

**E2SHB 1220 - S AMD 675**

By Senator Kuderer

**ADOPTED 04/10/2021**

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

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

5 The following goals are adopted to guide the development and  
6 adoption of comprehensive plans and development regulations of those  
7 counties and cities that are required or choose to plan under RCW  
8 36.70A.040. The following goals are not listed in order of priority  
9 and shall be used exclusively for the purpose of guiding the  
10 development of comprehensive plans and development regulations:

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

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

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

19 (4) Housing. (~~Encourage the availability of affordable~~) Plan  
20 for and accommodate housing affordable to all economic segments of  
21 the population of this state, promote a variety of residential  
22 densities and housing types, and encourage preservation of existing  
23 housing stock.

24 (5) Economic development. Encourage economic development  
25 throughout the state that is consistent with adopted comprehensive  
26 plans, promote economic opportunity for all citizens of this state,  
27 especially for unemployed and for disadvantaged persons, promote the  
28 retention and expansion of existing businesses and recruitment of new  
29 businesses, recognize regional differences impacting economic  
30 development opportunities, and encourage growth in areas experiencing  
31 insufficient economic growth, all within the capacities of the  
32 state's natural resources, public services, and public facilities.

1 (6) Property rights. Private property shall not be taken for  
2 public use without just compensation having been made. The property  
3 rights of landowners shall be protected from arbitrary and  
4 discriminatory actions.

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

8 (8) Natural resource industries. Maintain and enhance natural  
9 resource-based industries, including productive timber, agricultural,  
10 and fisheries industries. Encourage the conservation of productive  
11 forestlands and productive agricultural lands, and discourage  
12 incompatible uses.

13 (9) Open space and recreation. Retain open space, enhance  
14 recreational opportunities, conserve fish and wildlife habitat,  
15 increase access to natural resource lands and water, and develop  
16 parks and recreation facilities.

17 (10) Environment. Protect the environment and enhance the state's  
18 high quality of life, including air and water quality, and the  
19 availability of water.

20 (11) Citizen participation and coordination. Encourage the  
21 involvement of citizens in the planning process and ensure  
22 coordination between communities and jurisdictions to reconcile  
23 conflicts.

24 (12) Public facilities and services. Ensure that those public  
25 facilities and services necessary to support development shall be  
26 adequate to serve the development at the time the development is  
27 available for occupancy and use without decreasing current service  
28 levels below locally established minimum standards.

29 (13) Historic preservation. Identify and encourage the  
30 preservation of lands, sites, and structures, that have historical or  
31 archaeological significance.

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

34 The comprehensive plan of a county or city that is required or  
35 chooses to plan under RCW 36.70A.040 shall consist of a map or maps,  
36 and descriptive text covering objectives, principles, and standards  
37 used to develop the comprehensive plan. The plan shall be an  
38 internally consistent document and all elements shall be consistent  
39 with the future land use map. A comprehensive plan shall be adopted

1 and amended with public participation as provided in RCW 36.70A.140.  
2 Each comprehensive plan shall include a plan, scheme, or design for  
3 each of the following:

4 (1) A land use element designating the proposed general  
5 distribution and general location and extent of the uses of land,  
6 where appropriate, for agriculture, timber production, housing,  
7 commerce, industry, recreation, open spaces, general aviation  
8 airports, public utilities, public facilities, and other land uses.  
9 The land use element shall include population densities, building  
10 intensities, and estimates of future population growth. The land use  
11 element shall provide for protection of the quality and quantity of  
12 groundwater used for public water supplies. Wherever possible, the  
13 land use element should consider utilizing urban planning approaches  
14 that promote physical activity. Where applicable, the land use  
15 element shall review drainage, flooding, and stormwater runoff in the  
16 area and nearby jurisdictions and provide guidance for corrective  
17 actions to mitigate or cleanse those discharges that pollute waters  
18 of the state, including Puget Sound or waters entering Puget Sound.

