direct financial assistance to counties and cities for the  
14 preparation of comprehensive plans under this chapter. The department  
15 may establish provisions for county and city matching funds to  
16 conduct activities under this subsection. Grants may be expended for  
17 any purpose directly related to the preparation of a county or city  
18 comprehensive plan as the county or city and the department may  
19 agree, including, without limitation, the conducting of surveys,  
20 inventories and other data gathering and management activities, the  
21 retention of planning consultants, contracts with regional councils  
22 for planning and related services, and other related purposes.

23        ~~((4))~~ (5) The department shall establish a program of technical  
24 assistance:

25        (a) Utilizing department staff, the staff of other state  
26 agencies, and the technical resources of counties and cities to help  
27 in the development of comprehensive plans required under this  
28 chapter. The department shall make available planners and department  
29 regulations specialists to cities and counties to assist in the  
30 development of comprehensive plans and related development  
31 regulations;

32        (b) Additional technical assistance may include, but is not  
33 ~~((be))~~ limited to, ~~((model land use ordinances,))~~ regional education  
34 and training programs~~((,))~~ and information for local and regional  
35 inventories; ~~((and~~

36        ~~((b))~~ (c) Providing model ordinances to cities and counties to  
37 implement updates that are required under this chapter; and

38        (d) Adopting by rule procedural criteria to assist counties and  
39 cities in adopting comprehensive plans and development regulations  
40 that meet the goals and requirements of this chapter. These criteria

1 shall reflect regional and local variations and the diversity that  
2 exists among different counties and cities that plan under this  
3 chapter.

4 ~~((+5))~~ (6) The department shall provide mediation services to  
5 resolve disputes between counties and cities regarding, among other  
6 things, coordination of regional issues and designation of urban  
7 growth areas.

8 ~~((+6))~~ (7) The department shall provide planning grants to  
9 enhance citizen participation under RCW 36.70A.140.

10 **Sec. 4.** RCW 36.70A.070 and 2021 c 254 s 2 are each amended to  
11 read as follows:

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

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

36 (b) The land use element shall include a subelement on the "built  
37 environment" to protect and improve the physical and mental health of  
38 residents within the portions of urban growth areas with higher  
39 densities. The subelement should include provisions improving

1 determinants of health which are equitable with residents in other  
2 communities including, but not limited to, tree canopy or green open  
3 space to prevent extreme heat islands, reduction in air pollution and  
4 exposures to contaminants in homes as well as in the environment,  
5 solar energy and sunlight access. The department shall, in  
6 consultation with the department of health and the department of  
7 ecology, adopt guidance to promote these goals. The department's  
8 guidance shall also include provisions that provide for access to  
9 sunlight in residential and school spaces based on the health and  
10 learning benefits from natural lighting, and for meeting state and  
11 local goals for use of solar energy to meet climate change goals.

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

14 (a) Includes an inventory and analysis of existing and projected  
15 housing needs that identifies the number of housing units necessary  
16 to manage projected growth, as provided by the department of  
17 commerce, including:

18 (i) Units for moderate, low, very low, and extremely low-income  
19 households; and

20 (ii) Emergency housing, emergency shelters, and permanent  
21 supportive housing;

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

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

35 (d) Makes adequate provisions for existing and projected needs of  
36 all economic segments of the community and increasing economic  
37 integration among all economic segments of the population in all  
38 areas of the jurisdiction, including:

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

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

4 (iii) Consideration of housing locations in relation to  
5 employment location and shopping for household essentials, including  
6 food and health products; and

7 (iv) Consideration of the role of accessory dwelling units in  
8 meeting housing needs;

9 (e) Makes adequate provisions for middle housing options as  
10 required in section 5 of this act;

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

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

15 (ii) Disinvestment; and

16 (iii) Infrastructure availability;

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

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

24 ~~(h)~~) (i) Establishes a goal and plan to adopt development  
25 regulations, investments, incentives, or other programs which will  
26 achieve substantial measurable progress over a 20-year planning  
27 horizon toward increased economic and racial integration in all areas  
28 of the jurisdiction through programs encouraging, authorizing,  
29 directly investing in, or incentivizing new affordable housing  
30 options for all economic segments of the population including duplex,  
31 triplex, townhomes, accessory dwelling units, multifamily housing,  
32 subdivision of properties above minimum lot size, or with condominium  
33 common ownership;

