



**PLANNING COMMISSION MEETING AGENDA**  
**Tuesday, August 20, 2019, 7:00 PM**  
**City Hall, 616 NE 4th Avenue**

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**I. CALL TO ORDER**

**II. ROLL CALL**

**III. MINUTES**

- A. Approval of the minutes from the June 18, 2019 Planning Commission Meeting

 [June 18, 2019 Planning Commission Meeting Minutes](#)

**IV. PUBLIC HEARING ITEMS**

- A. Consider Zoning Map Amendment at Park Property (File No. ZC19-01)  
Presenter: Sarah Fox, Senior Planner

 [Staff Report \(ZC19-01\)](#)

[Attachment A ORD17-010](#)

- B. Consider Minor Amendments to Camas Municipal Code (File No. MC19-01)  
Presenter: Madeline Sutherland, Assistant Planner

 [Staff Report \(MC19-01\)](#)

[Attachment 1 Staff Recommended Edits](#)

[Attachment 2 Additional Edits](#)

[Attachment 3 No Edits Proposed](#)

**V. WORKSHOP ITEMS**

- A. 2019 Legislative Housing Bills (File No. MC19-05)  
Presenter: Sarah Fox, Senior Planner

 [Staff Report \(MC19-05\)](#)

[Grant Overview from the Dept. of Commerce](#)

[House Bill 1923](#)

[House Bill 1923 Report](#)

[House Bill 1377-S](#)

[House Bill 1377-S Report](#)

[Church Owned Properties in Camas](#)

[Senate Bill 5383](#)

- B. Amendments to Camas Municipal Code (CMC) Chapter 18.27 - Accessory Dwelling Units (File No. MC19-04)

Presenter: Madeline Sutherland, Assistant Planner

 [Staff Report \(MC19-04\)](#)

[CMC Amendments, Chapter 18.27 with redlines](#)

- C. Amendments to Camas Municipal Code (CMC) Chapter 18.15 - Signs (File No. MC19-03)

Presenter: Madeline Sutherland, Assistant Planner

 [Staff Report \(MC19-03\)](#)

[Chart of City Comparisons](#)

## **VI. MISCELLANEOUS UPDATES**

- A. Miscellaneous Updates

## **VII. NEXT MEETING DATE**

The next Planning Commission Meeting is scheduled for Tuesday, September 17, 2019 at 7:00 p.m., in the City Council Chambers.

## **VIII. ADJOURNMENT**

NOTE: The City of Camas welcomes and encourages the participation of all of its citizens in the public meeting process. A special effort will be made to ensure that persons with special needs have opportunities to participate. For more information, please call the City Clerk's Office at 360.817.1574.



**PLANNING COMMISSION MEETING MINUTES - DRAFT**  
**Tuesday, June 18, 2019, 7:00 PM**  
**City Hall, 616 NE 4th Avenue**

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**I. CALL TO ORDER**

Chair Beel called the meeting to order at 7:04 p.m.

**II. ROLL CALL**

Present: Bryan Beel, Troy Hull, Jim Short and Harry (Steve) Karnes

Excused: Tim Hein, Geoerl Niles and Shawn High

Staff Present: James Carothers, Jan Coppola, Sarah Fox, Lauren Hollenbeck, Madeline Sutherland, Robert Maul and David Schultz

Council Liaison: Ellen Burton

**III. MINUTES**

- A. Approval of the minutes from the May 21, 2019 Planning Commission Meeting

 [May 21, 2019 Planning Commission Minutes](#)

**It was moved by Commissioner Hull, seconded by Commissioner Short to approve the minutes from the May 21, 2019 Planning Commission Meeting. The motion carried unanimously.**

**IV. MEETING ITEMS**

- A. Public Hearing to Consider Amendments to Camas Municipal Code (CMC) Chapter 18.35 Wireless Communication Facilities (MC19-02)

Presenter: Lauren Hollenbeck, Senior Planner

 [Staff Report for Minor Amendments to CMC, Chapter 18.35](#)

[1\\_CMC, Chapter 18.35 with Redlines](#)

[2\\_CMC, Chapter 18.35 without Redlines](#)

[3\\_Federal Communications Commission \(FCC\) Ruling, Sept 2018](#)

[4\\_New York SMSA Limited Partnership v. Town of Clarkstown](#)

[5\\_Washington Small Cell Presentation \(May 2019\)](#)

[6\\_Wireless Code Staff's Presentation](#)

Lauren Hollenbeck reviewed the proposed Camas Municipal Code amendments and provided follow-up responses to questions raised by the Commission.

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Chair Beel opened the public testimony portion of the hearing and the following members of the public offered testimony:

Meridee Pabst, Wireless Policy Group, 2728 N. L Street, Washougal  
Phillip Mitchell, 3634 NE Sitka Drive, Camas

**It was moved by Commission Hull, seconded by Commissioner Karnes to forward a recommendation of approval to City Council for proposed amendments to Camas Municipal Code, Chapter 18.35 (File No. MC19-02). The motion carried unanimously.**

- B. Public Hearing to Consider the Evergreen School District Capital Facilities Plan and Impact Fees (CPA19-06)

Presenter: Sarah Fox, Senior Planner

-  [Staff Report for the Evergreen School District's Capital Facilities Plan \(CFP\)](#)
- [A Letter from Marnie Allen](#)
- [B Evergreen Schools 2019-2025 CFP](#)
- [C Resolution 6183 Regarding CFP and School Impact Fees](#)
- [D Evergreen School District's Presentation](#)

Sarah Fox reviewed the Evergreen School District's proposal and provided follow-up responses to the inquiries raised by the Commission.


Chair Beel opened the public testimony portion of the hearing and the following members of the public offered testimony:

Sue Steinbrenner, Executive Director of Facilities for Evergreen School District

**It was moved by Commissioner Karnes, seconded by Commission Hull to forward a recommendation of approval to City Council for the Evergreen School District's Capital Facilities Plan and Impact Fees (File No. CPA19-06). The motion carried unanimously.**

- C. Minor Amendments to Camas Municipal Code (CMC) (MC19-01)

Presenter: Madeline Sutherland, Assistant Planner

-  [Staff Report for Minor Amendments to Camas Municipal Code \(CMC\)](#)
- [1 Amendments to CMC with Redlines](#)
- [2 CMC Amendments Presentation given by Staff](#)

Madeline Sutherland introduced and reviewed the proposed Camas Municipal Code amendments and responded to questions raised by the Commissioners.

This item will be scheduled for a public hearing before Planning Commission on July 16, 2019.

## V. MISCELLANEOUS UPDATES

A. Miscellaneous Updates

Robert Maul provided an update about the Community Development Department's upcoming priorities.

**VI. NEXT MEETING DATE**

The next Planning Commission Meeting is scheduled for Tuesday, July 16, 2019 at 7:00 p.m., in the City Council Chambers.

**VII. ADJOURNMENT**

Chair Beel adjourned the meeting at 7:55 p.m.

NOTE: The City of Camas welcomes and encourages the participation of all of its citizens in the public meeting process. A special effort will be made to ensure that persons with special needs have opportunities to participate. For more information, please call the City Clerk's Office at 360.817.1574.



STAFF REPORT

ZONING AMENDMENT AT PARK PROPERTY

(FILE: #ZC19-01 ASSOCIATED FILE: ORDINANCE 17-010)

TO: Bryan Beel, Chair
Planning Commission

FROM: Sarah Fox, Senior Planner

REPORT DATE: August 9, 2019

HEARING DATE: August 20, 2019

PARCELS: 178099-000 (45 acres); 177896-000 (12 acres); and 177886-000 (3.79 acres)

Public Notices: Notice of a public hearing to consider the proposed zoning amendment was published in the Camas Post Record on August 8, 2019 (Legal publication #247720). The city sent a notice to adopt amendment to its comprehensive plan maps and zoning to the Department of Commerce on April 2, 2019 (Material ID #2019-S-23).

State Environmental Policy Act (SEPA) Exempt: The zoning amendments are exempt from a SEPA determination as the proposed zones are consistent with the comprehensive plan designation and no development is proposed. WAC 197-11-800 (6) Land Use Decisions (a) and (c).

I. BACKGROUND/ANALYSIS:..... 1
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Diagram B: Aerial View of Park Area ..... 5

I. BACKGROUND/ANALYSIS:

In 2017, the city annexed property that was within the city's urban growth boundary, which is located along the eastern side of Lacamas Lake (Refer to Ord. 17-010 at Attachment "A"). The properties are designated in the city's comprehensive plan as "Open Space/Green Space". The associated zoning was not established with the annexation ordinance.

