
ENGROSSED SUBSTITUTE HOUSE BILL 1232

State of Washington

67th Legislature

2021 Regular Session

By House Local Government (originally sponsored by Representatives Barkis, Griffey, Eslick, Robertson, and Young)

READ FIRST TIME 02/15/21.

1 AN ACT Relating to planning for affordable housing under the
2 growth management act; amending RCW 36.70A.210; and reenacting and
3 amending RCW 36.70A.070.

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

5 **Sec. 1.** RCW 36.70A.070 and 2017 3rd sp.s. c 18 s 4 and 2017 3rd
6 sp.s. c 16 s 4 are each reenacted and amended to read as follows:

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

16 (1) A land use element designating the proposed general
17 distribution and general location and extent of the uses of land,
18 where appropriate, for agriculture, timber production, housing,
19 commerce, industry, recreation, open spaces, general aviation
20 airports, public utilities, public facilities, and other land uses.
21 The land use element shall include population densities, building

1 intensities, and estimates of future population growth. The land use
2 element shall provide for protection of the quality and quantity of
3 groundwater used for public water supplies. Wherever possible, the
4 land use element should consider utilizing urban planning approaches
5 that promote physical activity. Where applicable, the land use
6 element shall review drainage, flooding, and stormwater runoff in the
7 area and nearby jurisdictions and provide guidance for corrective
8 actions to mitigate or cleanse those discharges that pollute waters
9 of the state, including Puget Sound or waters entering Puget Sound.

10 (2) A housing element ensuring the vitality and character of
11 established residential neighborhoods that: (a) Includes an inventory
12 and analysis of existing and projected housing needs that identifies
13 the number of housing units necessary to manage projected growth; (b)
14 includes a statement of goals, policies, objectives, and mandatory
15 provisions for the preservation, improvement, and development of
16 housing, including single-family residences, and within an urban
17 growth area boundary, single-family residences such as single-family
18 detached dwellings, duplexes, triplexes, and townhomes; (c)
19 identifies sufficient land for housing, including, but not limited
20 to, government-assisted housing, housing for low-income families,
21 manufactured housing, multifamily housing, ~~((and))~~ group homes and
22 foster care facilities, single-family residences, and within an urban
23 growth area boundary, single-family residences such as single-family
24 detached dwellings, duplexes, triplexes, and townhomes; and (d) makes
25 adequate provisions for existing and projected needs of all economic
26 segments of the community, including consideration of housing
27 locations in relation to employment locations. In counties and cities
28 subject to the review and evaluation requirements of RCW 36.70A.215,
29 any revision to the housing element shall include consideration of
30 prior review and evaluation reports and any reasonable measures
31 identified. The housing element should link jurisdictional goals with
32 overall county goals to ensure that the housing element goals are
33 met. If a county or city does not plan for each housing type
34 identified in this subsection, including, within an urban growth area
35 boundary, single-family residences such as single-family detached
36 dwellings, duplexes, triplexes, and townhomes, then the applicable
37 countywide planning policy required under RCW 36.70A.210 must provide
38 for how the county, as a whole, and its cities will meet the existing
39 and projected housing needs of all economic segments of the community
40 during the planning period. The planning, development, and other

1 requirements of this subsection related to duplexes, triplexes, and
2 townhomes within an urban growth area boundary do not apply to a
3 county or city that is not subject to the review and evaluation
4 requirements of RCW 36.70A.215 if the county or city adopts findings
5 and provides evidence that the current infrastructure within an urban
6 growth area boundary is not capable of supporting such development or
7 that there is little likelihood that infrastructure will be built to
8 support such development within the 20-year planning period.

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

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

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

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

37 (b) Rural development. The rural element shall permit rural
38 development, forestry, and agriculture in rural areas. The rural
39 element shall provide for a variety of rural densities, uses,
40 essential public facilities, and rural governmental services needed

1 to serve the permitted densities and uses. To achieve a variety of
2 rural densities and uses, counties may provide for clustering,
3 density transfer, design guidelines, conservation easements, and
4 other innovative techniques that will accommodate appropriate rural
5 economic advancement, densities, and uses that are not characterized
6 by urban growth and that are consistent with rural character.