34 (j)(i) Establishes antidisplacement policies, with consideration  
35 given to the preservation of historical and cultural communities as  
36 well as investments in low, very low, extremely low, and moderate-  
37 income housing; equitable development initiatives; inclusionary  
38 zoning; community planning requirements; tenant protections; land  
39 disposition policies; and consideration of land that may be used for  
40 affordable housing. The county or city shall make a finding that

1 comprehensive plans and development regulations affirmatively prevent  
2 displacement of lower and moderate-income community members,  
3 including families, in communities of interest. Such communities  
4 shall be determined based on community input solicited through  
5 appropriate outreach, including public meetings, in order to ensure  
6 that there is no net displacement of lower and moderate-income  
7 residents or people from racial, ethnic, and religious communities  
8 which have been subject to discriminatory housing policies in the  
9 past.

10 (ii) Any city planning under RCW 36.70A.040 that has a population  
11 of 20,000 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 20,000 or more at  
14 least one year prior to its next comprehensive plan update, shall  
15 adopt a subelement of their plan's housing element which shall ensure  
16 that the jurisdiction will adopt development regulations, fees,  
17 incentives, subsidies, or funded investment programs, including  
18 programs funded pursuant to interlocal agreements, that are found to  
19 reasonably meet the projected needs for new housing for all economic  
20 segments of the region and to prevent displacement of lower income  
21 residents and communities; and

22 (k) Allows subdivision of lots to increase the supply of housing  
23 affordable to lower and moderate-income residents. Options for  
24 subdivision include allowing lot sizes as follows:

25 (i) For cities with a population over 40,000, subdivision of lots  
26 to 3,200 square feet or 80 percent of the average lot on a block  
27 within an urban growth area is allowed;

28 (ii) For new development on lots under 3,200 square feet in an  
29 area, a special exception is required which includes public notice  
30 and an opportunity to appeal pursuant to this chapter and the land  
31 use petition act in chapter 36.70C RCW; and

32 (iii) For short subdivision of lots developed with more than one  
33 house, ownership of the houses may be divided using the unit lot  
34 subdivision process. A property containing a detached accessory  
35 dwelling unit may be segregated in ownership from the principal  
36 dwelling unit.

37 In counties and cities subject to the review and evaluation  
38 requirements of RCW 36.70A.215, any revision to the housing element  
39 shall include consideration of prior review and evaluation reports  
40 and any reasonable measures identified. The housing element should

1 link jurisdictional goals with overall county goals to ensure that  
2 the housing element goals are met.

3 (3) A capital facilities plan element consisting of: (a) An  
4 inventory of existing capital facilities owned by public entities,  
5 showing the locations and capacities of the capital facilities; (b) a  
6 forecast of the future needs for such capital facilities; (c) the  
7 proposed locations and capacities of expanded or new capital  
8 facilities; (d) at least a six-year plan that will finance such  
9 capital facilities within projected funding capacities and clearly  
10 identifies sources of public money for such purposes; and (e) a  
11 requirement to reassess the land use element if probable funding  
12 falls short of meeting existing needs and to ensure that the land use  
13 element, capital facilities plan element, and financing plan within  
14 the capital facilities plan element are coordinated and consistent.  
15 Park and recreation facilities shall be included in the capital  
16 facilities plan element. Any city that has identified a specific  
17 infrastructure deficiency and utilized the process under section 6 of  
18 this act shall include, as part of its capital facilities plan  
19 update, actions necessary to remedy that deficiency.

20 (4) A utilities element consisting of the general location,  
21 proposed location, and capacity of all existing and proposed  
22 utilities, including, but not limited to, electrical lines,  
23 telecommunication lines, and natural gas lines.

