

**ESHB 1727** - S COMM AMD

By Committee on Ways & Means

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

3 "Sec. 1. RCW 36.70A.070 and 2005 c 360 s 2 are each amended to  
4 read as follows:

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

12 Each comprehensive plan shall include a plan, scheme, or design for  
13 each of the following:

14 (1) A land use element designating the proposed general  
15 distribution and general location and extent of the uses of land, where  
16 appropriate, for agriculture, timber production, housing, commerce,  
17 industry, recreation, open spaces, general aviation airports, public  
18 utilities, public facilities, and other land uses. The land use  
19 element shall include population densities, building intensities, and  
20 estimates of future population growth. The land use element shall  
21 designate, as appropriate, a sufficient quantity of land needed for  
22 residential uses based on the growth allocated to the county or city  
23 that is within the range of the growth management population  
24 projections made for the county by the office of financial management,  
25 and a sufficient quantity of land needed for commercial, industrial,  
26 and other nonresidential uses. The land use element shall provide for  
27 protection of the quality and quantity of ground water used for public  
28 water supplies. Wherever possible, the land use element should  
29 consider utilizing urban planning approaches that promote physical  
30 activity. Where applicable, the land use element shall review

1 drainage, flooding, and storm water run-off in the area and nearby  
2 jurisdictions and provide guidance for corrective actions to mitigate  
3 or cleanse those discharges that pollute waters of the state, including  
4 Puget Sound or waters entering Puget Sound.

5 (2) A housing element ensuring the vitality and character of  
6 established residential neighborhoods that: (a) Includes an inventory  
7 and analysis of existing and projected housing needs that identifies  
8 the number of housing units necessary to ~~((manage))~~ accommodate  
9 projected growth; (b) includes a statement of goals, policies,  
10 objectives, and mandatory provisions for the preservation, improvement,  
11 and development of housing, including single-family residences; (c)  
12 identifies a sufficient quantity of land suitable for meeting the  
13 existing and projected housing needs identified in (a) of this  
14 subsection, including, but not limited to, government-assisted housing,  
15 housing for low-income families, manufactured housing, multifamily  
16 housing, and group homes and foster care facilities; and (d) makes  
17 adequate provisions for existing and projected needs of all economic  
18 segments of the community.

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

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

37 (5) Rural element. Counties shall include a rural element

1 including lands that are not designated for urban growth, agriculture,  
2 forest, or mineral resources. The following provisions shall apply to  
3 the rural element:

4 (a) Growth management act goals and local circumstances. Because  
5 circumstances vary from county to county, in establishing patterns of  
6 rural densities and uses, a county may consider local circumstances,  
7 but shall develop a written record explaining how the rural element  
8 harmonizes the planning goals in RCW 36.70A.020 and meets the  
9 requirements of this chapter.

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

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

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

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

1 (i) Rural development consisting of the infill, development, or  
2 redevelopment of existing commercial, industrial, residential, or  
3 mixed-use areas, whether characterized as shoreline development,  
4 villages, hamlets, rural activity centers, or crossroads developments.

5 (A) A commercial, industrial, residential, shoreline, or mixed-use  
6 area shall be subject to the requirements of (d)(iv) of this  
7 subsection, but shall not be subject to the requirements of (c)(ii) and  
8 (iii) of this subsection.

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

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

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

28 (iii) The intensification of development on lots containing  
29 isolated nonresidential uses or new development of isolated cottage  
30 industries and isolated small-scale businesses that are not principally  
31 designed to serve the existing and projected rural population and  
32 nonresidential uses, but do provide job opportunities for rural  
33 residents. Rural counties may allow the expansion of small-scale  
34 businesses as long as those small-scale businesses conform with the  
35 rural character of the area as defined by the local government  
36 according to RCW 36.70A.030(~~((+14))~~) (15). Rural counties may also  
37 allow new small-scale businesses to utilize a site previously occupied  
38 by an existing business as long as the new small-scale business

1 conforms to the rural character of the area as defined by the local  
2 government according to RCW 36.70A.030(~~((14))~~) (15). Public services  
3 and public facilities shall be limited to those necessary to serve the  
4 isolated nonresidential use and shall be provided in a manner that does  
5 not permit low-density sprawl;

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

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

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

27 (B) On the date the county adopted a resolution under RCW  
28 36.70A.040(2), in a county that is planning under all of the provisions  
29 of this chapter under RCW 36.70A.040(2); or

30 (C) On the date the office of financial management certifies the  
31 county's population as provided in RCW 36.70A.040(5), in a county that  
32 is planning under all of the provisions of this chapter pursuant to RCW  
33 36.70A.040(5).