The city maintains a table of comprehensive plan designations that correspond to zoning designations (refer to CMC§ 18.05.020 Districts Designated). There are two zones within the "Parks" comprehensive plan designation and a single zone within the "Open Space/Parks" designation. The area is inaccurately labeled<sup>1</sup> online with an overlay zone of "Urban Holding".

This staff report will discuss potential zoning, and provide a recommendation to correct the omission. [Note: Throughout this report, citations from Camas Municipal Code ("CMC") will be provided in italic type.]

1 Clark County GIS arbitrarily labeled the area with a county zone, which was not established by any City of Camas decision.

## II. DISCUSSION AND FINDINGS

At the southern end of the Lacamas Lake, there is a commercial area and a residential subdivision. Both the commercial properties and the subdivision have yards that abut the 45 acre park, and do not have direct access to the lake. Further north along the east side, Leadbetter Road separates the private properties from the lake. The largest parcel (#178099-000) has approved permits for development of a future city trail. The northerly parcel (#177886-000) has an existing boat launch area (Diagram B).

The Camas Parks, Recreation and Open Space Comprehensive Plan (adopted 2014) includes a description of current and future development of parks and trails. The zoning chapter of code at CMC§18.07.050 Park and Open Space Land Uses (below), provides a table of the most common park uses and developments.

The properties are currently designated as “Open Space / Green Space” and the proposed zone is “Open Space” (OS). Open Space (OS) parks typically include trails, viewpoints and preserve valuable natural resources. The “Park” comprehensive plan designation includes two zones—Neighborhood Park and Special Use. Neighborhood Parks (NP) typically serve individual neighborhoods and include playgrounds and other similar amenities. Special Use (SU) parks are more intensely developed with sport fields, community centers, or provide waterfront recreation access.

The southerly park parcels (178099-000 and 177896-000) conform to the criteria of the comprehensive plan and zone as the properties contain valuable natural shoreline resources and will be developed with passive uses, to include a trail and viewpoint areas. The northerly parcel (177886-000) is also designated open space, however a portion of the property is currently used as a boat launch. The city’s plans indicate that there will be a future trail segment bisecting the area, but did not identify improvements to the boat launch. During future updates to the park comprehensive plan, the city may want to consider changing the OS/GS comprehensive plan designation of the northerly parcel to Park, with an associated SU zone to adjust to any future waterfront park development.

**FINDINGS: The proposed zone of “Open Space” is in conformance with the underlying comprehensive plan designation of the same name.**

CMC§18.07.050 - Park and open space land uses.

### **Authorized Uses in Park and Open Space Zones**

	NP	SU	OS
<b>General Uses</b>			
1. City-approved festivals, community events, and event center	P	P	X
2. Community and recreation centers	P	P	X
3. Community gardens	P	P	C
4. Concession stands	P	P	X
5. Open Spaces	P	P	P
6. Other buildings and structures to support park use	P	P	P
7. Other uses identified through the Park, Recreation and Open Space Comprehensive Plan	P	P	P
8. Parking areas/lots to serve park use	P	P	P
9. Pedestrian and multi-use trails	P	P	P
10. Recreation areas and facilities	P	P	C
11. Residence for park caretaker and accessory structures	C	P	P
12. Restrooms	P	P	P
13. Stages and band shells	P	P	X
14. Temporary Use	T	T	T
<b>Utility Uses</b>			
15. Public utilities, minor	P	P	P
16. Pumping station	C	P	P
17. Railroad tracks and facilities	X	X	X
18. Communication facilities, minor	C	C	X
19. Communication facilities, major	X	X	X

KEY:

P = Permitted Use  
C = Conditional Use  
X = Prohibited Use  
T = Temporary Use

### III. EVALUATION CRITERIA PER CMC§ 18.51.030 (A-D)

**A. Impact upon the city of Camas comprehensive plan and zoning code;**

**DISCUSSION:** The proposed zone is consistent with the comprehensive plan.

**B. Impact upon surrounding properties, if applicable;**

**DISCUSSION:** The proposed amendment will not change the uses allowed within the park zone.

**C. Alternatives to the proposed amendment; and**

**DISCUSSION:** A future comprehensive plan amendment should consider modifying the northerly parcels to a "Special Use" zone to accommodate active shoreline recreational uses.

**D. Relevant code citations and other adopted documents that may be affected by the proposed change**

**DISCUSSION:** The amendments, if approved, will amend the Camas Zoning Map.

### IV. PUBLIC COMMENT

At the writing of this report, no comments were received on the amendments.

### V. RECOMMENDATIONS

As discussed, staff supports amending the zoning of the combined park parcels to an "Open Space" zoning designation consistent with the comprehensive plan.

Planning Commission's recommendations on the proposed amendment may include the following actions pursuant to CMC§ 18.51.050 (B) (1-5) in part<sup>2</sup>:

- (1) Approve as proposed;
- (2) Approve with conditions;
- (3) Modify; or
- (4) Deny

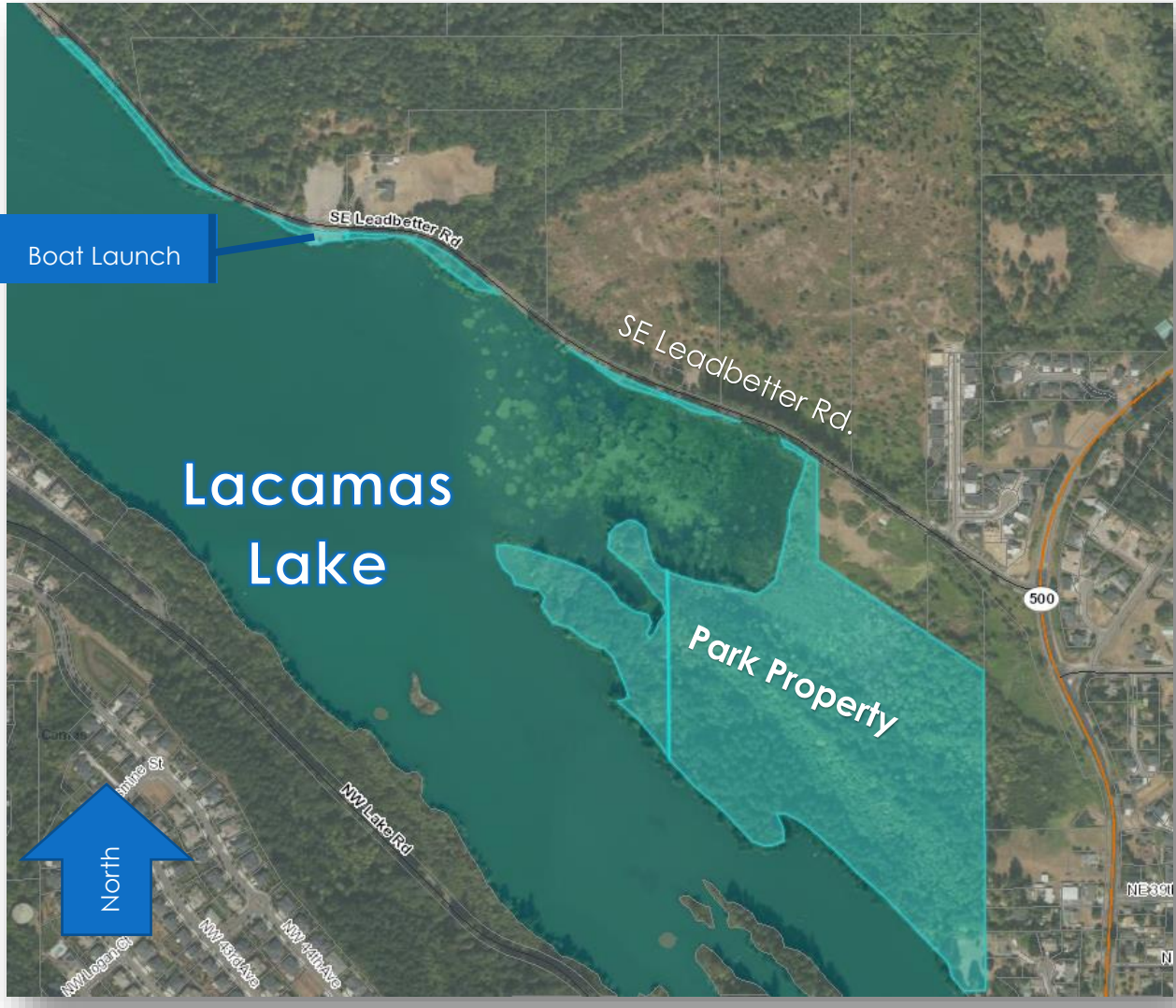
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<sup>2</sup> Council's decision may also include remanding the proposal back to Planning Commission for further proceedings.



