

ESHB 1660 - S AMD 1321
By Senator Lovelett

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

3 **"Sec. 1.** RCW 36.70A.697 and 2020 c 217 s 3 are each amended to
4 read as follows:

5 (1) Cities and counties must adopt or amend by ordinance, and
6 incorporate into their development regulations, zoning regulations,
7 and other official controls the requirements of RCW 36.70A.698 to
8 take effect by the time of the city's or county's next comprehensive
9 plan update after July 1, 2021.

10 (2) Beginning ~~((July 1, 2021))~~ after the deadline in subsection
11 (1) of this section, the requirements of RCW 36.70A.698:

12 (a) Apply and take effect in any city or county that has not
13 adopted or amended ordinances, regulations, or other official
14 controls as required under this section; and

15 (b) Supersede, preempt, and invalidate any local development
16 regulations that conflict with RCW 36.70A.698.

17 **Sec. 2.** RCW 36.70A.698 and 2020 c 217 s 4 are each amended to
18 read as follows:

19 (1) Except as provided ~~((in subsection[s] (2) and (3) of))~~
20 otherwise in this section, ~~((through ordinances, development~~
21 ~~regulations, zoning regulations, and other official controls as~~
22 ~~required under RCW 36.70A.697,))~~ cities and counties may not
23 ~~((require))~~ prohibit the construction of accessory dwelling units on
24 residentially zoned lots within urban growth areas.

25 (2) When regulating accessory dwelling units within urban growth
26 areas, cities and counties may:

27 (a) Require that public health, safety, building code, and
28 environmental permitting requirements, including regulations to
29 protect ground and surface waters from on-site wastewater, that would
30 be applicable to the principal unit are met prior to the construction
31 of an accessory dwelling unit;

1 (b) Prohibit the construction of accessory dwelling units on a
2 lot that is not connected to or served by public sewers;

3 (c) Limit or prohibit the construction of accessory dwelling
4 units in residential zones with a density of one dwelling unit per
5 acre or less within areas designated as wetlands, fish and wildlife
6 habitats, flood plains, or geologically hazardous areas;

7 (d) Impose any impact fees on the construction or development of
8 an accessory dwelling unit that are less than the impact fees that
9 would be imposed on a similarly sized principal unit.

10 (3) When regulating accessory dwelling units within urban growth
11 areas, cities and counties may not:

12 (a) Impose a maximum floor area limit on the size of an accessory
13 dwelling unit of less than:

14 (i) Eight hundred fifty square feet for an accessory dwelling
15 unit on a lot with a total square footage of less than 4,500 square
16 feet; or

17 (ii) One thousand three hundred fifty square feet combined
18 between attached and detached accessory dwelling units on a lot with
19 a total square footage of more than 4,500 square feet, except that an
20 attached accessory dwelling unit may be limited to half of the square
21 footage of the principal unit;

22 (b) Impose a limit on accessory dwelling units of fewer than one
23 attached and one detached accessory dwelling unit on a lot zoned for
24 residential use with a total square footage of more than 4,500 square
25 feet, unless the lot is otherwise zoned to allow at least two
26 dwelling units in which case at least one attached or detached
27 accessory dwelling unit must be allowed;

28 (c) Impose any prohibition of the sale or other conveyance of a
29 condominium unit independently of a principal unit that is based
30 solely on the grounds that the condominium unit was originally built
31 as an accessory dwelling unit, provided that the condominium unit is
32 or will be served by utilities that are independent of the principal
33 unit;

34 (d) Impose any owner occupancy requirements on any housing or
35 dwelling unit on a lot containing an accessory dwelling unit unless
36 the:

37 (i) Accessory dwelling unit on the lot is offered or used for
38 short-term rental as defined in RCW 36.70A.696; or

39 (ii) The city or county administers a general program offering
40 the waiver or reduction of impact fees and costs associated with

1 accessory dwelling unit construction, if the units are offered at or
2 below 80 percent of the area median income;

3 (e) Apply other development regulations to the construction of
4 accessory dwelling units that are more restrictive than regulations
5 on single-family or other residential developments;

6 (f) Require the provision of off-street parking for accessory
7 dwelling units within one-quarter mile of a major transit stop.