34 (e) Exception. This subsection shall not be interpreted to permit  
35 in the rural area a major industrial development or a master planned  
36 resort unless otherwise specifically permitted under RCW 36.70A.360 and  
37 36.70A.365.

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

3 (a) The transportation element shall include the following  
4 subelements:

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

6 (ii) Estimated traffic impacts to state-owned transportation  
7 facilities resulting from land use assumptions to assist the department  
8 of transportation in monitoring the performance of state facilities, to  
9 plan improvements for the facilities, and to assess the impact of land-  
10 use decisions on state-owned transportation facilities;

11 (iii) Facilities and services needs, including:

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

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

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

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

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

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

8 (iv) Finance, including:

9 (A) An analysis of funding capability to judge needs against  
10 probable funding resources;

11 (B) A multiyear financing plan based on the needs identified in the  
12 comprehensive plan, the appropriate parts of which shall serve as the  
13 basis for the six-year street, road, or transit program required by RCW  
14 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795  
15 for public transportation systems. The multiyear financing plan should  
16 be coordinated with the ((~~six-year~~)) ten-year improvement program  
17 developed by the department of transportation as required by RCW  
18 47.05.030;

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

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

26 (vi) Demand-management strategies;

27 (vii) Pedestrian and bicycle component to include collaborative  
28 efforts to identify and designate planned improvements for pedestrian  
29 and bicycle facilities and corridors that address and encourage  
30 enhanced community access and promote healthy lifestyles.

31 (b) After adoption of the comprehensive plan by jurisdictions  
32 required to plan or who choose to plan under RCW 36.70A.040, local  
33 jurisdictions must adopt and enforce ordinances which prohibit  
34 development approval if the development causes the level of service on  
35 a locally owned transportation facility to decline below the standards  
36 adopted in the transportation element of the comprehensive plan, unless  
37 transportation improvements or strategies to accommodate the impacts of  
38 development are made concurrent with the development. These strategies

1 may include increased public transportation service, ride sharing  
2 programs, demand management, and other transportation systems  
3 management strategies. For the purposes of this subsection (6)  
4 "concurrent with the development" shall mean that improvements or  
5 strategies are in place at the time of development, or that a financial  
6 commitment is in place to complete the improvements or strategies  
7 within six years.

8 (c) The transportation element described in this subsection (6),  
9 and the six-year plans required by RCW 35.77.010 for cities, RCW  
10 36.81.121 for counties, and RCW 35.58.2795 for public transportation  
11 systems, and the ten-year plan required by RCW 47.05.030 for the state,  
12 must be consistent.

13 (7) An economic development element establishing local goals,  
14 policies, objectives, and provisions for economic growth and vitality  
15 and a high quality of life. The element shall include: (a) A summary  
16 of the local economy such as population, employment, payroll, sectors,  
17 businesses, sales, and other information as appropriate; (b) a summary  
18 of the strengths and weaknesses of the local economy defined as the  
19 commercial and industrial sectors and supporting factors such as land  
20 use, transportation, utilities, education, work force, housing, and  
21 natural/cultural resources; and (c) an identification of policies,  
22 programs, and projects to foster economic growth and development and to  
23 address future needs. A city that has chosen to be a residential  
24 community is exempt from the economic development element requirement  
25 of this subsection.