DIAGRAM A: PROPOSED ZONING





ORDINANCE NO. 17-010

AN ORDINANCE annexing an area adjoining Lacamas Lake, pursuant to the provisions of RCW 35A.14.300, Annexation for Municipal Purposes.

THE COUNCIL OF THE CITY OF CAMAS DO ORDAIN AS FOLLOWS:

Section I

The Council of the City of Camas makes that the following findings:

- A. The City is currently undertaking a trail project adjoining Lacamas Lake.
- B. A section of the trail that the City proposes is within an area owned by the City but within Clark County Jurisdiction is a boundary between the City of Camas and Clark County.
- C. Clark County has previously quitclaimed to the City any ownership rights it has in and to the area that the City proposes to annex.
- D. By annexing the area as described, the City of Camas will be the sole governmental agency in the permitting and management of the trail project. This will enable the project to proceed more efficiently.
- E. RCW 35A.14.300 permits code cities by a majority vote to annex territory outside of the city limits of such city for any municipal purpose when such territory is owned by the city.

Section II

Pursuant to RCW 35A.14.300, that area described in Exhibit A attached hereto, and illustrated in Exhibit B attached hereto and by this reference incorporated herein, being a portion of Clark County not heretofore incorporated as a city or town, and lying contiguous to the City of Camas, is hereby annexed to the City of Camas and made a part thereof.

Section III

The City Clerk is hereby directed to file with the Board of Clark County Commissioners of Clark County, Washington, a certified copy of this ordinance. The City Clerk is further directed to file with the Office of Financial Management a certificate as required by RCW 35A.14.700 within thirty (30) days of the effective date of this annexation. The City Clerk is further directed to take all other steps and to inform all other agencies of said annexation as may be necessary and proper.

Section IV

This ordinance shall take force and be in effect five (5) days from and after its publication according to law. The annexation of the aforescribed real property shall be effective as of the effective date of this ordinance.

PASSED by the Council and APPROVED by the Mayor this 17<sup>th</sup> day of July, 2017.

SIGNED:   
\_\_\_\_\_  
Mayor

ATTEST:   
\_\_\_\_\_  
Clerk

APPROVED as to form:

  
\_\_\_\_\_  
City Attorney

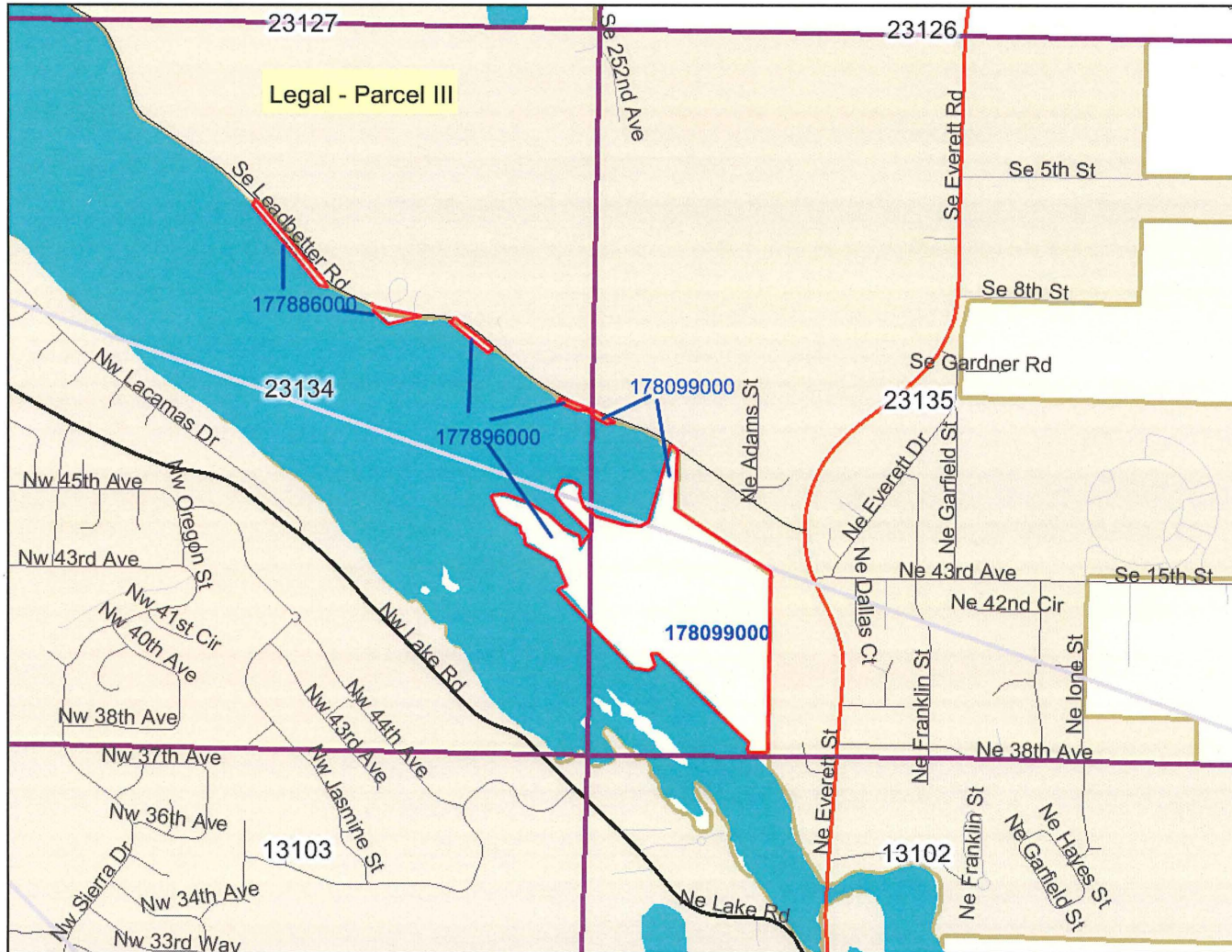
**EXHIBIT "A"**  
**Parks Annexation Ordinance 17-010**

An area of land lying at the northeasterly part of Lacamas Lake in Sections 34 and 35, southwesterly of Ledbetter Rd and westerly of the area annexed by the City of Camas by Ordinance 2350 (the Lacamas Heights annexation dated December 8th, 2003). This land was quit claimed from Clark County to the City of Camas under Auditor's File Number 4931402 D, and more particularly described as follows:

All that portion of NW  $\frac{1}{4}$  SW  $\frac{1}{4}$  Sec. 27, The S $\frac{1}{2}$  NE  $\frac{1}{4}$  Sec 34, The SW  $\frac{1}{4}$  Sec. 35, T2N, R3E, W.M. and the N  $\frac{1}{2}$  NW  $\frac{1}{4}$  Sec 2, T1N, R3E, W.M west line of the plan of Lacamas Heights Annexation, Ordinance 2350, as approved on December 8th, 2003 as recorded Annexation ID number 194, records of Clark County, Washington, all in Clark County, Washington.

This description contains 57 acres as identified in Survey Book 60, Page 188.

# Legal - Parcel III

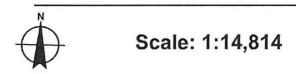


### Legend

- GPS Points**
  - Control (Red triangle)
  - New (Blue triangle)
- GPS Vectors**
  - 1 (Thin grey line)
  - 2 (Medium grey line)
  - 3 (Thick grey line)
  - 4 (Thick black line)
- Sections** (Purple outline)
- Roads**
  - Alley (Thin grey line)
  - Arterial (Thick grey line)
  - DNR (Thin grey line)
  - DNR (Private Land) (Thick grey line)
  - Driveway (Thin grey line)
  - Interstate (Thick red line)
  - Interstate Ramp (Thin red line)
  - Primary Arterial (Thick grey line)
  - Private Roads (Thin grey line)
  - Private Roads w/o Names (Thin grey line)
  - Public Roads (Thick grey line)
  - SR Ramp (Thin red line)
  - State Route (Thick red line)
- Waterbodies** (Blue fill)
- Rural Centers** (Light tan fill)
- City Boundaries** (Yellow outline)
- Urban Growth Boundaries** (Light tan fill)
- County Boundary** (Thick black line)



Map center: 1150858, 107744



This map was generated by Clark County's "Maps Online" website. Clark County does not warrant the accuracy, reliability or timeliness of any information on this map, and shall not be held liable for losses caused by using this information.



## STAFF REPORT

Minor Amendments to Camas Municipal Code (CMC)

File No. MC19-01

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<u>TO</u>	Bryan Beel, Chair Planning Commission
<u>FROM</u>	Madeline Sutherland, Assistant Planner
<u>DATE</u>	August 9, 2019

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### Summary

Over the past few months Staff has been working with an ad hoc committee to receive input on development code issues that have been challenging to administer and interpret since the past review cycle. The ad hoc committee included: Kurt Stonex and Tim Hollenbeck of Olson Engineering, and Randy Printz of Landerholm, P.S.