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

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

34 (b) Rural development. The rural element shall permit rural  
35 development, forestry, and agriculture in rural areas. The rural  
36 element shall provide for a variety of rural densities, uses,  
37 essential public facilities, and rural governmental services needed  
38 to serve the permitted densities and uses. To achieve a variety of  
39 rural densities and uses, counties may provide for clustering,  
40 density transfer, design guidelines, conservation easements, and

1 other innovative techniques that will accommodate appropriate rural  
2 economic advancement, densities, and uses that are not characterized  
3 by urban growth and that are consistent with rural character.

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

7 (i) Containing or otherwise controlling rural development;

8 (ii) Assuring visual compatibility of rural development with the  
9 surrounding rural area;

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

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

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

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

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

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

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

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

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

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

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

1 and land forms and contours, (C) the prevention of abnormally  
2 irregular boundaries, and (D) the ability to provide public  
3 facilities and public services in a manner that does not permit low-  
4 density sprawl;

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

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

9 (B) On the date the county adopted a resolution under RCW  
10 36.70A.040(2), in a county that is planning under all of the  
11 provisions of this chapter under RCW 36.70A.040(2); or

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

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

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

22 (a) The transportation element shall include the following  
23 subelements:

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

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

31 (iii) Facilities and services needs, including:

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

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

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

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

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

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

26 (iv) Finance, including:

27 (A) An analysis of funding capability to judge needs against  
28 probable funding resources;

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

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

1 (v) Intergovernmental coordination efforts, including an  
2 assessment of the impacts of the transportation plan and land use  
3 assumptions on the transportation systems of adjacent jurisdictions.  
4 The comprehensive plan shall describe how the city or county will  
5 ensure that the transit frequency that is relied on in the plan,  
6 development regulations, and permitting decisions is going to be  
7 continued undiminished, including any interlocal agreements with  
8 transit providers that will be utilized. For any area where such  
9 transit frequency is not reasonably assured, the level of required  
10 density or mix of housing required by this section is not required to  
11 be increased beyond what would be required if the transit was not  
12 present;

13 (vi) Demand-management strategies;

14 (vii) Pedestrian and bicycle component to include collaborative  
15 efforts to identify and designate planned improvements for pedestrian  
16 and bicycle facilities and corridors that address and encourage  
17 enhanced community access and promote healthy lifestyles.

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

36 (c) The transportation element described in this subsection (6),  
37 the six-year plans required by RCW 35.77.010 for cities, RCW  
38 36.81.121 for counties, and RCW 35.58.2795 for public transportation  
39 systems, and the ten-year investment program required by RCW  
40 47.05.030 for the state, must be consistent.

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

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

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

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

22 (1)(a) Any city planning under RCW 36.70A.040 that has a  
23 population of 20,000 or more as of the effective date of this  
24 section, or any city that is determined by the office of financial  
25 management pursuant to RCW 43.62.030 to have a population of 20,000  
26 or more at least one year prior to its next comprehensive plan  
27 update, must authorize the development of all middle housing types on  
28 all lots exceeding 4,500 square feet zoned for detached single-family  
29 residential use and within one-half mile, based on walking distance,  
30 of a major transit stop. If a city adopts a maximum of four  
31 residential units per lot within one-half mile of a major transit  
32 stop, it may consider a detached accessory dwelling unit as one of  
33 the units.

34 (b) Cities subject to the requirements of (a) of this subsection  
35 must also allow development of duplexes and attached and detached  
36 accessory dwelling units on all other lots exceeding 4,500 square  
37 feet zoned for single-family residential use, and for the development  
38 of triplexes on corner lots exceeding 5,000 square feet. Cities may  
39 limit development on such lots to a total of two detached residential

1 units per lot inclusive of either duplexes or detached accessory  
2 dwelling units on noncorner lots, and to a total of three detached  
3 residential units or a triplex per lot on corner lots.

4 (2) (a) As an alternative to the requirements in subsection (1) of  
5 this section, cities may alter local zoning to allow an average  
6 minimum net density equivalent to 33 dwelling units per acre within  
7 one-half mile of a major transit stop, based on walking distance.

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

12 (c) Any city choosing to adopt an average minimum density  
13 pursuant to (a) of this subsection shall also adopt findings of fact  
14 demonstrating that the actions taken to implement the average minimum  
15 density will not result in racially disparate impacts, displacement,  
16 or further exclusion in housing. The city shall transmit such  
17 findings to the department.