8 ~~((2) A)~~ However, a city or county may require the provision of
9 off-street parking for an accessory dwelling unit located within one-
10 quarter mile of a major transit stop if the city or county has
11 determined that the accessory dwelling unit is in an area ~~((with a~~
12 ~~lack of access to street parking capacity, physical space~~
13 ~~impediments, or other reasons)), as supported by evidence, that would
14 make on-street parking infeasible or unsafe for the accessory
15 dwelling unit.~~

16 ~~((3) A city that has adopted or substantively amended accessory~~
17 ~~dwelling unit regulations within the four years previous to June 11,~~
18 ~~2020, is not subject to the requirements of this section.))~~

19 NEW SECTION. Sec. 3. A new section is added to chapter 36.70A
20 RCW to read as follows:

21 (1) A restrictive covenant or deed restriction created after
22 March 1, 2022, and applicable to a property located within an urban
23 growth area may not prohibit the construction, development, or use on
24 a lot of an accessory dwelling unit. Nothing in this subsection
25 invalidates or supersedes any restrictive covenants or deed
26 restrictions that prohibit the construction, development, or use on a
27 lot of an accessory dwelling unit as of March 1, 2022.

28 (2) A city or county that is fully planning under this chapter
29 and issues a permit for the construction of an accessory dwelling
30 unit within an urban growth area may not be held civilly liable on
31 the basis that the construction of the accessory dwelling unit would
32 violate a restrictive covenant or deed restriction.

33 (3) For the purposes of this section, "urban growth area" has the
34 same meaning as in RCW 36.70A.030.

35 NEW SECTION. Sec. 4. A new section is added to chapter 64.38
36 RCW to read as follows:

37 (1) Governing documents created after March 1, 2022, and any
38 amendments or additions to governing documents in existence as of

1 March 1, 2022, that are applicable to an association located within
2 an urban growth area may not actively or effectively prohibit the
3 construction, development, or use on a lot of an accessory dwelling
4 unit. Nothing in this subsection invalidates or supersedes governing
5 documents applicable to an association that prohibit the
6 construction, development, or use on a lot of an accessory dwelling
7 unit as of March 1, 2022.

8 (2) A city or county that is fully planning under chapter 36.70A
9 RCW and issues a permit for the construction of an accessory dwelling
10 unit within an urban growth area may not be held civilly liable on
11 the basis that the construction of the accessory dwelling unit would
12 violate governing documents applicable to an association.

13 (3) For the purposes of this section, "urban growth area" has the
14 same meaning as in RCW 36.70A.030.

15 NEW SECTION. **Sec. 5.** A new section is added to chapter 64.90
16 RCW to read as follows:

17 (1) Governing documents created after March 1, 2022, and any
18 amendments or additions to governing documents in existence as of
19 March 1, 2022, that are applicable to a common interest community
20 located inside an urban growth area may not actively or effectively
21 prohibit the construction, development, or use on a lot of an
22 accessory dwelling unit. Nothing in this subsection invalidates or
23 supersedes governing documents applicable to a common interest
24 community that prohibit the construction, development, or use on a
25 lot of an accessory dwelling unit as of March 1, 2022.

26 (2) A city or county that is fully planning under chapter 36.70A
27 RCW and issues a permit for the construction of an accessory dwelling
28 unit within an urban growth area may not be held civilly liable on
29 the basis that the construction of the accessory dwelling unit would
30 violate governing documents applicable to a common interest
31 community.

32 (3) For the purposes of this section, "urban growth area" has the
33 same meaning as in RCW 36.70A.030.

34 NEW SECTION. **Sec. 6.** A new section is added to chapter 64.34
35 RCW to read as follows:

36 (1) A declaration created after March 1, 2022, and any amendments
37 or additions to a declaration in existence as of March 1, 2022, that
38 are applicable to an association located within an urban growth area

1 may not actively or effectively prohibit the construction,
2 development, or use of an accessory dwelling unit. Nothing in this
3 subsection invalidates or supersedes a declaration applicable to an
4 association that prohibits the construction, development, or use on a
5 lot of an accessory dwelling unit as of March 1, 2022.

