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**ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1220**

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AS AMENDED BY THE SENATE

Passed Legislature - 2021 Regular Session

**State of Washington**

**67th Legislature**

**2021 Regular Session**

**By** House Appropriations (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 02/22/21.

1       AN ACT Relating to supporting emergency shelters and housing  
2 through local planning and development regulations; amending RCW  
3 36.70A.020, 36.70A.390, and 36.70A.030; reenacting and amending RCW  
4 36.70A.070; adding a new section to chapter 35A.21 RCW; adding a new  
5 section to chapter 35.21 RCW; and adding a new section to chapter  
6 36.70A RCW.

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

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

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

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

19       (2) Reduce sprawl. Reduce the inappropriate conversion of  
20 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 (b) ~~((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 within an urban growth area boundary, moderate  
11 density housing options including but not limited to, duplexes,  
12 triplexes, and townhomes;

13 (c) ~~((identifies))~~ Identifies sufficient capacity of land for  
14 housing~~((r))~~ including, but not limited to, government-assisted  
15 housing, housing for ~~((low-income families))~~ moderate, low, very low,  
16 and extremely low-income households, manufactured housing,  
17 multifamily housing, ((and)) group homes ((and)), foster care  
18 facilities, emergency housing, emergency shelters, permanent  
19 supportive housing, and within an urban growth area boundary,  
20 consideration of duplexes, triplexes, and townhomes; ((and))

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

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

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

28 (iii) Consideration of housing locations in relation to  
29 employment location; and

30 (iv) Consideration of the role of accessory dwelling units in  
31 meeting housing needs;

32 (e) Identifies local policies and regulations that result in  
33 racially disparate impacts, displacement, and exclusion in housing,  
34 including:

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

36 (ii) Disinvestment; and

37 (iii) Infrastructure availability;

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

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

4       (h) Establishes antidisplacement policies, with consideration  
5 given to the preservation of historical and cultural communities as  
6 well as investments in low, very low, extremely low, and moderate-  
7 income housing; equitable development initiatives; inclusionary  
8 zoning; community planning requirements; tenant protections; land  
9 disposition policies; and consideration of land that may be used for  
10 affordable housing.

11       In counties and cities subject to the review and evaluation  
12 requirements of RCW 36.70A.215, any revision to the housing element  
13 shall include consideration of prior review and evaluation reports  
14 and any reasonable measures identified. The housing element should  
15 link jurisdictional goals with overall county goals to ensure that  
16 the housing element goals are met.

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

31       (4) A utilities element consisting of the general location,  
32 proposed location, and capacity of all existing and proposed  
33 utilities, including, but not limited to, electrical lines,  
34 telecommunication lines, and natural gas lines.

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

39       (a) Growth management act goals and local circumstances. Because  
40 circumstances vary from county to county, in establishing patterns of

1 rural densities and uses, a county may consider local circumstances,  
2 but shall develop a written record explaining how the rural element  
3 harmonizes the planning goals in RCW 36.70A.020 and meets the  
4 requirements of this chapter.

5 (b) Rural development. The rural element shall permit rural  
6 development, forestry, and agriculture in rural areas. The rural  
7 element shall provide for a variety of rural densities, uses,  
8 essential public facilities, and rural governmental services needed  
9 to serve the permitted densities and uses. To achieve a variety of  
10 rural densities and uses, counties may provide for clustering,  
11 density transfer, design guidelines, conservation easements, and  
12 other innovative techniques that will accommodate appropriate rural  
13 economic advancement, densities, and uses that are not characterized  
14 by urban growth and that are consistent with rural character.

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

- 18 (i) Containing or otherwise controlling rural development;
- 19 (ii) Assuring visual compatibility of rural development with the  
20 surrounding rural area;
- 21 (iii) Reducing the inappropriate conversion of undeveloped land  
22 into sprawling, low-density development in the rural area;
- 23 (iv) Protecting critical areas, as provided in RCW 36.70A.060,  
24 and surface water and groundwater resources; and
- 25 (v) Protecting against conflicts with the use of agricultural,  
26 forest, and mineral resource lands designated under RCW 36.70A.170.

27 (d) Limited areas of more intensive rural development. Subject to  
28 the requirements of this subsection and except as otherwise  
29 specifically provided in this subsection (5)(d), the rural element  
30 may allow for limited areas of more intensive rural development,  
31 including necessary public facilities and public services to serve  
32 the limited area as follows:

33 (i) Rural development consisting of the infill, development, or  
34 redevelopment of existing commercial, industrial, residential, or  
35 mixed-use areas, whether characterized as shoreline development,  
36 villages, hamlets, rural activity centers, or crossroads  
37 developments.