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

21 (a) Includes an inventory and analysis of existing and projected  
22 housing needs that identifies the number of housing units necessary  
23 to manage projected growth, as provided by the department of  
24 commerce, including:

25 (i) Units for moderate, low, very low, and extremely low-income  
26 households; and

27 (ii) Emergency housing, emergency shelters, and permanent  
28 supportive housing;

29 (b) (~~includes~~) Includes a statement of goals, policies,  
30 objectives, and mandatory provisions for the preservation,  
31 improvement, and development of housing, including single-family  
32 residences, and within an urban growth area boundary, moderate  
33 density housing options including but not limited to, duplexes,  
34 triplexes, and townhomes;

35 (c) (~~identifies~~) Identifies sufficient capacity of land for  
36 housing(~~g~~) including, but not limited to, government-assisted  
37 housing, housing for (~~low-income families~~) moderate, low, very low,  
38 and extremely low-income households, manufactured housing,  
39 multifamily housing, (~~and~~) group homes (~~and~~), foster care  
40 facilities, emergency housing, emergency shelters, permanent

1 supportive housing, and within an urban growth area boundary,  
2 consideration of duplexes, triplexes, and townhomes; ((and))

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

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

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

10 (iii) Consideration of housing locations in relation to  
11 employment location; and

12 (iv) Consideration of the role of accessory dwelling units in  
13 meeting housing needs;

14 (e) Identifies local policies and regulations that result in  
15 racially disparate impacts, displacement, and exclusion in housing,  
16 including:

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

18 (ii) Disinvestment; and

19 (iii) Infrastructure availability;

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

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

26 (h) Establishes antidisplacement policies, with consideration  
27 given to the preservation of historical and cultural communities as  
28 well as investments in low, very low, extremely low, and moderate-  
29 income housing; equitable development initiatives; inclusionary  
30 zoning; community planning requirements; tenant protections; land  
31 disposition policies; and consideration of land that may be used for  
32 affordable housing.

33 In counties and cities subject to the review and evaluation  
34 requirements of RCW 36.70A.215, any revision to the housing element  
35 shall include consideration of prior review and evaluation reports  
36 and any reasonable measures identified. The housing element should  
37 link jurisdictional goals with overall county goals to ensure that  
38 the housing element goals are met.

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

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

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

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

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

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

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

40 (i) Containing or otherwise controlling rural development;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (iii) Facilities and services needs, including:

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

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

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

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

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

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

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

18 (iv) Finance, including:

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

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

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

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

36 (vi) Demand-management strategies;

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

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

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

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

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

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

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

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

5 A code city shall not prohibit transitional housing or permanent  
6 supportive housing in any zones in which residential dwelling units  
7 or hotels are allowed. Effective September 30, 2021, a code city  
8 shall not prohibit indoor emergency shelters and indoor emergency  
9 housing in any zones in which hotels are allowed, except in such  
10 cities that have adopted an ordinance authorizing indoor emergency  
11 shelters and indoor emergency housing in a majority of zones within a  
12 one-mile proximity to transit. Reasonable occupancy, spacing, and  
13 intensity of use requirements may be imposed by ordinance on  
14 permanent supportive housing, transitional housing, indoor emergency  
15 housing, and indoor emergency shelters to protect public health and  
16 safety. Any such requirements on occupancy, spacing, and intensity of  
17 use may not prevent the siting of a sufficient number of permanent  
18 supportive housing, transitional housing, indoor emergency housing,  
19 or indoor emergency shelters necessary to accommodate each code  
20 city's projected need for such housing and shelter under RCW  
21 36.70A.070(2)(a)(ii).

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

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

1 emergency shelters necessary to accommodate each city's projected  
2 need for such housing and shelter under RCW 36.70A.070(2)(a)(ii).

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

5 A county or city governing body that adopts a moratorium, interim  
6 zoning map, interim zoning ordinance, or interim official control  
7 without holding a public hearing on the proposed moratorium, interim  
8 zoning map, interim zoning ordinance, or interim official control,  
9 shall hold a public hearing on the adopted moratorium, interim zoning  
10 map, interim zoning ordinance, or interim official control within at  
11 least sixty days of its adoption, whether or not the governing body  
12 received a recommendation on the matter from the planning commission  
13 or department. If the governing body does not adopt findings of fact  
14 justifying its action before this hearing, then the governing body  
15 shall do so immediately after this public hearing. A moratorium,  
16 interim zoning map, interim zoning ordinance, or interim official  
17 control adopted under this section may be effective for not longer  
18 than six months, but may be effective for up to one year if a work  
19 plan is developed for related studies providing for such a longer  
20 period. A moratorium, interim zoning map, interim zoning ordinance,  
21 or interim official control may be renewed for one or more six-month  
22 periods if a subsequent public hearing is held and findings of fact  
23 are made prior to each renewal.

24 This section does not apply to the designation of critical areas,  
25 agricultural lands, forestlands, and mineral resource lands, under  
26 RCW 36.70A.170, and the conservation of these lands and protection of  
27 these areas under RCW 36.70A.060, prior to such actions being taken  
28 in a comprehensive plan adopted under RCW 36.70A.070 and implementing  
29 development regulations adopted under RCW 36.70A.120, if a public  
30 hearing is held on such proposed actions. This section does not apply  
31 to ordinances or development regulations adopted by a city that  
32 prohibit building permit applications for or the construction of  
33 transitional housing or permanent supportive housing in any zones in  
34 which residential dwelling units or hotels are allowed or prohibit  
35 building permit applications for or the construction of indoor  
36 emergency shelters and indoor emergency housing in any zones in which  
37 hotels are allowed.