This staff report includes proposed code amendments to chapters within Title 17 Land Development and Title 18 Zoning, along with minor edits to chapters in other titles. The report explains each proposed amendment and the reasoning whether staff is in support or not. Along with the staff report, there are three attachments:

- Attachment 1 – Staff Recommended Amendments
- Attachment 2 – Amendments that are not supported
- Attachment 3 - Other code sections examined without proposed edits

### **CMC Section 9.32.050(A)(5) – Public disturbance noises.**

There is increased public concern with interior new home construction noises. The current CMC only provides regulations for exterior construction noise. By striking “exterior”, the city can better regulate public disturbance noise regulations.

### **CMC Section 12.12.010 – Permit – Required & CMC Section 12.12.020 – Permit – Fee – Terms.**

Staff has been reviewing existing agreements with franchise utilities in an attempt to ensure that all agreements are current. During this investigation, staff found verbiage in *CMC 12.12 Excavations* that is inconsistent with the necessity and practice of requiring encroachment permits from franchise utility companies doing work within the City rights-of-way.

The current code states that utility franchises do not need to acquire encroachment permits; however, the engineering division finds it essential to verify potential utility conflicts, traffic control plans, surface restoration and construction methodology by way of an encroachment permit. The permit is used to

ensure that the utility work is not creating issues of safety, health and welfare to the general public. This process also allows staff to identify potential impacts to City utilities and streets.

**CMC Section 17.09.030(C)(3) – Preliminary short plat approval.**

The ad hoc committee has proposed to strike out “included” and insert “considered by the City” to allow the City the flexibility to consider WDOT’s recommendations instead of requiring the City to add WDOT’s conditions of approval to the decision. Staff supports the amendment.

**CMC Section 17.09.040 – Expiration.**

A subdivision application expires after five years with a possible two year extension while a short plat expires after five years with a possible four year extension. The ad hoc committee has suggested to have the same extension time frame. Staff supports an amendment to change the extension period for a short plat to two years.

**CMC Section 17.19.020(A)(4) - Improvements, supervision, inspections and permits required.**

The ad hoc committee has suggested an option to subdivide commercial or industrial land without requiring street improvements until the site is developed. Staff requires these improvements for a binding site plan however, depending on the situation, the time when the improvements must be installed may be extended to a later date. Given the flexibility already available to a development, staff does not support this proposed amendment.

**CMC Section 17.19.030(D)(2) – Tract, block and lot standards.**

In the past, there has been concern with how the term “practical” has been interpreted. The intent of this section of CMC is to create side lot lines as close to a 90 degree angle as possible to line up with utilities. The proposed amendment includes striking the word “shall” and replacing it with “generally” so the term “practical” isn’t taken too literally.

**CMC Section 17.19.030(F) – Landscaping.**

This section requires a storm facility to maintain a 30 foot setback from a street. Throughout the years, staff has supported additional conditions of a permit to allow storm facilities to be constructed closer to a street if there was an enhanced landscaping buffer. This amendment would eliminate the need for recurring additional conditions with each permit. This amendment is supported by staff.

**CMC Section 17.21.010(C) & CMC Section 17.21.050(D)**

The additions to both Chapters 17.21.010.C and 17.21.050.D are a means of clarifying the link between *Title 17 - Land Development* requirements, specifically *Chapter - 17.21 Procedures for Public Improvements* and the encroachment permit requirements of *Title 12 - Streets, Sidewalks and Public Places*, specifically *Chapter 12.12 Excavations*. Both the noted language additions are already requirements under Chapter 12.12.20 and 12.12.040.

Adding the reference to *Chapter - 17.21 Procedures for Public Improvements* will ensure that Developers are aware of the time limits for uncompleted work within the rights-of-way that is outlined in Chapter 12.12.20 paragraph 3, and related financial security as outlined in Chapter 12.12.040.



Staff supports the amendments.

**CMC Section 17.21.060(B)(2)(a)– Contents of Final Plat or Short Plat.**

This section references the surveyor’s certificate requirements in RCW 58.09.080 that needs to appear on a final plat. The ad hoc committee suggested that RCW 64.90.245 needs to be referenced as well because it includes additional requirements for a surveyor’s certificate on a plat. Staff supports the amendment.

**CMC Section 17.21.060(B)(2)(e) – Contents of Final Plat or Short Plat.**

The ad hoc committee has suggested to change “All” to “Public” because “All” means public and private which may include homes, fences, sheds, driveways, etc. Staff is not in support of this change because the intent of “all” is to include all improvements, not just public improvements. The next proposed changes are to add clarification at the end of section “iii” to explain that the records will be financially secured in accordance to CMC Title 17. Staff finds it is unnecessary to add this language because CMC Title 17 is already referenced and the current code language will suffice. Staff is not in support of the amendments.

The ad hoc committee has suggested to strike out “this title and with” and add “CMC Title 17 and” for clarification. Staff is in support of this amendment.

**CMC Section 18.03.040 – Definitions for development terms. and 18.09.040 Table 2**

Staff has interpreted that the lot width is measured at the front of the building envelope. In developments that contain irregular shaped lots such as pie-shaped lots, the front of the building envelope is further from the front property line than a “regular” rectangular shaped lot. The intent behind this section of code is to avoid snout houses. Snout houses are dwellings with a front façade containing mostly garage which creates an aesthetically unpleasant appearance for a neighborhood. Although the intent is to avoid snout houses, the definition forces a smaller building envelope for pie-shaped lots and staff has another solution to avoid snout houses without decreasing the building envelope.

The ad hoc committee has expressed concern with the constraints to the building envelope for a “pie-shaped” lot and has proposed the following change: delete the “building line” definition and change the language in Table 2 from “yard” to “setback” to clarify the setback shall conform with the table. However staff is not in support of this amendment.

Staff suggests to change the lot width definition so the definition does not require the building envelope to be located at the minimum lot width of pie-shaped lots. Since the intent is to avoid snout houses, adding a garage setback requirement from the front of the house will solve this conflict.

**CMC Section 18.07.030 – Table 1 – Commercial and industrial uses.**

Storage facilities are currently permitted in Light Industrial, Heavy Industrial and Business Park. A conditional use permit is required in Community Commercial and Regional Commercial zones. Staff is

proposing to prohibit storage facilities in all zones except Light and Heavy Industrial. Community Commercial zones are intended for retail, professional services, and eating and drinking establishments. Regional Commercial is intended for merchandise, services of food clusters and some recreational activities. Business Park is intended for employment growth with a campus like style. Light and Heavy Industrial are intended for warehousing, research, and storage. Storage facilities do not fit into commercial or business park zoning, therefore it is proposed to only be permitted in Light and Heavy Industrial zones because it better fits into the character of the zoning.

**CMC Section 18.09.040 Table 1 – Density and dimensional standards for Single-Family Residential Zones**

The ad hoc committee is proposing to delete the “average lot area” standard of the table because a minimum and maximum lot size is also a requirement. Staff is not in support of this amendment because the average lot size is needed for a short plat or subdivision to comply with the density and character of the zone. If the average lot size is stricken, there could be multiple lots at the minimum or maximum lot size permitted, and would not fit into the zoning designation.

**CMC Section 18.09.040 Table 2 – Building Setbacks for Single-Family Residential Zones.**

The ad hoc committee is proposing to reduce the “side yard flanking a street” setback and increase the rear yard setback for corner lots to push the house to the front of the lot to allow for a larger backyard. They believe that the setbacks for corner lots don’t allow for a large enough backyard because both sides abutting a street are treated as two front yards instead of one front and one side yard. If this amendment is approved, the building envelope will likely be larger however, the dwelling will still be limited to the lot coverage requirements for the zone. Staff supports this amendment.

**CMC Section 18.13.060(C) – Parking areas.**

This change is to correct a typo. “C” is stated twice.

**CMC Section 18.18.040 – Submittal and contents of a complete application.**

Staff is proposing to strike out this section because Engineering does not need this estimate until the plans are actually submitted for construction review.

**Recommendation**

Staff recommends that the Planning Commission conduct a public hearing, accept testimony, deliberate, and make a motion to forward the amendments in Attachment 1 to City Council for adoption.

# **Minor Amendments to Camas Municipal Code (CMC)**

## *Staff Recommended Amendments*

### Summary

The following CMC sections included in this attachment were brought forward for discussion with the ad hoc committee, and are discussed in detail in the Staff Report. The proposed changes are recommended and supported with findings in the Staff Report.