38 (A) A commercial, industrial, residential, shoreline, or mixed-  
39 use area are subject to the requirements of (d)(iv) of this

subsection, but are not subject to the requirements of (c)(ii) and (iii) of this subsection.

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

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

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

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

(iv) A county shall adopt measures to minimize and contain the existing areas or uses of more intensive rural development, as appropriate, authorized under this subsection. Lands included in such

1 existing areas or uses shall not extend beyond the logical outer  
2 boundary of the existing area or use, thereby allowing a new pattern  
3 of low-density sprawl. Existing areas are those that are clearly  
4 identifiable and contained and where there is a logical boundary  
5 delineated predominately by the built environment, but that may also  
6 include undeveloped lands if limited as provided in this subsection.  
7 The county shall establish the logical outer boundary of an area of  
8 more intensive rural development. In establishing the logical outer  
9 boundary, the county shall address (A) the need to preserve the  
10 character of existing natural neighborhoods and communities, (B)  
11 physical boundaries, such as bodies of water, streets and highways,  
12 and land forms and contours, (C) the prevention of abnormally  
13 irregular boundaries, and (D) the ability to provide public  
14 facilities and public services in a manner that does not permit low-  
15 density sprawl;

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

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

20 (B) On the date the county adopted a resolution under RCW  
21 36.70A.040(2), in a county that is planning under all of the  
22 provisions of this chapter under RCW 36.70A.040(2); or

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

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

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

33 (a) The transportation element shall include the following  
34 subelements:

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

36 (ii) Estimated traffic impacts to state-owned transportation  
37 facilities resulting from land use assumptions to assist the  
38 department of transportation in monitoring the performance of state  
39 facilities, to plan improvements for the facilities, and to assess



1 the impact of land-use decisions on state-owned transportation  
2 facilities;

3 (iii) Facilities and services needs, including:

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

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

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

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

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

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

38 (iv) Finance, including:

39 (A) An analysis of funding capability to judge needs against  
40 probable funding resources;

1 (B) A multiyear financing plan based on the needs identified in  
2 the comprehensive plan, the appropriate parts of which shall serve as  
3 the basis for the six-year street, road, or transit program required  
4 by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW  
5 35.58.2795 for public transportation systems. The multiyear financing  
6 plan should be coordinated with the ten-year investment program  
7 developed by the office of financial management as required by RCW  
8 47.05.030;

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

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

16 (vi) Demand-management strategies;

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

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

39 (c) The transportation element described in this subsection (6),  
40 the six-year plans required by RCW 35.77.010 for cities, RCW

36.81.121 for counties, and RCW 35.58.2795 for public transportation systems, and the ten-year investment program required by RCW 47.05.030 for the state, must be consistent.

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

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

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

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

A code city shall not prohibit transitional housing or permanent supportive housing in any zones in which residential dwelling units or hotels are allowed. Effective September 30, 2021, a code city shall not prohibit indoor emergency shelters and indoor emergency housing in any zones in which hotels are allowed, except in such cities that have adopted an ordinance authorizing indoor emergency shelters and indoor emergency housing in a majority of zones within a one-mile proximity to transit. Reasonable occupancy, spacing, and intensity of use requirements may be imposed by ordinance on permanent supportive housing, transitional housing, indoor emergency housing, and indoor emergency shelters to protect public health and safety. Any such requirements on occupancy, spacing, and intensity of use may not prevent the siting of a sufficient number of permanent supportive housing, transitional housing, indoor emergency housing, or indoor emergency shelters necessary to accommodate each code

city's projected need for such housing and shelter under RCW 36.70A.070(2)(a)(ii).

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

A city shall not prohibit transitional housing or permanent supportive housing in any zones in which residential dwelling units or hotels are allowed. Effective September 30, 2021, a city shall not prohibit indoor emergency shelters and indoor emergency housing in any zones in which hotels are allowed, except in such cities that have adopted an ordinance authorizing indoor emergency shelters and indoor emergency housing in a majority of zones within a one-mile proximity to transit. Reasonable occupancy, spacing, and intensity of use requirements may be imposed by ordinance on permanent supportive housing, transitional housing, indoor emergency housing, and indoor emergency shelters to protect public health and safety. Any such requirements on occupancy, spacing, and intensity of use may not prevent the siting of a sufficient number of permanent supportive housing, transitional housing, indoor emergency housing, or indoor emergency shelters necessary to accommodate each city's projected need for such housing and shelter under RCW 36.70A.070(2)(a)(ii).