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

3       Unless the context clearly requires otherwise, the definitions in  
4 this section apply throughout this chapter.

5       (1) "Adopt a comprehensive land use plan" means to enact a new  
6 comprehensive land use plan or to update an existing comprehensive  
7 land use plan.

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

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

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

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

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

28       (5) "Comprehensive land use plan," "comprehensive plan," or  
29 "plan" means a generalized coordinated land use policy statement of  
30 the governing body of a county or city that is adopted pursuant to  
31 this chapter.

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

33       (a) Wetlands; (b) areas with a critical recharging effect on aquifers  
34 used for potable water; (c) fish and wildlife habitat conservation  
35 areas; (d) frequently flooded areas; and (e) geologically hazardous  
36 areas. "Fish and wildlife habitat conservation areas" does not  
37 include such artificial features or constructs as irrigation delivery  
38 systems, irrigation infrastructure, irrigation canals, or drainage  
39 ditches that lie within the boundaries of and are maintained by a  
40 port district or an irrigation district or company.

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

2 (8) "Development regulations" or "regulation" means the controls  
3 placed on development or land use activities by a county or city,  
4 including, but not limited to, zoning ordinances, critical areas  
5 ordinances, shoreline master programs, official controls, planned  
6 unit development ordinances, subdivision ordinances, and binding site  
7 plan ordinances together with any amendments thereto. A development  
8 regulation does not include a decision to approve a project permit  
9 application, as defined in RCW 36.70B.020, even though the decision  
10 may be expressed in a resolution or ordinance of the legislative body  
11 of the county or city.

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

18 (10) "Emergency shelter" means a facility that provides a  
19 temporary shelter for individuals or families who are currently  
20 homeless. Emergency shelter may not require occupants to enter into a  
21 lease or an occupancy agreement. Emergency shelter facilities may  
22 include day and warming centers that do not provide overnight  
23 accommodations.

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

30 ((+10)) (12) "Forestland" means land primarily devoted to  
31 growing trees for long-term commercial timber production on land that  
32 can be economically and practically managed for such production,  
33 including Christmas trees subject to the excise tax imposed under RCW  
34 84.33.100 through 84.33.140, and that has long-term commercial  
35 significance. In determining whether forestland is primarily devoted  
36 to growing trees for long-term commercial timber production on land  
37 that can be economically and practically managed for such production,  
38 the following factors shall be considered: (a) The proximity of the  
39 land to urban, suburban, and rural settlements; (b) surrounding  
40 parcel size and the compatibility and intensity of adjacent and

1 nearby land uses; (c) long-term local economic conditions that affect  
2 the ability to manage for timber production; and (d) the availability  
3 of public facilities and services conducive to conversion of  
4 forestland to other uses.

5 ~~((11))~~ (13) "Freight rail dependent uses" means buildings and  
6 other infrastructure that are used in the fabrication, processing,  
7 storage, and transport of goods where the use is dependent on and  
8 makes use of an adjacent short line railroad. Such facilities are  
9 both urban and rural development for purposes of this chapter.  
10 "Freight rail dependent uses" does not include buildings and other  
11 infrastructure that are used in the fabrication, processing, storage,  
12 and transport of coal, liquefied natural gas, or "crude oil" as  
13 defined in RCW 90.56.010.

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

19 ~~((13))~~ (15) "Long-term commercial significance" includes the  
20 growing capacity, productivity, and soil composition of the land for  
21 long-term commercial production, in consideration with the land's  
22 proximity to population areas, and the possibility of more intense  
23 uses of the land.

24 ~~((14))~~ (16) "Low-income household" means a single person,  
25 family, or unrelated persons living together whose adjusted income is  
26 at or below eighty percent of the median household income adjusted  
27 for household size, for the county where the household is located, as  
28 reported by the United States department of housing and urban  
29 development.

30 ~~((15))~~ (17) "Minerals" include gravel, sand, and valuable  
31 metallic substances.

32 ~~((16))~~ (18) "Moderate-income household" means a single person,  
33 family, or unrelated persons living together whose adjusted income is  
34 at or below 120 percent of the median household income adjusted for  
35 household size, for the county where the household is located, as  
36 reported by the United States department of housing and urban  
37 development.