#### **CMC Section 9.32.050(A)(5) – Public disturbance noises.**

5. The use of equipment and activities producing intermittent or repetitive noise commonly associated with site improvements, or ~~exterior~~ new home construction:

#### **CMC Section 12.12.010 – Permit – Required**

~~An encroachment permit will not be required for contractors performing work for the city, or for any public utility with a franchise, or as specified otherwise in Chapter 18 of this code.~~

#### **CMC Section 12.12.020 – Permit – Fee – Terms.**

The permit fee as per the fee schedule established by the city council per resolution, has been paid to the city ~~treasurer except where the permittee has been exempted by statute, City code, or prior agreement.~~

~~In addition to the initial permit fee, the applicant may be required to pay an inspection fee based on the schedule listed in Section 12.12.080 of this chapter.~~

The party requesting such permit shall make application therefor in writing on forms furnished by the city.

The permits required by this chapter shall be secured at least forty-eight hours prior to the time the work under such permit is proposed to commence except in emergency cases as approved by the director of public works.

The applicant if requested to do so by the director of public works, shall file with the director a plan and profile, ~~and other plans and details as may be required~~ which has been prepared by a professional civil engineer licensed to practice in the state of ~~Washington or other qualified professional as may be required~~ showing the location and plan of the work, obstruction or other thing desired to be done or constructed, and the street, alley, sidewalk or public place to be obstructed, together with a full description of the nature of such work.

#### **CMC Chapter 17.09 – SHORT SUBDIVISIONS**

##### **CMC Section 17.09.030(C)(3) – Preliminary short plat approval.**

3. Proposed short subdivisions located adjacent to the right-of-way of state highways shall be submitted to the Washington Department of Transportation (WSDOT) for review, consideration and

recommendation. This condition may be satisfied as part of the SEPA process. However, if a SEPA checklist is not required, it is the applicant's responsibility to notify WSDOT of the proposal. Recommendations from Washington Department of Transportation shall be considered by the City included in the conditions of approval for the short subdivision.

**CMC Section 17.09.040 – Expiration.**

If the short plat is not recorded within five years of the date of preliminary short plat approval, the short plat shall become null and void. Upon written request by the developer prior to the expiration date, the community development director may grant an extension of not more than two four years. The director shall consider economic conditions and such other circumstances as may warrant the extension. If the director denies a request for an extension, the developer may appeal that decision to the city council by filing a written notice of appeal with the director not later than thirty days after the date of the decision.

**CMC Chapter 17.19 – DESIGN AND IMPROVEMENT STANDARDS**

**CMC Section 17.19.030(D)(2) - Tracts, blocks and lot standards.**

2. Side Lot Lines. The side lines of lots should generally shall run at right angles to the street upon which the lots face as far as practical, or on curved streets they shall be radial to the curve;

**CMC Section 17.19.030(F)(6) – Landscaping.**

6. Storm drainage facilities, pump stations and other visible facilities shall be required to include a ten foot L2 landscaped buffering in accordance with criteria in the Camas Design Standards Manual if within be setback a minimum of thirty feet from of any street or accessory structure, and be landscaped in accordance with criteria in the Camas Design Standards Manual.

**CMC Chapter 17.21 – PROCEDURES FOR PUBLIC IMPROVEMENTS**

**CMC 17.21.010(C) – Plans and permits required for public improvements**

C. A separate encroachment permit will not be required for development projects subject to Title 17. All work within the right-of-way will be subject to Chapter 12.12.

**CMC 17.21.050(D) – Financial security agreements**

D. A performance bond, in an amount equal to the cost of the proposed work within the right-of-way shall be provided per Chapter 12.12.040.

**CMC Section 17.21.060(B)(2)(a) - Contents of Final Plat or Short Plat**

a. A certificate with the seal of and signature of the surveyor responsible for the survey and preliminary plat in accordance with RCW 58.09.080 and RCW 64.90.245.

**CMC Section 17.21.060(B)(2)(e) - Contents of Final Plat or Short Plat**

e. Certification by the city engineer or designee that the developer has complied with the following:

- i. All improvements have been installed or financially secured ~~for~~ in accordance with the requirements of CMC Title 17 and this title and with the preliminary plat approval;

- ii. All improvements can or will meet current public works drawing standards for road, utility and drainage construction plans;
- iii. Original and reproducible mylar or electronic records of installed improvements in a format approved by the public works director or designee and certified by the designing engineer as being "as constructed" have been submitted or financially secured for city records.

**CMC Chapter 18.03 – DEFINITIONS & CMC Chapter 18.09 – DENSITY AND DEMENSIONS**  
**CMC Section 18.03.040 – Definitions for development terms. and CMC Section 18.09.040 Table 2 – Building setbacks for Single-Family Residential Zones.**

"Lot width" means the horizontal distance between the side lot lines at a point midway between the front and rear property lines, the front of the building envelope.

Lot Area	Up to 4,999 sq. ft.	5,000 to 11,999 sq. ft.	12,000 to 14,999 sq. ft.	15,000 or more sq. ft.
Minimum front yard (feet) <sup>2</sup>	20	20	25	30
Minimum side yard and corner lot rear yard (feet)	5	5	10	15
Minimum side yard flanking a street (feet)	15	20	25	30
Minimum rear yard (feet)	20	25	30	35
Minimum lot frontage on a cul-de-sac or curve (feet)	25	30	35	40

**Note:**

**2. Garage setback is five feet behind the front of the dwelling.**

**CMC Chapter 18.07 – USE AUTHORIZATION**

**CMC Section 18.07.030 – Table 1 – Commercial and industrial land uses.**

Zoning Districts	NC	DC	CC	RC	MX	BP	LI/BP	LI	HI
Mini-storage/vehicular storage <sup>6</sup>	X	X	<del>C</del> X	<del>C</del> X	X	<del>P</del> X	X	P	P

**CMC Chapter 18.09 – DENSITY AND DEMENSIONS****CMC Section 18.09.040 Table 2 – Building setbacks for Single-Family Residential Zones.**

Lot Area	Up to 4,999 sq. ft.	5,000 to 11,999 sq. ft.	12,000 to 14,999 sq. ft.	15,000 or more sq. ft.
Minimum front yard (feet)	20	20	25	30
Minimum side yard <del>and corner lot rear yard</del> (feet)	5	5	10	15
Minimum side yard flanking a street (feet) <del>and corner lot rear yard</del>	<del>15</del> 10	<del>20</del> 10	<del>25</del> 15	<del>30</del> 15
Minimum rear yard (feet)	20	25	30	35
Minimum lot frontage on a cul-de-sac or curve (feet)	25	30	35	40

**CMC Section 18.13.060 – Parking areas.**

C. ~~C.~~ Parking lots shall include a minimum ratio of one tree per six parking spaces.

**CMC Chapter 18.18 – SITE PLAN REVIEW****CMC Section 18.18.040 – Submittal and contents of a complete application.**

J. ~~An engineer estimate of costs for site improvements, both public and private.~~

## **Minor Amendments to Camas Municipal Code (CMC)** *Amendments Proposed by Ad Hoc Committee*

### **Summary**

The CMC sections included in this attachment were brought forward for discussion by the ad hoc committee, and specific edits to CMC were proposed by the committee members. However, for reasons provided in the Staff Report, no changes are recommended at this time.

#### **CMC Section 17.19.020(A)(4) – Improvements, supervision, inspections and permits required.**

4. Infrastructure for streets, sewer line, storm water, water systems and other utilities for Subdivisions or Short Plats of Commercial, Industrial and Multifamily zoned parcels that is simply for the purpose of dividing the land and no actual development of the land is proposed, may be delayed until the time of a development application or site plan approval that would trigger the need for such infrastructure.

#### **CMC Section 17.21.060(B)(2)(e) - Contents of Final Plat or Short Plat**

- e. Certification by the city engineer or designee that the developer has complied with the following:
- i. Public All improvements have been installed or financially secured for in accordance with the requirements of this title and with the preliminary plat approval;
  - ii. Public All improvements can or will meet current public works drawing standards for road, utility and drainage construction plans;
  - iii. Original and reproducible mylar or electronic records of installed public improvements in a format approved by the public works director or designee and certified by the designing engineer as being "as constructed" have been submitted ~~or financially secured~~ for city records- or financially secured in accordance with the requirements of CMC Title 17.

#### **CMC Section 18.03.040 – Definitions for development terms.**

"Building line" means a line on a plat indicating the limit beyond which primary buildings or structures may not be erected.