**Sec. 5.** RCW 36.70A.390 and 1992 c 207 s 6 are each amended to read as follows:

A county or city governing body that adopts a moratorium, interim zoning map, interim zoning ordinance, or interim official control without holding a public hearing on the proposed moratorium, interim zoning map, interim zoning ordinance, or interim official control, shall hold a public hearing on the adopted moratorium, interim zoning map, interim zoning ordinance, or interim official control within at least sixty days of its adoption, whether or not the governing body received a recommendation on the matter from the planning commission or department. If the governing body does not adopt findings of fact justifying its action before this hearing, then the governing body shall do so immediately after this public hearing. A moratorium, interim zoning map, interim zoning ordinance, or interim official control adopted under this section may be effective for not longer than six months, but may be effective for up to one year if a work plan is developed for related studies providing for such a longer period. A moratorium, interim zoning map, interim zoning ordinance,

1 or interim official control may be renewed for one or more six-month  
2 periods if a subsequent public hearing is held and findings of fact  
3 are made prior to each renewal.

4 This section does not apply to the designation of critical areas,  
5 agricultural lands, forestlands, and mineral resource lands, under  
6 RCW 36.70A.170, and the conservation of these lands and protection of  
7 these areas under RCW 36.70A.060, prior to such actions being taken  
8 in a comprehensive plan adopted under RCW 36.70A.070 and implementing  
9 development regulations adopted under RCW 36.70A.120, if a public  
10 hearing is held on such proposed actions. This section does not apply  
11 to ordinances or development regulations adopted by a city that  
12 prohibit building permit applications for or the construction of  
13 transitional housing or permanent supportive housing in any zones in  
14 which residential dwelling units or hotels are allowed or prohibit  
15 building permit applications for or the construction of indoor  
16 emergency shelters and indoor emergency housing in any zones in which  
17 hotels are allowed.

18 **Sec. 6.** RCW 36.70A.030 and 2020 c 173 s 4 are each amended to  
19 read as follows:

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

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

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

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

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

37 (3) "Agricultural land" means land primarily devoted to the  
38 commercial production of horticultural, viticultural, floricultural,  
39 dairy, apiary, vegetable, or animal products or of berries, grain,

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

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

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

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

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

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

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

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

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

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

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

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

24 ~~((11))~~ (13) "Freight rail dependent uses" means buildings and  
25 other infrastructure that are used in the fabrication, processing,  
26 storage, and transport of goods where the use is dependent on and  
27 makes use of an adjacent short line railroad. Such facilities are  
28 both urban and rural development for purposes of this chapter.  
29 "Freight rail dependent uses" does not include buildings and other  
30 infrastructure that are used in the fabrication, processing, storage,  
31 and transport of coal, liquefied natural gas, or "crude oil" as  
32 defined in RCW 90.56.010.

33 ~~((12))~~ (14) "Geologically hazardous areas" means areas that  
34 because of their susceptibility to erosion, sliding, earthquake, or  
35 other geological events, are not suited to the siting of commercial,  
36 residential, or industrial development consistent with public health  
37 or safety concerns.

38 ~~((13))~~ (15) "Long-term commercial significance" includes the  
39 growing capacity, productivity, and soil composition of the land for  
40 long-term commercial production, in consideration with the land's

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

3 ~~((14))~~ (16) "Low-income household" means a single person,  
4 family, or unrelated persons living together whose adjusted income is  
5 at or below eighty percent of the median household income adjusted  
6 for household size, for the county where the household is located, as  
7 reported by the United States department of housing and urban  
8 development.

9 ~~((15))~~ (17) "Minerals" include gravel, sand, and valuable  
10 metallic substances.

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

33 ~~((17))~~ (20) "Public facilities" include streets, roads,  
34 highways, sidewalks, street and road lighting systems, traffic  
35 signals, domestic water systems, storm and sanitary sewer systems,  
36 parks and recreational facilities, and schools.

37 ~~((18))~~ (21) "Public services" include fire protection and  
38 suppression, law enforcement, public health, education, recreation,  
39 environmental protection, and other governmental services.



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

7       (~~((20))~~) (23) "Rural character" refers to the patterns of land  
8 use and development established by a county in the rural element of  
9 its comprehensive plan:

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

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

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

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

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

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

22       (g) That are consistent with the protection of natural surface  
23 water flows and groundwater and surface water recharge and discharge  
24 areas.