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

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



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

3 **Sec. 2.** RCW 36.70A.090 and 1990 1st ex.s. c 17 s 9 are each  
4 amended to read as follows:

5 A comprehensive plan (~~(should)~~) may provide for innovative land use  
6 management techniques, including, but not limited to, density bonuses,  
7 cluster housing, planned unit developments, mixed-use development,  
8 accessory dwelling units, and the transfer of development rights.  
9 Jurisdictions that are not subject to the requirements of RCW  
10 43.63A.215 may provide for accessory dwelling units in their  
11 comprehensive plans and development regulations.

12 NEW SECTION. **Sec. 3.** A new section is added to chapter 36.70A RCW  
13 to read as follows:

14 Two or more cities sharing common borders and located in the same  
15 county, or two or more cities sharing a common border and located  
16 within adjacent counties, in coordination with countywide and  
17 multicounty planning bodies, may agree to establish a subregion in  
18 order to address housing and employment markets that cross  
19 jurisdictional boundaries through appropriate amendments to each city's  
20 comprehensive plan and to countywide planning policies and multicounty  
21 policies. The policies proposed by the cities under this section may  
22 include, but are not limited to:

23 (1) Policies that reallocate among the cities in the subregion the  
24 population growth established for each local government under RCW  
25 36.70A.110;

26 (2) Policies that provide for a sufficient number of housing units  
27 to accommodate the existing housing needs and projected population  
28 growth in the subregion; and

29 (3) Policies that provide for sufficient land suitable for  
30 development to meet the needs for commercial and industrial growth in  
31 the subregion.

32 **Sec. 4.** RCW 36.70A.110 and 2004 c 206 s 1 are each amended to read  
33 as follows:

34 (1) In accordance with the requirements of this section, each  
35 county that is required or chooses to plan under RCW 36.70A.040 shall

1 designate an urban growth area or areas within which urban growth shall  
2 be encouraged and outside of which growth can occur only if it is not  
3 urban in nature. Each city that is located in such a county shall be  
4 included within an urban growth area. An urban growth area may include  
5 more than a single city. An urban growth area may include territory  
6 that is located outside of a city only if such territory already is  
7 characterized by urban growth whether or not the urban growth area  
8 includes a city, or is adjacent to territory already characterized by  
9 urban growth, or is a designated new fully contained community as  
10 defined by RCW 36.70A.350.

11 (2) Based upon the growth management population projection made for  
12 the county by the office of financial management, the county and each  
13 city within the county shall include areas and densities sufficient to  
14 permit the urban growth that is projected to occur in the county or  
15 city for the succeeding twenty-year period, except for those urban  
16 growth areas contained totally within a national historical reserve.

17 Each urban growth area shall permit urban densities and shall  
18 include greenbelt and open space areas. In the case of urban growth  
19 areas contained totally within a national historical reserve, the city  
20 may restrict densities, intensities, and forms of urban growth as  
21 determined to be necessary and appropriate to protect the physical,  
22 cultural, or historic integrity of the reserve. An urban growth area  
23 determination may include a reasonable land market supply factor and  
24 shall permit a range of urban densities and uses. In determining this  
25 market factor, cities and counties may consider local circumstances.  
26 Cities and counties have discretion in their comprehensive plans to  
27 make many choices about accommodating growth.

28 Within one year of July 1, 1990, each county that as of June 1,  
29 1991, was required or chose to plan under RCW 36.70A.040, shall begin  
30 consulting with each city located within its boundaries and each city  
31 shall propose the location of an urban growth area. Within sixty days  
32 of the date the county legislative authority of a county adopts its  
33 resolution of intention or of certification by the office of financial  
34 management, all other counties that are required or choose to plan  
35 under RCW 36.70A.040 shall begin this consultation with each city  
36 located within its boundaries. The county shall attempt to reach  
37 agreement with each city on the location of an urban growth area within  
38 which the city is located. If such an agreement is not reached with

1 each city located within the urban growth area, the county shall  
2 justify in writing why it so designated the area an urban growth area.  
3 A city may object formally with the department over the designation of  
4 the urban growth area within which it is located. Where appropriate,  
5 the department shall attempt to resolve the conflicts, including the  
6 use of mediation services.