**CMC Section 18.09.040 Table 2 – Building setbacks for Single-Family Residential Zones.**

Lot Area	Up to 4,999 sq. ft.	5,000 to 11,999 sq. ft.	12,000 to 14,999 sq. ft.	15,000 or more sq. ft.
Minimum front <del>yard</del> setback (feet)	20	20	25	30
Minimum side <del>yard</del> and corner lot rear <del>yard</del> setback (feet)	5	5	10	15
Minimum side <del>yard</del> flanking a street (feet)	15	20	25	30
Minimum rear <del>yard</del> setback (feet)	20	25	30	35
Minimum lot frontage on a cul-de-sac or curve (feet)	25	30	35	40

**CMC Section 18.09.040 Table 1 – Density and Dimensions for Single-Family Residential Zones**

	R-6	R-7.5	R-10	R-12	R-15
A. Standard New Lots					
Maximum density (dwelling units/net acre)	7.2	5.8	4.3	3.6	2.9
<del>Average lot area (square feet)<sup>d</sup></del>	<del>6,000</del>	<del>7,500</del>	<del>10,000</del>	<del>12,000</del>	<del>15,000</del>



## **Minor Amendments to the Camas Municipal Code (CMC)**

### ***No Amendments Proposed***

#### **Summary**

The CMC sections included in this attachment were brought forward for discussion by the ad hoc committee, however no specific edits to CMC were proposed by the committee members. For this reason, no changes are recommended at this time.

#### **CMC Chapter 17.09 – Short Subdivisions**

The ad hoc committee has suggested to allow phasing for short plats because short plats allow up to nine lots. There were not specific changes to the code submitted at this time. Staff is not in support with this suggestion because nine lots should be constructed in one phase.

#### **CMC Section 17.11.060 – Subdivisions – Expiration**

A subdivision expires after five years plus a possible two year extension. The ad hoc committee is suggesting to allow for an unlimited amount of two year extensions because subdivisions need more time. The Clark County Code was referenced because they allow for unlimited two year extensions. Staff is not in support with this suggestion.

#### **CMC Section 17.19.040(B)(12)(c) – Infrastructure standards**

The ad hoc committee is proposing to reduce the distance from the centerline radii of curves in a subdivision to an arterial which are stated in the Engineering Standards because many times a subdivision is one lot deep and does not meet the minimum requirement. There were no specific changes to the Camas Municipal Code therefore staff has nothing to support for this update.

#### **CMC Section 18.17.050 & 060 – Retaining Walls**

The ad hoc committee recommended a separate maximum height for a retaining wall and fence instead of a maximum height for both combined. This code section has been discussed many times with staff although no specific changes have been made.

#### **CMC Section 18.55.345 – Final plat approval.**

City Councils approves final plats on the consent agenda during meetings. The ad hoc committee referenced The City of Battle Ground Municipal Code and is recommending to eliminate council review for final plats and delegate them to the director or manager. There were no specific changes to the Camas Municipal Code therefore staff has nothing to support for this update.



Community Development | 616 NE 4<sup>th</sup> Ave. | Camas, WA 98607 | [communitydevelopment@cityofcamas.us](mailto:communitydevelopment@cityofcamas.us)

## STAFF REPORT 2019 LEGISLATIVE SESSION HOUSING BILLS

To: Bryan Beel, Chair  
Planning Commission

From: Sarah Fox, Senior Planner

Report Date July 9, 2019

(Note: Staff presented to City Council on this topic at workshops on February 19<sup>th</sup>, June 3<sup>rd</sup>, and July 1, 2019. Materials and video recordings of the meetings are available online on the city's website.)

- Attachments:
1. Grant Opportunity Overview from Dept. of Commerce
  2. House Bill 1923
  3. House Bill 1923 Report
  4. House Bill 1377-S
  5. House Bill 1377-S Report
  6. Church Owned Properties in Camas – map
  7. Senate Bill 5383

### Summary

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This report will focus on the new laws adopted during the 2019 legislative session that focused on housing and will include a list of the changes to Camas Municipal Code ("CMC") that will be necessary to be consistent with the new laws.

The legislature also passed a bill to encourage cities to adopt measures that will increase residential capacity (E2SHB 1923). The bill includes a few mandatory items, but it also offers grant assistance to cities who undertake an effort to adopt two of twelve discretionary actions. Attachment (#1), "[Grant Opportunity Overview from Dept. of Commerce](#)" provides details on each of the twelve actions. This report will discuss the items most applicable to our city and direction that was provided to staff from Council on July 1, 2019.

### Mandatory Changes

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The following items are organized by bill number. Staff comments include a brief recommendation for actions to amend Camas Municipal Code ("CMC") to be consistent with the changes to state law. These suggested changes will be brought before the Planning Commission for a public hearing at the September regular meeting.

House Bill	Description	Comments																								
<b>SHB 1377</b>	<p>Cities must provide a bonus density for affordable housing on property owned or controlled by a religious organization</p>	<p>Bill requires that cities create a policy that is consistent with this law upon request from a religious organization.</p> <p>A map of all the properties in Camas that are owned by religious organizations is provided at Attachment 7. The staff presentation further identified those that are located within residential zones (Attachment 2). No applications for developments on those properties have been submitted to date.</p> <p>A request from a religious entity under this law would be considered to be a "Type IV" application. Type IV decisions are legislative actions which involve the adoption or amendment of the city's land use regulations, comprehensive plan, map inventories, and other policy documents that affect the entire city. These applications involve the greatest amount of discretion and evaluation of subjective approval criteria.</p> <p><b>Recommendation: Adopt a regulation consistent with other density bonus provisions in our development code at CMC Chapter 18.09 Density and Dimensions.</b></p>																								
<b>E2SHB 1923</b>	<p>Cities must adopt a new definition for "permanent supportive housing".</p> <p>New definition: "Subsidized, leased housing with no limit on length of stay, paired with on-site or off-site voluntary services designed to support a person living with a disability to be a successful tenant in a housing arrangement, improve the resident's health status, and connect residents of the housing with community-based health care, treatment, and employment services."</p>	<p>Current Use Authorization for "<u>Assisted Living</u>" at CMC§18.07.030 and 18.07.040</p> <table border="1" data-bbox="669 884 1528 1020"> <thead> <tr> <th data-bbox="669 884 878 926">Zones:</th> <th data-bbox="878 884 927 926">R</th> <th data-bbox="927 884 976 926">MF</th> <th data-bbox="976 884 1024 926">NC</th> <th data-bbox="1024 884 1073 926">DC</th> <th data-bbox="1073 884 1122 926">CC</th> <th data-bbox="1122 884 1170 926">RC</th> <th data-bbox="1170 884 1219 926">MX</th> <th data-bbox="1219 884 1268 926">BP</th> <th data-bbox="1268 884 1317 926">LI/BP</th> <th data-bbox="1317 884 1365 926">LI</th> <th data-bbox="1365 884 1414 926">HI</th> </tr> </thead> <tbody> <tr> <td data-bbox="669 989 878 1020"><b>Authorization:</b></td> <td data-bbox="878 989 927 1020">C</td> <td data-bbox="927 989 976 1020">P</td> <td data-bbox="976 989 1024 1020">C</td> <td data-bbox="1024 989 1073 1020">P</td> <td data-bbox="1073 989 1122 1020">P</td> <td data-bbox="1122 989 1170 1020">X/P<sup>10</sup></td> <td data-bbox="1170 989 1219 1020">P</td> <td data-bbox="1219 989 1268 1020">X</td> <td data-bbox="1268 989 1317 1020">X</td> <td data-bbox="1317 989 1365 1020">X</td> <td data-bbox="1365 989 1414 1020">X</td> </tr> </tbody> </table> <p><b>Recommendation: (1) Add new definition consistent with state law. (2) Allow "Permanent supportive housing" wherever "Assisted Living" is allowed.</b></p>	Zones:	R	MF	NC	DC	CC	RC	MX	BP	LI/BP	LI	HI	<b>Authorization:</b>	C	P	C	P	P	X/P <sup>10</sup>	P	X	X	X	X
Zones:	R	MF	NC	DC	CC	RC	MX	BP	LI/BP	LI	HI															
<b>Authorization:</b>	C	P	C	P	P	X/P <sup>10</sup>	P	X	X	X	X															
<b>E2SHB 1923</b>	<p>Cities must be consistent with the new definition of "affordable housing" that includes a definition for rental housing and owner-occupied housing.</p> <p>Affordable <u>rental housing</u> must be defined as 60% of the median household income (MHI) and <u>owner-occupied housing</u> be defined as 80% of the MHI.</p>	<p><u>CMC Chapter 3.86 Multifamily Tax Exemption</u> includes the following definition, "<i>Affordable housing means residential housing that is rented by a person or household whose monthly housing costs, including utilities other than telephone, do not exceed thirty percent of the household's monthly income. For the purposes of housing intended for owner occupancy, "affordable housing" means residential housing that is within the means of low or moderate-income households</i>".</p> <p><b>Recommendation: Amend definition at CMC Chapter 3.86 consistent with state law.</b></p>																								