6 (2) A city or county that is fully planning under chapter 36.70A
7 RCW and issues a permit for the construction of an accessory dwelling
8 unit within an urban growth area may not be held civilly liable on
9 the basis that the construction of the accessory dwelling unit would
10 violate a declaration applicable to an association.

11 (3) For the purposes of this section, "urban growth area" has the
12 same meaning as in RCW 36.70A.030.

13 NEW SECTION. **Sec. 7.** A new section is added to chapter 64.32
14 RCW to read as follows:

15 (1) A declaration created after March 1, 2022, and any amendments
16 or additions to a declaration in existence as of March 1, 2022, that
17 are applicable to an association of apartment owners located within
18 an urban growth area may not actively or effectively prohibit the
19 construction, development, or use of an accessory dwelling unit.
20 Nothing in this subsection invalidates or supersedes a declaration
21 applicable to an association of apartment owners that prohibits the
22 construction, development, or use on a lot of an accessory dwelling
23 unit as of March 1, 2022.

24 (2) A city or county that is fully planning under chapter 36.70A
25 RCW and issues a permit for the construction of an accessory dwelling
26 unit within an urban growth area may not be held civilly liable on
27 the basis that the construction of the accessory dwelling unit would
28 violate a declaration applicable to an association of apartment
29 owners.

30 (3) For the purposes of this section, "urban growth area" has the
31 same meaning as in RCW 36.70A.030.

32 **Sec. 8.** RCW 36.70A.070 and 2021 c 254 s 2 are each amended to
33 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

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

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

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

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

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

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

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

36 (c) Identifies sufficient capacity of land for housing including,
37 but not limited to, government-assisted housing, housing for
38 moderate, low, very low, and extremely low-income households,
39 manufactured housing, multifamily housing, group homes, 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;

3 (d) Makes adequate provisions for existing and projected needs of
4 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~~) and utilization of accessory
13 dwelling units in meeting housing needs in compliance with RCW
14 36.70A.698;

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

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

19 (ii) Disinvestment; and

20 (iii) Infrastructure availability;

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

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

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

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

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

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

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

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

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

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

4 (i) Containing or otherwise controlling rural development;

5 (ii) Assuring visual compatibility of rural development with the
6 surrounding rural area;

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

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

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

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

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

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

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

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

37 (ii) The intensification of development on lots containing, or
38 new development of, small-scale recreational or tourist uses,
39 including commercial facilities to serve those recreational or
40 tourist uses, that rely on a rural location and setting, but that do

1 not include new residential development. A small-scale recreation or
2 tourist use is not required to be principally designed to serve the
3 existing and projected rural population. Public services and public
4 facilities shall be limited to those necessary to serve the
5 recreation or tourist use and shall be provided in a manner that does
6 not permit low-density sprawl;

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

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

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

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

5 (B) On the date the county adopted a resolution under RCW
6 36.70A.040(2), in a county that is planning under all of the
7 provisions of this chapter under RCW 36.70A.040(2); or

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

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

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

18 (a) The transportation element shall include the following
19 subelements:

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

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

27 (iii) Facilities and services needs, including:

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

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

37 (C) For state-owned transportation facilities, level of service
38 standards for highways, as prescribed in chapters 47.06 and 47.80
39 RCW, to gauge the performance of the system. The purposes of
40 reflecting level of service standards for state highways in the local

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

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

15 (E) Forecasts of traffic for at least (~~ten~~) 10 years based on
16 the adopted land use plan to provide information on the location,
17 timing, and capacity needs of future growth;

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

22 (iv) Finance, including:

23 (A) An analysis of funding capability to judge needs against
24 probable funding resources;

25 (B) A multiyear financing plan based on the needs identified in
26 the comprehensive plan, the appropriate parts of which shall serve as
27 the basis for the six-year street, road, or transit program required
28 by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW
29 35.58.2795 for public transportation systems. The multiyear financing
30 plan should be coordinated with the (~~ten-year~~) 10-year investment
31 program developed by the office of financial management as required
32 by RCW 47.05.030;

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

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

40 (vi) Demand-management strategies;

1 (vii) Pedestrian and bicycle component to include collaborative
2 efforts to identify and designate planned improvements for pedestrian
3 and bicycle facilities and corridors that address and encourage
4 enhanced community access and promote healthy lifestyles.