7 (3) Counties subject to RCW 36.70A.215 and counties with a  
8 population greater than four hundred thousand must:

9 (a) Consult and cooperate with each city within an urban growth  
10 area proposed for modification prior to and concurrent with actions to  
11 modify the urban growth area within which the city or cities are  
12 located;

13 (b) Consult and cooperate with each city within each urban growth  
14 area to adopt development regulations for unincorporated territory  
15 within urban growth areas that are consistent with each applicable  
16 city;

17 (c) Adopt, or amend as necessary, development regulations for new  
18 development in unincorporated territory, within an urban growth area,  
19 where the unincorporated territory is entirely surrounded, excluding  
20 unincorporated waters of the state, by incorporated territory.  
21 Development regulations adopted or amended under the requirements of  
22 this subsection must be consistent with the development regulations of  
23 the adjacent city or cities which receive the primary traffic and  
24 development impacts, and through which the unincorporated territory  
25 receives its only vehicular access. Impact fees that are collected  
26 under new development in an unincorporated territory must be  
27 transferred to the surrounding city; and

28 (d) Report to the appropriate committees of the house of  
29 representatives and the senate by December 1, 2008, on the  
30 implementation of, and any impediments related to, the requirements of  
31 (a) and (b) of this subsection (3).

32 (4) Urban growth should be located first in areas already  
33 characterized by urban growth that have adequate existing public  
34 facility and service capacities to serve such development, second in  
35 areas already characterized by urban growth that will be served  
36 adequately by a combination of both existing public facilities and  
37 services and any additional needed public facilities and services that  
38 are provided by either public or private sources, and third in the

1 remaining portions of the urban growth areas. Urban growth may also be  
2 located in designated new fully contained communities as defined by RCW  
3 36.70A.350.

4 ~~((4))~~ (5) In general, cities are the units of local government  
5 most appropriate to provide urban governmental services. In general,  
6 it is not appropriate that urban governmental services be extended to  
7 or expanded in rural areas except in those limited circumstances shown  
8 to be necessary to protect basic public health and safety and the  
9 environment and when such services are financially supportable at rural  
10 densities and do not permit urban development.

11 ~~((5))~~ (6) On or before October 1, 1993, each county that was  
12 initially required to plan under RCW 36.70A.040(1) shall adopt  
13 development regulations designating interim urban growth areas under  
14 this chapter. Within three years and three months of the date the  
15 county legislative authority of a county adopts its resolution of  
16 intention or of certification by the office of financial management,  
17 all other counties that are required or choose to plan under RCW  
18 36.70A.040 shall adopt development regulations designating interim  
19 urban growth areas under this chapter. Adoption of the interim urban  
20 growth areas may only occur after public notice; public hearing; and  
21 compliance with the state environmental policy act, chapter 43.21C RCW,  
22 and RCW 36.70A.110. Such action may be appealed to the appropriate  
23 growth management hearings board under RCW 36.70A.280. Final urban  
24 growth areas shall be adopted at the time of comprehensive plan  
25 adoption under this chapter.

26 ~~((6))~~ (7) Each county shall include designations of urban growth  
27 areas in its comprehensive plan.

28 ~~((7))~~ (8) An urban growth area designated in accordance with this  
29 section may include within its boundaries urban service areas or  
30 potential annexation areas designated for specific cities or towns  
31 within the county.

32 **Sec. 5.** RCW 36.70A.540 and 2006 c 149 s 2 are each amended to read  
33 as follows:

34 (1)(a) Any city or county planning under RCW 36.70A.040 may enact  
35 or expand affordable housing incentive programs providing for the  
36 development of low-income housing units through development regulations

1 on residential, commercial, industrial, and mixed use development. An  
2 affordable housing incentive program may include, but is not limited  
3 to:

4 (i) Density bonuses within the urban growth area;

5 (ii) Height and bulk bonuses;

6 (iii) Fee waivers or exemptions;

7 (iv) Parking reductions; or

8 (v) Expedited permitting, conditioned on provision of low-income  
9 housing units(~~(+or~~

10 ~~(vi) Mixed use projects~~)).