House Bill	Description	Comments
<b>E2SHB 1923</b>	Requires cities to set maximum residential parking ratios for low income, senior, and affordable housing units located near "high quality transit service".	This item is mandatory, however, "high quality transit service" includes in its definition a frequency of service of four times per hour for at least 12 hours a day. At this time, C-Tran serves our city twice per hour.  <b>This item is not applicable to Camas <u>at this time</u> and no action would be required.</b>
<b>ESSB 5383</b>	Cities must include a new definitions: "tiny house"; "tiny house with wheels"; and "tiny house communities", and not prohibit them.  New definition (in part), "Means a dwelling to be used as permanent housing with permanent provisions for living, sleeping, eating, cooking, and sanitation built in accordance with state building code.	A city or town may not prevent entry or require removal of a recreation vehicle or a tiny house with wheels used as a primary residence <b>in a manufactured/mobile home community</b> , except for regulations related to fire, safety, or other regulations related to recreation vehicles.  Current code at CMC§18.29.070(E): <i>"Trailers and Recreational Vehicles. No travel trailer or recreational vehicle shall be utilized, except as temporary living quarters, and accessory to an existing manufactured home, which use shall not exceed a maximum of ten days per year."</i>  <b>Recommendation: (1) Add new definitions for "tiny house", and (2) Repeal subsection "E" at CMC§18.29.070 to be consistent with state law.</b>

## Grant Opportunity

The Department of Commerce provided an overview and guidance on the grant opportunity that will be made available with the adoption of House Bill 1923 (Refer to Attachment 1, E2SHB 1923). At the writing of this report, the grant application has not been released.

The following discussion will provide a brief description of those items that could be considered to be minor changes to our current code during a periodic update, or through a limited effort to increase residential density and diversity ("**Limited**"). All of the applicable actions could also be considered during the development of a Housing Action Plan ("**HAP**"), if the city chooses to pursue that option. Staff provides a recommendation for each item to be considered through a "Limited" or "HAP" project--either could be eligible for grant funding.

The goal of a Housing Action Plan (HAP) is to "encourage construction of additional affordable and market rate housing in a greater variety of housing types and at prices that are accessible to a greater variety of incomes, including strategies aimed at the for-profit single-family market." This plan would include extensive research into the nature of the housing currently available in the city.

## RESIDENTIAL BUILDING PERMITS - TRENDS

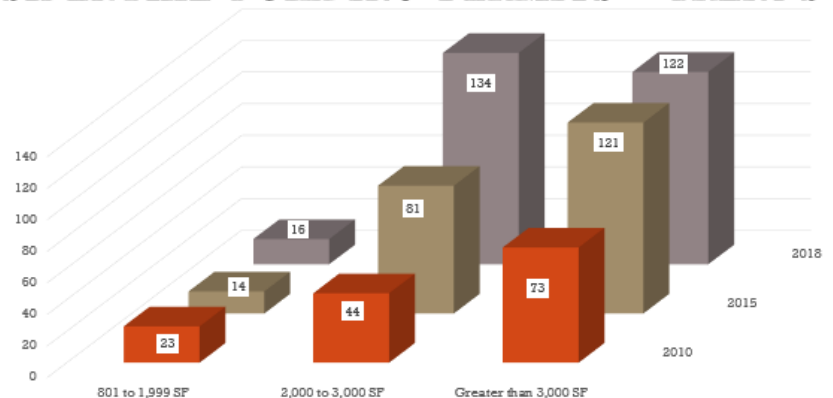


FIGURE 1 - WORKSHOP PRESENTATION, FEBRUARY 2019

Staff provided initial information on the need for diversified and affordable housing at the February 19<sup>th</sup> workshop before Council. The initial information provided at the workshop was gathered from census data, city employee data, and building permits issued over the past nine years. In brief, staff found that there is a lack of housing diversity shown in the past nine years of new building permits.

Staff reported that the bulk of the building permits over the past nine years was for single family residences and the majority exceeded 3,000 square feet. Last year, the city saw more permits for homes in the 2,000 to 3,000 square foot range.

Twelve (12) Activities Eligible for Funding per E2SHB 1923	Comments
1. Increase residential density near commuter light rail stations to 50 dwelling units per acre...	Not applicable to our city as we do not have a light rail station.
2. Increase residential density along high frequency transit corridors to 25 dwelling units per acre...	Not applicable to our city as we do not have high frequency transit.
3. Authorize at least one duplex, triplex, or courtyard apartment on each parcel in one or more zoning districts that permit single-family residences unless a city documents a specific infrastructure or physical constraint that would make this requirement unfeasible for a particular parcel.	Duplexes are allowed outright (P) in multifamily zones and as a conditional use (CUP) in single family zones.  <b>HAP:</b> The city could consider allowing duplexes outright (P) in single family zones.
4. Authorize cluster zoning or lot size averaging in all zoning districts that permit single family residences;	City already allows a type of cluster zoning in all single family zones, called Planned Residential Developments (PRD).
5. Authorize attached accessory dwelling units (ADUs) on all parcels containing single family homes where the lot is at least 3,200 square feet in size, and permit both attached and detached ADUs on all parcels containing single-family homes, provided lots are at least 4,356 square feet in size. Qualifying city ordinances or regulations may not provide for on-site parking requirements, owner occupancy requirements, or square footage limitations below 1,000 square feet for the accessory dwelling unit, and must not prohibit the separate rental or sale of accessory dwelling units and the primary residence. Cities must set applicable impact fees at no more than the projected impact of the accessory dwelling unit...	The city allows only one ADU (interior or exterior) on a property and requires owner occupancy of one of the units.  Refer to CMC Chapter 18.27 Accessory Dwelling Units.  <b>HAP or Limited:</b> The city could revise the ADU standards, and consider allowing both an interior and exterior ADU on a property and other provisions as described.

<p>6. Adopt a subarea plan pursuant to RCW 43.21C.420.</p> <p>The plan must be for a mixed use urban center or near a major transit stop. The plan must also be accompanied by an environmental impact statement (EIS).</p>	<p>The city will be starting a subarea planning effort for the North Shore this month.</p> <p>This area is not served by major transit and the comprehensive plan did not identify this area as a mixed use urban center.</p>
<p>7. Adopt a planned action pursuant to RCW 43.21C.440(1)(b)(ii). To be eligible for funding, the planned action area should:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Contain mixed use or residential development; and</li> <li><input type="checkbox"/> Encompasses an area that is within one-half mile of a major transit stop; or will be within one-half mile of a major transit stop no later than five years from the date of the designation of the planned action.</li> </ul>	<p>Not applicable to our city as we do not have a major transit stop as defined by the law.</p>
<p>8. Adopt an infill exemption under RCW 43.21C.229 for residential or mixed-use development.</p>	<p><b>HAP or Limited:</b> The city could analyze where there are areas of the city that have had adequate environmental review and where there are no anticipated adverse environmental impacts from infill development.</p>
<p>9. Adopt a form-based code in one or more zoning districts that permit residential uses. "Form-based code" means a land development regulation that uses physical form, rather than separation of use, as the organizing principle for the code;</p>	<p>The city regulates land uses and other development standards based on bulk and distances, not form.</p> <p><b>HAP:</b> The city could develop a form based code for defined areas or zoning districts.</p>
<p>10. Authorize a duplex on each corner lot within all zoning districts that permit single family residences.</p>	<p>Refer to response at #3 (above). Duplexes are allowed outright (P) in multifamily zones and as a conditional use (CUP) in single family zones. Clark County allows duplexes outright (P) on corner lots in single family zones.</p> <p><b>Limited or HAP:</b> The city could consider allowing duplexes outright (P) on all corner lots in single family zones.</p>
<p>11. Allow for the division or redivision of land into the maximum number of lots through the short subdivision process provided in chapter 58.17 RCW;</p>	<p>No action necessary. The city already allows the maximum number of lots for a short subdivision.</p>
<p>12. Authorize a minimum net density of six dwelling units per acre in all residential zones, where the residential development capacity will increase within the city.</p>	<p>There is a minimum net density of six dwelling units per acre in all multifamily zones, but the city does not require a minimum density in single family zones.</p> <p><b>HAP:</b> The city could evaluate the effectiveness of this action to increase residential building capacity.</p>

In summary, the grant eligible activities that are relevant to Camas and are recommended by staff to move forward through development of a Housing Action Plan (HAP) or as a limited scope code amendment (Limited) include: Activities 3; 5; 8; 9; 10 or 12. Staff did not prioritize this list.