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

23 (c) The transportation element described in this subsection (6),
24 the six-year plans required by RCW 35.77.010 for cities, RCW
25 36.81.121 for counties, and RCW 35.58.2795 for public transportation
26 systems, and the ten-year investment program required by RCW
27 47.05.030 for the state, must be consistent.

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

33 (8) A park and recreation element that implements, and is
34 consistent with, the capital facilities plan element as it relates to
35 park and recreation facilities. The element shall include: (a)
36 Estimates of park and recreation demand for at least a (~~ten-year~~)
37 10-year period; (b) an evaluation of facilities and service needs;
38 and (c) an evaluation of intergovernmental coordination opportunities
39 to provide regional approaches for meeting park and recreational
40 demand.

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

ESHB 1660 - S AMD 1321
By Senator Lovelett

8 On page 1, line 1 of the title, after "units;" strike the
9 remainder of the title and insert "amending RCW 36.70A.697,
10 36.70A.698, and 36.70A.070; adding a new section to chapter 36.70A
11 RCW; adding a new section to chapter 64.38 RCW; adding a new section
12 to chapter 64.90 RCW; adding a new section to chapter 64.34 RCW; and
13 adding a new section to chapter 64.32 RCW."

EFFECT: (1) Clarifies that the prohibition on ADU construction applies within residentially zoned lots within UGAs.

(2) Provides the following authority for GMA cities and counties when regulating ADUs within UGAs:

(a) Require that certain permitting requirements, including on-site wastewater regulations, are met before ADU construction;

(b) Prohibit ADU construction on lots not connected to or served by public sewers;

(c) Prohibit ADU construction in residential zones with a density of one dwelling unit per acre or less within designated wetlands, fish/wildlife habitats, flood plains, or geologically hazardous areas;

(d) Impose any impact fees on ADU construction that are less than the impact fees imposed on a similarly sized principal unit.

(3) Removes the prohibition on imposition of impact fees on ADU construction that are more than 50 percent of impact fees imposed on a similarly sized principal unit.

(4) Modifies the prohibition on GMA cities and counties imposing a limit on ADUs of fewer than one attached and one detached ADU on lots zoned for residential use with a total square footage of more than 4,500 square feet unless the lot is zoned to allow at least three dwelling units to when the lot is zoned to allow at least two dwelling units in which case at least one attached or detached ADU must be allowed.

(5) Clarifies the authority of GMA cities and counties to retain an owner occupancy requirement if the city or county has a general program offering impact fee waiver or reduction for ADU construction if the units are offered at or below 80 percent AMI.

(6) Prohibits GMA cities and counties from applying other development regulations to ADU construction that are more restrictive than regulations for single-family or other residential developments.

(7) Restores the authority of GMA cities and counties to require the provision of off-street parking for an ADU within .25 miles of a major transit stop, but only if the local jurisdiction has determined that the ADU is in an area, as supported by evidence, that would make on-street parking infeasible or unsafe for the ADU.

(8) Clarifies that new governing documents or amendments or additions to existing governing documents of homeowners' associations, apartment or condo associations, or common interest communities, and new restrictive covenants/deed restrictions, after March 1, 2022, may not prohibit ADU construction, and that existing governing documents and covenants as of March 1, 2022, that prohibit ADU construction are not superseded or invalidated.

(9) Clarifies that a GMA city or county issuing a permit for ADU construction within a UGA may not be held liable if the construction would violate any existing restrictive covenant or deed restriction, or governing documents of a homeowners' association, condominium association, association of apartment owners, or common interest community.

(10) Reorganizes sections of the bill to improve readability.

--- END ---