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

10 (i) Containing or otherwise controlling rural development;

11 (ii) Assuring visual compatibility of rural development with the
12 surrounding rural area;

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

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

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

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

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

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

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

38 (C) Any development or redevelopment in terms of building size,
39 scale, use, or intensity shall be consistent with the character of
40 the existing areas. Development and redevelopment may include changes

1 in use from vacant land or a previously existing use so long as the
2 new use conforms to the requirements of this subsection (5);

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

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

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

1 character of existing natural neighborhoods and communities, (B)
2 physical boundaries, such as bodies of water, streets and highways,
3 and land forms and contours, (C) the prevention of abnormally
4 irregular boundaries, and (D) the ability to provide public
5 facilities and public services in a manner that does not permit low-
6 density sprawl;

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

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

11 (B) On the date the county adopted a resolution under RCW
12 36.70A.040(2), in a county that is planning under all of the
13 provisions of this chapter under RCW 36.70A.040(2); or

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

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

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

24 (a) The transportation element shall include the following
25 subelements:

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

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

33 (iii) Facilities and services needs, including:

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

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

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

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

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

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

29 (iv) Finance, including:

30 (A) An analysis of funding capability to judge needs against
31 probable funding resources;

32 (B) A multiyear financing plan based on the needs identified in
33 the comprehensive plan, the appropriate parts of which shall serve as
34 the basis for the six-year street, road, or transit program required
35 by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW
36 35.58.2795 for public transportation systems. The multiyear financing
37 plan should be coordinated with the ten-year investment program
38 developed by the office of financial management as required by RCW
39 47.05.030;

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

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

8 (vi) Demand-management strategies;

9 (vii) Pedestrian and bicycle component to include collaborative
10 efforts to identify and designate planned improvements for pedestrian
11 and bicycle facilities and corridors that address and encourage
12 enhanced community access and promote healthy lifestyles.

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

31 (c) The transportation element described in this subsection (6),
32 the six-year plans required by RCW 35.77.010 for cities, RCW
33 36.81.121 for counties, and RCW 35.58.2795 for public transportation
34 systems, and the ten-year investment program required by RCW
35 47.05.030 for the state, must be consistent.

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

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

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

15 **Sec. 2.** RCW 36.70A.210 and 2009 c 121 s 2 are each amended to
16 read as follows:

17 (1) The legislature recognizes that counties are regional
18 governments within their boundaries, and cities are primary providers
19 of urban governmental services within urban growth areas. For the
20 purposes of this section, a "countywide planning policy" is a written
21 policy statement or statements used solely for establishing a
22 countywide framework from which county and city comprehensive plans
23 are developed and adopted pursuant to this chapter. This framework
24 shall ensure that city and county comprehensive plans are consistent
25 as required in RCW 36.70A.100. Nothing in this section shall be
26 construed to alter the land-use powers of cities.

27 (2) The legislative authority of a county that plans under RCW
28 36.70A.040 shall adopt a countywide planning policy in cooperation
29 with the cities located in whole or in part within the county (~~as~~
30 ~~follows:~~

31 ~~(a) No later than sixty calendar days from July 16, 1991, the~~
32 ~~legislative authority of each county that as of June 1, 1991, was~~
33 ~~required or chose to plan under RCW 36.70A.040 shall convene a~~
34 ~~meeting with representatives of each city located within the county~~
35 ~~for the purpose of establishing a collaborative process that will~~
36 ~~provide a framework for the adoption of a countywide planning policy.~~
37 ~~In other counties that are required or choose to plan under RCW~~
38 ~~36.70A.040, this meeting shall be convened no later than sixty days~~

1 after the date the county adopts its resolution of intention or was
2 certified by the office of financial management.

3 (b) The process and framework for adoption of a countywide
4 planning policy specified in (a) of this subsection shall determine
5 the manner in which the county and the cities agree to all procedures
6 and provisions including but not limited to desired planning
7 policies, deadlines, ratification of final agreements and
8 demonstration thereof, and financing, if any, of all activities
9 associated therewith.

10 (c) If a county fails for any reason to convene a meeting with
11 representatives of cities as required in (a) of this subsection, the
12 governor may immediately impose any appropriate sanction or sanctions
13 on the county from those specified under RCW 36.70A.340.