11 (b) The city or county may enact or expand such programs whether or  
12 not the programs may impose a tax, fee, or charge on the development or  
13 construction of property.

14 (c) If a developer chooses not to participate in an optional  
15 affordable housing incentive program adopted and authorized under this  
16 section, a city, county, or town may not condition, deny, or delay the  
17 issuance of a permit or development approval that is consistent with  
18 zoning and development standards on the subject property absent  
19 incentive provisions of this program.

20 (2) Affordable housing incentive programs enacted or expanded under  
21 this section that provide a bonus or incentive to residential  
22 development shall comply with the following:

23 (a) The incentives or bonuses shall provide for the construction of  
24 low-income housing units;

25 (b) Jurisdictions shall establish standards for low-income renter  
26 or owner occupancy housing, including income guidelines consistent with  
27 local housing needs, to assist low-income households that cannot afford  
28 market-rate housing. Low-income households are defined for renter and  
29 owner occupancy program purposes as follows:

30 (i) Rental housing units to be developed shall be affordable to and  
31 occupied by households with an income of fifty percent or less of the  
32 county median family income, adjusted for family size; and

33 (ii) Owner occupancy housing units shall be affordable to and  
34 occupied by households with an income of eighty percent or less of the  
35 county median family income, adjusted for family size. The legislative  
36 authority of a jurisdiction, after holding a public hearing, may  
37 establish lower income levels. The legislative authority of a  
38 jurisdiction, after holding a public hearing, may also establish higher

1 income levels for rental housing or for owner occupancy housing upon  
2 finding that higher income levels are needed to address local housing  
3 market conditions. The higher income level for rental housing may not  
4 exceed eighty percent of the county area median family income. The  
5 higher income level for owner occupancy housing may not exceed one  
6 hundred percent of the county area median family income. These  
7 established higher income levels (~~((must be))~~) are considered  
8 "low-income" for the purposes of this section;

9 (c) The jurisdiction shall establish a maximum rent level or sales  
10 price for each low-income housing unit developed under the terms of a  
11 program and may adjust these levels or prices based on the average size  
12 of the household expected to occupy the unit. For renter-occupied  
13 housing units, the total housing costs, including basic utilities as  
14 determined by the jurisdiction, may not exceed thirty percent of the  
15 income limit for the low-income housing unit;

16 (d) Low-income housing units shall be provided in a range of sizes  
17 comparable to (~~((those))~~) other units (~~((that are available to other  
18 residents))~~) in the housing development for which a bonus or incentive  
19 is provided. To the extent practicable, the number of bedrooms in  
20 low-income units must be in the same proportion as the number of  
21 bedrooms in units within the entire building. The low-income units  
22 shall generally be distributed throughout the building(~~((, except that  
23 units may be provided in an adjacent building))~~) or buildings. The  
24 low-income units shall have substantially the same functionality as the  
25 other units in the building or buildings;

26 (e) Low-income housing units developed under an affordable housing  
27 incentive program shall be committed to continuing affordability for at  
28 least fifty years. A local government, however, may accept payments in  
29 lieu of continuing affordability. The program shall include measures  
30 to enforce continuing affordability and income standards applicable to  
31 low-income units constructed under this section that may include, but  
32 are not limited to, covenants, options, or other agreements to be  
33 executed and recorded by owners and developers;

34 (f) Programs authorized under subsection (1) of this section may  
35 apply to part or all of a jurisdiction and different standards may be  
36 applied to different areas within a jurisdiction. Programs authorized  
37 under this section may be modified to meet local needs and may include  
38 provisions not expressly provided in this section or RCW 82.02.020; and

1 (g) Low-income housing units developed under an affordable housing  
2 incentive program are encouraged to be provided within market-rate  
3 housing developments for which a bonus or incentive is provided.  
4 However, programs may allow units to be provided in ~~((an adjacent))~~ a  
5 building ~~((and))~~ located in the vicinity of the housing development for  
6 which a bonus or incentive is provided. Affordable housing incentive  
7 programs may allow payments of money or property in lieu of low-income  
8 housing units if the payment ~~((equals))~~ achieves a result equal to or  
9 better than providing the affordable housing on-site, and provided the  
10 payment does not exceed the approximate cost of developing the same  
11 number and quality of housing units that would otherwise be developed.  
12 Any city or county shall use these funds or property to support the  
13 purchase or development of low-income housing~~((, including))~~. Any city  
14 or county may also use these funds or property to support ~~((provided~~  
15 ~~through))~~ loans or grants to low-income home buyers, and public or  
16 private owners or developers of housing.