25       (~~((21))~~) (24) "Rural development" refers to development outside  
26 the urban growth area and outside agricultural, forest, and mineral  
27 resource lands designated pursuant to RCW 36.70A.170. Rural  
28 development can consist of a variety of uses and residential  
29 densities, including clustered residential development, at levels  
30 that are consistent with the preservation of rural character and the  
31 requirements of the rural element. Rural development does not refer  
32 to agriculture or forestry activities that may be conducted in rural  
33 areas.

34       (~~((22))~~) (25) "Rural governmental services" or "rural services"  
35 include those public services and public facilities historically and  
36 typically delivered at an intensity usually found in rural areas, and  
37 may include domestic water systems, fire and police protection  
38 services, transportation and public transit services, and other  
39 public utilities associated with rural development and normally not

1 associated with urban areas. Rural services do not include storm or  
2 sanitary sewers, except as otherwise authorized by RCW 36.70A.110(4).

3 ~~((+23+))~~ (26) "Short line railroad" means those railroad lines  
4 designated class II or class III by the United States surface  
5 transportation board.

6 ~~((+24+))~~ (27) "Urban governmental services" or "urban services"  
7 include those public services and public facilities at an intensity  
8 historically and typically provided in cities, specifically including  
9 storm and sanitary sewer systems, domestic water systems, street  
10 cleaning services, fire and police protection services, public  
11 transit services, and other public utilities associated with urban  
12 areas and normally not associated with rural areas.

13 ~~((+25+))~~ (28) "Urban growth" refers to growth that makes  
14 intensive use of land for the location of buildings, structures, and  
15 impermeable surfaces to such a degree as to be incompatible with the  
16 primary use of land for the production of food, other agricultural  
17 products, or fiber, or the extraction of mineral resources, rural  
18 uses, rural development, and natural resource lands designated  
19 pursuant to RCW 36.70A.170. A pattern of more intensive rural  
20 development, as provided in RCW 36.70A.070(5)(d), is not urban  
21 growth. When allowed to spread over wide areas, urban growth  
22 typically requires urban governmental services. "Characterized by  
23 urban growth" refers to land having urban growth located on it, or to  
24 land located in relationship to an area with urban growth on it as to  
25 be appropriate for urban growth.

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

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

34 ~~((+28+))~~ (31) "Wetland" or "wetlands" means areas that are  
35 inundated or saturated by surface water or groundwater at a frequency  
36 and duration sufficient to support, and that under normal  
37 circumstances do support, a prevalence of vegetation typically  
38 adapted for life in saturated soil conditions. Wetlands generally  
39 include swamps, marshes, bogs, and similar areas. Wetlands do not  
40 include those artificial wetlands intentionally created from

1 nonwetland sites, including, but not limited to, irrigation and  
2 drainage ditches, grass-lined swales, canals, detention facilities,  
3 wastewater treatment facilities, farm ponds, and landscape amenities,  
4 or those wetlands created after July 1, 1990, that were  
5 unintentionally created as a result of the construction of a road,  
6 street, or highway. Wetlands may include those artificial wetlands  
7 intentionally created from nonwetland areas created to mitigate  
8 conversion of wetlands.

9 NEW SECTION. **Sec. 7.** A new section is added to chapter 36.70A  
10 RCW to read as follows:

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

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

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

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

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

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

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

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

35 (8) The city or county must permit accessory dwelling units in  
36 structures detached from the principal unit, must allow an accessory  
37 dwelling unit on any lot that meets the minimum lot size required for  
38 the principal unit, and must allow attached accessory dwelling units  
39 on any lot with a principal unit that is nonconforming solely because

1 the lot is smaller than the minimum size, as long as the accessory  
2 dwelling unit would not increase nonconformity of the residential use  
3 with respect to building height, bulk, or lot coverage;

4 (9) The city or county may not establish a maximum gross floor  
5 area requirement for accessory dwelling units that are less than  
6 1,000 square feet or 60 percent of the principal unit, whichever is  
7 greater, or that exceeds 1,200 square feet;

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

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

14 (12) A city or county may require a new or separate utility  
15 connection between an accessory dwelling unit and a utility only when  
16 necessary to be consistent with water availability requirements,  
17 water system plans, small water system management plans, or  
18 established policies adopted by the water or sewer utility provider.  
19 If such a connection is necessary, the connection fees and capacity  
20 charges must:

21 (a) Be proportionate to the burden of the proposed accessory  
22 dwelling unit upon the water or sewer system; and

23 (b) Not exceed the reasonable cost of providing the service.

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