14 (d) If there is no agreement by October 1, 1991, in a county that
15 was required or chose to plan under RCW 36.70A.040 as of June 1,
16 1991, or if there is no agreement within one hundred twenty days of
17 the date the county adopted its resolution of intention or was
18 certified by the office of financial management in any other county
19 that is required or chooses to plan under RCW 36.70A.040, the
20 governor shall first inquire of the jurisdictions as to the reason or
21 reasons for failure to reach an agreement. If the governor deems it
22 appropriate, the governor may immediately request the assistance of
23 the department of community, trade, and economic development to
24 mediate any disputes that preclude agreement. If mediation is
25 unsuccessful in resolving all disputes that will lead to agreement,
26 the governor may impose appropriate sanctions from those specified
27 under RCW 36.70A.340 on the county, city, or cities for failure to
28 reach an agreement as provided in this section. The governor shall
29 specify the reason or reasons for the imposition of any sanction.

30 (e) No later than July 1, 1992, the legislative authority of each
31 county that was required or chose to plan under RCW 36.70A.040 as of
32 June 1, 1991, or no later than fourteen months after the date the
33 county adopted its resolution of intention or was certified by the
34 office of financial management the county legislative authority of
35 any other county that is required or chooses to plan under RCW
36 36.70A.040, shall adopt a countywide planning policy according to the
37 process provided under this section and that is consistent with the
38 agreement pursuant to (b) of this subsection, and after holding a
39 public hearing or hearings on the proposed countywide planning
40 policy)) The countywide planning policy must be updated no later than

1 fourteen months prior to any update of a comprehensive plan as
2 required under RCW 36.70A.130.

3 (3) A countywide planning policy shall at a minimum, address the
4 following:

5 (a) Policies to implement RCW 36.70A.110;

6 (b) Policies for promotion of contiguous and orderly development
7 and provision of urban services to such development;

8 (c) Policies for siting public capital facilities of a countywide
9 or statewide nature, including transportation facilities of statewide
10 significance as defined in RCW 47.06.140;

11 (d) Policies for countywide transportation facilities and
12 strategies;

13 (e) Policies that consider the need for affordable housing, such
14 as housing for all economic segments of the population and parameters
15 for its distribution, and to address how the county and its cities
16 will jointly meet the requirements to consider all housing types
17 identified in RCW 36.70A.070(2), including, within an urban growth
18 area boundary, single-family residences such as single-family
19 detached dwellings, duplexes, triplexes, and townhomes. Such policies
20 must address how the combined efforts of the county and its cities
21 will ensure the housing element requirements in RCW 36.70A.070(2) are
22 met as the county and each city update their comprehensive plans. The
23 requirements of this subsection related to considering duplexes,
24 triplexes, and townhomes within an urban growth area boundary do not
25 apply to a county or city that is not subject to the review and
26 evaluation requirements of RCW 36.70A.215 if the county or city has
27 adopted findings and provided evidence as provided for in RCW
28 36.70A.070(2) that the current infrastructure within an urban growth
29 area boundary is not capable of supporting such development or that
30 there is little likelihood that infrastructure will be built to
31 support such development within the 20-year planning period;

32 (f) Policies to address how the county and its cities will
33 jointly meet the requirements of RCW 36.70A.070(1);

34 (g) Policies for joint county and city planning within urban
35 growth areas;

36 (~~(g)~~) (h) Policies for countywide economic development and
37 employment, which must include consideration of the future
38 development of commercial and industrial facilities; and

39 (~~(h)~~) (i) An analysis of the fiscal impact.

1 (4) Federal agencies and Indian tribes may participate in and
2 cooperate with the countywide planning policy adoption process.
3 Adopted countywide planning policies shall be adhered to by state
4 agencies.

5 (5) Failure to adopt a countywide planning policy that meets the
6 requirements of this section may result in the imposition of a
7 sanction or sanctions on a county or city within the county, as
8 specified in RCW 36.70A.340. In imposing a sanction or sanctions, the
9 governor shall specify the reasons for failure to adopt a countywide
10 planning policy in order that any imposed sanction or sanctions are
11 fairly and equitably related to the failure to adopt a countywide
12 planning policy.

13 (6) Cities and the governor may appeal an adopted countywide
14 planning policy to the growth management hearings board within sixty
15 days of the adoption of the countywide planning policy.

16 (7) Multicounty planning policies shall be adopted by two or more
17 counties, each with a population of four hundred fifty thousand or
18 more, with contiguous urban areas and may be adopted by other
19 counties, according to the process established under this section or
20 other processes agreed to among the counties and cities within the
21 affected counties throughout the multicounty region.

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