38 (19) "Permanent supportive housing" is subsidized, leased housing  
39 with no limit on length of stay that prioritizes people who need  
40 comprehensive support services to retain tenancy and utilizes

1 admissions practices designed to use lower barriers to entry than  
2 would be typical for other subsidized or unsubsidized rental housing,  
3 especially related to rental history, criminal history, and personal  
4 behaviors. Permanent supportive housing is paired with on-site or  
5 off-site voluntary services designed to support a person living with  
6 a complex and disabling behavioral health or physical health  
7 condition who was experiencing homelessness or was at imminent risk  
8 of homelessness prior to moving into housing to retain their housing  
9 and be a successful tenant in a housing arrangement, improve the  
10 resident's health status, and connect the resident of the housing  
11 with community-based health care, treatment, or employment services.  
12 Permanent supportive housing is subject to all of the rights and  
13 responsibilities defined in chapter 59.18 RCW.

14 ~~((17))~~ (20) "Public facilities" include streets, roads,  
15 highways, sidewalks, street and road lighting systems, traffic  
16 signals, domestic water systems, storm and sanitary sewer systems,  
17 parks and recreational facilities, and schools.

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

21 ~~((19))~~ (22) "Recreational land" means land so designated under  
22 RCW 36.70A.1701 and that, immediately prior to this designation, was  
23 designated as agricultural land of long-term commercial significance  
24 under RCW 36.70A.170. Recreational land must have playing fields and  
25 supporting facilities existing before July 1, 2004, for sports played  
26 on grass playing fields.

27 ~~((20))~~ (23) "Rural character" refers to the patterns of land  
28 use and development established by a county in the rural element of  
29 its comprehensive plan:

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

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

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

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

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

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

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

6 (~~(21)~~) (24) "Rural development" refers to development outside  
7 the urban growth area and outside agricultural, forest, and mineral  
8 resource lands designated pursuant to RCW 36.70A.170. Rural  
9 development can consist of a variety of uses and residential  
10 densities, including clustered residential development, at levels  
11 that are consistent with the preservation of rural character and the  
12 requirements of the rural element. Rural development does not refer  
13 to agriculture or forestry activities that may be conducted in rural  
14 areas.

15 (~~(22)~~) (25) "Rural governmental services" or "rural services"  
16 include those public services and public facilities historically and  
17 typically delivered at an intensity usually found in rural areas, and  
18 may include domestic water systems, fire and police protection  
19 services, transportation and public transit services, and other  
20 public utilities associated with rural development and normally not  
21 associated with urban areas. Rural services do not include storm or  
22 sanitary sewers, except as otherwise authorized by RCW 36.70A.110(4).

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

26 (~~(24)~~) (27) "Urban governmental services" or "urban services"  
27 include those public services and public facilities at an intensity  
28 historically and typically provided in cities, specifically including  
29 storm and sanitary sewer systems, domestic water systems, street  
30 cleaning services, fire and police protection services, public  
31 transit services, and other public utilities associated with urban  
32 areas and normally not associated with rural areas.

33 (~~(25)~~) (28) "Urban growth" refers to growth that makes  
34 intensive use of land for the location of buildings, structures, and  
35 impermeable surfaces to such a degree as to be incompatible with the  
36 primary use of land for the production of food, other agricultural  
37 products, or fiber, or the extraction of mineral resources, rural  
38 uses, rural development, and natural resource lands designated  
39 pursuant to RCW 36.70A.170. A pattern of more intensive rural  
40 development, as provided in RCW 36.70A.070(5)(d), is not urban

1 growth. When allowed to spread over wide areas, urban growth  
2 typically requires urban governmental services. "Characterized by  
3 urban growth" refers to land having urban growth located on it, or to  
4 land located in relationship to an area with urban growth on it as to  
5 be appropriate for urban growth.

6 ~~((26))~~ (29) "Urban growth areas" means those areas designated  
7 by a county pursuant to RCW 36.70A.110.

8 ~~((27))~~ (30) "Very low-income household" means a single person,  
9 family, or unrelated persons living together whose adjusted income is  
10 at or below fifty percent of the median household income adjusted for  
11 household size, for the county where the household is located, as  
12 reported by the United States department of housing and urban  
13 development.