17 (3) Affordable housing incentive programs enacted or expanded under  
18 this section may be applied within the jurisdiction to address the need  
19 for increased residential development, consistent with local growth  
20 management and housing policies, as follows:

21 (a) The jurisdiction shall identify certain land use designations  
22 within a geographic area where increased residential development will  
23 assist in achieving local growth management and housing policies;

24 (b) The jurisdiction shall provide increased residential  
25 development capacity through zoning changes, bonus densities, height  
26 and bulk increases, parking reductions, or other regulatory changes or  
27 other incentives;

28 (c) The jurisdiction shall determine that increased residential  
29 development capacity or other incentives can be achieved within the  
30 identified area, subject to consideration of other regulatory controls  
31 on development; and

32 (d) The jurisdiction may establish a minimum amount of affordable  
33 housing that must be provided by all residential developments being  
34 built under the revised regulations, consistent with the requirements  
35 of this section.

36 (4) Affordable housing incentive programs enacted or expanded under  
37 this section that provide a bonus or incentive to commercial or  
38 industrial development shall comply with the following:

1       (a) The city or county may enact or expand development regulations,  
2 conditional rezones, or development approvals that allow greater  
3 building height, more development capacity, different uses, or more  
4 relaxed development standards, that otherwise would apply to a  
5 commercial or industrial development, or that grant other incentives to  
6 the development, with a requirement that low-income housing be provided  
7 or preserved, either on or off of the development site, or with the  
8 requirement that the developer provide payments of money or property to  
9 be used for low-income housing.

10       (b) Jurisdictions shall establish standards for low-income renter  
11 or owner occupancy housing, including income guidelines consistent with  
12 local housing needs, to assist low-income households that cannot afford  
13 market-rate housing. Low-income households are defined for renter and  
14 owner occupancy program purposes as follows:

15       (i) Rental housing units to be developed shall be affordable to and  
16 occupied by households with an income of fifty percent or less of the  
17 county median family income, adjusted for family size; and

18       (ii) Owner occupancy housing units shall be affordable to and  
19 occupied by households with an income of eighty percent or less of the  
20 county median family income, adjusted for family size.

21       The legislative authority of a jurisdiction, after holding a public  
22 hearing, may establish lower income levels. The legislative authority  
23 of a jurisdiction, after holding a public hearing, may also establish  
24 higher income levels for rental housing or for owner occupancy housing  
25 upon finding that higher income levels are needed to address local  
26 housing market conditions. The higher income level for rental housing  
27 may not exceed eighty percent of the county area median family income.  
28 The higher income level for owner occupancy housing may not exceed one  
29 hundred percent of the county area median family income. These  
30 established higher income levels are considered low income for the  
31 purposes of this section.

32       (c) Housing units created, acquired, or preserved pursuant to  
33 incentive programs must be committed to remain as affordable housing  
34 for at least fifty years. A city or county may establish or agree to  
35 terms on which a commitment may be reduced or terminated based on the  
36 provision of substitute affordable housing or a payment to be used for  
37 affordable housing."



**ESHB 1727** - S COMM AMD

By Committee on Ways & Means

1        On page 1, line 2 of the title, after "growth;" strike the  
2 remainder of the title and insert "amending RCW 36.70A.070, 36.70A.090,  
3 36.70A.110, and 36.70A.540; and adding a new section to chapter 36.70A  
4 RCW."

EFFECT:        Land is designated for residential use based on  
population growth projections. Comprehensive plans and development  
regulations may provide for accessory dwelling units. Standards are  
set forth to protect affordable and low-income housing in cities and  
counties planning under the Growth Management Act.

--- END ---