18 (3) When providing for the required middle housing types as  
19 required in subsection (1) of this section or for the minimum net  
20 density as required in subsection (2) of this section, the city shall  
21 ensure that multifamily housing within such areas includes sufficient  
22 units to meet the projections of housing needed within the planning  
23 horizon for families and households of various sizes and income  
24 levels.

25 (4) Any city with a population of between 10,000 and 20,000 as of  
26 the effective date of this section, or any city determined by the  
27 office of financial management pursuant to RCW 43.62.030 to have a  
28 population between 10,000 and 20,000 at least one year prior to its  
29 next comprehensive plan update, must authorize the development of  
30 duplexes on all lots exceeding 4,500 square feet which are zoned for  
31 detached single-family residential use that do not have an accessory  
32 dwelling unit on the lot.

33 (5) (a) Any city with a population over 100,000 may not require  
34 the inclusion of off-street parking as a condition for the  
35 construction of middle housing within one-half mile of a major  
36 transit stop, unless the street on which the construction will occur  
37 has no on-street parking.

38 (b) Any city with a population between 20,000 and 100,000 may not  
39 require more than one off-street parking spot on a lot within one-  
40 half mile of a major transit stop for every three bedrooms on the

1 lot, unless the street on which the lot is located has no on-street  
2 parking.

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

7 (b) Cities may adopt development and design standards related to  
8 the siting and design of middle housing. Such development and design  
9 standards may not discourage the development of middle housing  
10 through unreasonable costs, fees, delays, or other requirements or  
11 actions which individually or cumulatively make impracticable the  
12 permitting, siting, or construction of middle housing, provided that  
13 this subsection does not limit the amount of affordable housing that  
14 a city may require to be provided, either on-site or through an in-  
15 lieu payment, pursuant to a program enacted under RCW 36.70A.540. A  
16 city may not require zoning, development, siting, or design review  
17 standards for middle housing that are more restrictive than those  
18 required for detached single-family residences and the same  
19 development permit and environmental review processes that apply to  
20 detached single-family residences shall be applied to middle housing.

21 (7) Nothing in this section prohibits a city from permitting  
22 detached single-family residences.

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

25 (1) Any city subject to the requirements under section 5 of this  
26 act may apply to the department for, and the department may certify,  
27 an extension of the implementation timelines.

28 (2) An extension certified under this section may be applied only  
29 to specific areas where a city has identified water, sewer,  
30 stormwater, or transportation services that are currently deficient,  
31 or are expected to be deficient within the next five years, and for  
32 which the local government has established a plan of actions that  
33 will remedy the deficiency in those services on a specific timeline.  
34 The department may certify additional extensions of a city's  
35 remediation timeline.

36 (3) For any subarea or community of interest within the  
37 jurisdiction for which the city or county finds that the increases in  
38 housing density required under section 5 of this act may create a  
39 significant risk of displacement of lower or moderate-income

1 residents, reducing racial and economic integration, or of not  
2 meeting goals to increase affordable housing near transit, the city  
3 or county may apply to the department for flexibility in  
4 implementation for a limited period of time not to exceed one year.

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

7 NEW SECTION. **Sec. 7.** A new section is added to chapter 64.38  
8 RCW to read as follows:

9 Governing documents of associations within cities subject to the  
10 middle housing and density requirements of this act that are created  
11 after the effective date of this section may not prohibit the  
12 construction or development of the types of housing or density  
13 requirements that must be permitted by this act within such cities.

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

16 Declarations and governing documents of a common interest  
17 community within cities subject to the middle housing and density  
18 requirements of this act that are created after the effective date of  
19 this section may not prohibit the construction or development of the  
20 types of housing or density requirements that must be permitted by  
21 this act within such cities.

22 NEW SECTION. **Sec. 9.** If specific funding for the purposes of  
23 this act, referencing this act by bill or chapter number, is not  
24 provided by June 30, 2022, in the omnibus appropriations act, this  
25 act is null and void.

--- END ---