14 ~~((28))~~ (31) "Wetland" or "wetlands" means areas that are  
15 inundated or saturated by surface water or groundwater at a frequency  
16 and duration sufficient to support, and that under normal  
17 circumstances do support, a prevalence of vegetation typically  
18 adapted for life in saturated soil conditions. Wetlands generally  
19 include swamps, marshes, bogs, and similar areas. Wetlands do not  
20 include those artificial wetlands intentionally created from  
21 nonwetland sites, including, but not limited to, irrigation and  
22 drainage ditches, grass-lined swales, canals, detention facilities,  
23 wastewater treatment facilities, farm ponds, and landscape amenities,  
24 or those wetlands created after July 1, 1990, that were  
25 unintentionally created as a result of the construction of a road,  
26 street, or highway. Wetlands may include those artificial wetlands  
27 intentionally created from nonwetland areas created to mitigate  
28 conversion of wetlands.

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

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

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

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

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

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

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

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

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

17 (8) The city or county must permit accessory dwelling units in  
18 structures detached from the principal unit, must allow an accessory  
19 dwelling unit on any lot that meets the minimum lot size required for  
20 the principal unit, and must allow attached accessory dwelling units  
21 on any lot with a principal unit that is nonconforming solely because  
22 the lot is smaller than the minimum size, as long as the accessory  
23 dwelling unit would not increase nonconformity of the residential use  
24 with respect to building height, bulk, or lot coverage;

25 (9) The city or county may not establish a maximum gross floor  
26 area requirement for accessory dwelling units that are less than  
27 1,000 square feet or 60 percent of the principal unit, whichever is  
28 greater, or that exceeds 1,200 square feet;

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

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

35 (12) A city or county may require a new or separate utility  
36 connection between an accessory dwelling unit and a utility only when  
37 necessary to be consistent with water availability requirements,  
38 water system plans, small water system management plans, or  
39 established policies adopted by the water or sewer utility provider.

1 If such a connection is necessary, the connection fees and capacity  
2 charges must:

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

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

**E2SHB 1220 - S AMD 675**

By Senator Kuderer

**ADOPTED 04/10/2021**

6 On page 1, line 2 of the title, after "regulations;" strike the  
7 remainder of the title and insert "amending RCW 36.70A.020,  
8 36.70A.390, and 36.70A.030; reenacting and amending RCW 36.70A.070;  
9 adding a new section to chapter 35A.21 RCW; adding a new section to  
10 chapter 35.21 RCW; and adding a new section to chapter 36.70A RCW."

EFFECT: (1) Modifies the new action of the housing element  
addressing the documentation of programs and actions needed to  
achieve housing availability to include gaps in local funding only as  
opposed to both state and local funding.

(2) Modifies the new action of the housing element addressing the  
establishment of antidisplacement policies by prioritizing  
consideration of the preservation of historical and cultural  
communities.

(3) Replaces the prohibition on cities preventing emergency  
housing and shelters and permanent supportive housing in certain  
zones where short-term rentals are allowed, and the requirement that  
such housing be permitted at the same occupancy levels as short-term  
rentals in the residential zone, with the following:

(a) Prohibits cities from preventing transitional housing or  
permanent supportive housing in zones where residential dwelling  
units or hotels are allowed.

(b) Prohibits cities, effective September 30, 2021, from  
preventing indoor emergency shelters and indoor emergency housing in  
zones where hotels are allowed, excepts for cities that have adopted  
an ordinance authorizing indoor emergency shelters and housing in a  
majority of zones within one mile of transit.

(c) Authorizes reasonable occupancy, spacing, and intensity of  
use requirements to be imposed on permanent supportive housing,  
transitional housing, and indoor emergency housing and shelters to  
protect public health and safety, but that any such requirements may  
not prevent the siting of a sufficient number of permanent supportive  
housing, transitional housing, and indoor emergency housing and  
shelters necessary to accommodate the projected need as provided by  
the Department of Commerce under comprehensive plan housing element  
requirements.

(4) Exempts city ordinances or development regulations  
prohibiting building permit applications for or the construction of  
transitional housing or permanent supportive housing in any zones in  
which residential dwelling units or hotels are allowed or prohibiting  
such applications for or the construction of indoor emergency

shelters and housing in any zones in which hotels are allowed from public hearing requirements under the GMA related to adopted moratoria or interim zoning controls.

(5) Modifies one of the suggested policies to encourage the construction of ADUs to meet affordable housing goals, specifically authorizing cities and counties to require a new or separate utility connection between the ADU and a utility only when necessary to be consistent with certain water availability requirements and system plans, and requiring any fees associated with a necessary connection to be proportionate and not exceed reasonable costs.

(6) Includes provisions from the Ways & Means committee striker to ESHB 1232 addressing the housing element in the comprehensive plan and makes technical and conforming amendments to ensure housing element policies in both the underlying bill and ESHB 1232 do not conflict.

--- END ---