At the July 1<sup>st</sup> workshop, Council preferred to defer action on any of the housing activities until other priorities of the city are addressed. They were open to staff bringing back more information when the grant application is released.

### Next steps

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The recommendations for the changes to Camas Municipal Code to be consistent with new state laws will move forward through the legislative process and procedures consistent with CMC18.55.320.



## Increasing Residential Building Capacity E2SHB 1923 Grant Opportunity Overview

### Growth Management Services

### Local Government Division

E2SHB 1923 (2019) encourages all cities planning under the Growth Management Act (GMA) to adopt actions to increase residential building capacity. Cities are especially encouraged to increase residential building capacity in areas that have supportive transportation and utility infrastructure, and are served with frequent transit service. Cities are also encouraged to prioritize the creation of affordable, inclusive neighborhoods and to consider the risk of residential displacement, particularly in neighborhoods with communities at high risk of displacement.

This bill provides a total \$5,000,000 in grants assistance, prioritized by the legislature for cities over 20,000 in population. A city may receive up to \$100,000 in grant funds must take at least two of the actions to increase residential building capacity listed below, or develop a housing action plan.

Commerce will reach out directly to eligible cities to apply for the funding. Those cities will be asked to complete a survey about eligible actions, specifically if they already have them, and for which ones they intend to apply for funding. The survey will be open until July 10, after which date, Commerce will use the information to make decisions about the grant program. Applications will be available after July 15, and will be due August 30. Until July 15, we recommend that eligible jurisdictions work with decision makers to review the list of eligible activities below, and decide which ones they may pursue for funding. If your city has not received notification of the survey, please contact Paul Johnson at (360) 725-3048 or [paul.johnson@commerce.wa.gov](mailto:paul.johnson@commerce.wa.gov).

After the first round of grants, if funding allows, Commerce may consider accepting and funding applications from cities with a population of less than 20,000 if the actions proposed will result in significant housing capacity or regulatory streamlining.

#### Commerce contacts:

Dave Andersen, GMS Managing Director / Project Lead, (509) 434-4491

Paul Johnson, GMS Grants Coordinator, (360) 725-3048

Email: [dave.andersen@commerce.wa.gov](mailto:dave.andersen@commerce.wa.gov) and [paul.johnson@commerce.wa.gov](mailto:paul.johnson@commerce.wa.gov)



## Activities eligible for E2SHB 1923 funding

### 1. Select at least two of the actions listed below:

- a) ***Increase residential density near commuter or light rail stations to 50 dwelling units per acre. Designated areas should be at least 500 acres in size.***

This may be done in the form of a sub-area plan or rezoning within a designated area in response to or anticipation of commuter or light rail stations. Special attention should be paid to prioritize bicycle, pedestrian, and transit access to station areas. Regulations should require *no more than an average of one on-site parking space per two bedrooms* in multifamily areas.

- b) ***Increase residential density along high frequency transit corridors to 25 dwelling units per acre. Designated areas should be at least 250 acres for cities with a population of less than 40,000 people, or 500 acres for cities with a population over 40,000.***

This may be done in the form of a sub-area plan or rezoning along a transit corridor in response to or in anticipation of high frequency transit corridors. *High frequency transit service is defined as bus service at least four times per hour, at least 12 hours per day.* Rezones should include higher density residential development within a 10- to 15-minute walk of transit stops, with special attention to considerations for road crossings to transit service. Regulations should require *no more than an average of one on-site parking space per two bedrooms* in multifamily areas.

- c) ***Authorize at least one duplex, triplex, or courtyard apartment on each parcel in one or more zoning districts that permit single-family residences unless a city documents a specific infrastructure or physical constraint that would make this requirement unfeasible for a particular parcel.***

This option would allow much more diversity in housing stock within single family zoning districts. Documentation of specific infrastructure or physical constraints should go beyond whether sewer or other services currently exist at the location. Documentation should describe how specific geographic features of the land, such as water bodies or critical areas make it extremely difficult to develop, or serve isolated parcels with urban services.

- d) ***Authorize cluster zoning or lot size averaging in all zoning districts that permit single-family residences;***

**Cluster zoning** is a zoning method in which development density is determined for an entire specified area, rather than on a lot-by-lot basis. Within the specified cluster

zone, a developer can exercise greater flexibility in designing and placing structures, as long as the total density requirement is met.

**Lot size averaging** allows the size of individual lots within a development to vary from the zoned maximum density, provided that the average lot size in the development as a whole meets that maximum. Housing can then be developed on lots smaller than otherwise permitted in a zone, allowing for greater densities in some areas and more diversity throughout the development.

These tools can be especially useful in lands encumbered by critical areas or other constraints that point to a more flexible approach.

- e) ***Authorize attached accessory dwelling units (ADUs) on all parcels containing single-family homes where the lot is at least 3,200 square feet in size, and permit both attached and detached ADUs on all parcels containing single-family homes, provided lots are at least 4,356 square feet in size. Qualifying city ordinances or regulations may not provide for on-site parking requirements, owner occupancy requirements, or square footage limitations below 1,000 square feet for the accessory dwelling unit, and must not prohibit the separate rental or sale of accessory dwelling units and the primary residence. Cities must set applicable impact fees at no more than the projected impact of the accessory dwelling unit. To allow local flexibility, other than these factors, accessory dwelling units may be subject to such regulations, conditions, procedures, and limitations as determined by the local legislative authority, and must follow all applicable state and federal laws and local ordinances.***

All jurisdictions planning under the GMA over 20,000 in population and all counties over 125,000 in population are already required to allow accessory dwelling units (ADUs) in single family zones.<sup>1</sup> To be eligible for funding under E2SHB 1923, eligible jurisdictions must adopt an ADU ordinance that is consistent with these specifications for lot size, unit size, no parking requirement, no owner occupancy requirement, reduced impact fees, and subsequent separate sale of separate units. Beyond these items, local governments may choose to waive utility connection fees, building or permit fees, or address design. For more information please review [MRSC's guidance](#) on this topic, except that the [1994 CTED ADU guidance](#) is superseded by these requirements.

- f) ***Adopt a subarea plan pursuant to RCW 43.21C.420.***

Cities with populations over 5,000 may adopt optional elements of comprehensive plans of development regulations that apply within subareas for areas that are either:

- a. Areas designated as mixed use or urban centers in a land use or transportation plan adopted by a regional transportation planning organization; or

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<sup>1</sup> See RCW 36.70A.400 and RCW 43.63A.215(3) (laws of 1993)

- b. Areas within one half mile of a major transit stop, zoned for an average minimum density of 15 units per gross acre. A major transit stop is defined as a stop on a high capacity transportation service funded under RCW 81.104, commuter rail stops, stops on rail or fixed guideways, stops on bus rapid transit routes or routes that run on high occupancy vehicle lanes; or stops for a bus or other transit mode providing fixed route service at intervals of at least thirty minutes during the peak hours of operation.

The plan must be accompanied by an environmental impact statement (EIS) assessing and disclosing the probable significant adverse environmental impacts. Any development proposed within 10 years of the EIS, which is consistent with the plan and regulations may not be challenged under SEPA.<sup>2</sup>

**g) *Adopt a planned action pursuant to RCW 43.21C.440(1)(b)(ii).***

A planned action is an adopted plan and environmental review on a sub-area within an urban growth area, consistent with a comprehensive plan adopted under the Growth Management Act. The plan and environmental review are completed before projects are proposed. Project-level significant impacts must be addressed in a State Environmental Policy Act (SEPA) document, unless the impacts are specifically deferred for consideration at the project level. The SEPA document may be a determination of non-significance (DNS), a mitigated determination of significance (MDNS), or an environmental impact statement EIS). To be eligible for funding, the planned action area should:

- Contain mixed use or residential development; and
- Encompasses an area that is within one-half mile of a major transit stop; or will be within one-half mile of a major transit stop no later than five years from the date of the designation of the planned action. Major transit stop means a commuter rail stop, a stop on a rail or fixed guideway or transitway system, or a stop on a high capacity transportation service funded or expanded under chapter [81.104](#) RCW.

For more information see <http://mrsc.org/Home/Explore-Topics/Planning/Land-Use-Administration/Planned-Action.aspx>

**h) *Adopt an infill exemption under RCW 43.21C.229 for residential or mixed-use development***

This section allows for exemptions from SEPA evaluation if the city or county's applicable comprehensive plan was previously subjected to environmental analysis and if the local government considers the specific probable adverse environmental impacts of the proposed action and determines they are adequately addressed by the development regulations or other requirements.

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<sup>2</sup> See RCW 43.21C.420 (amended by E2SHB 1923, laws of 2019)

Such an exemption categorically exempts government action related to development proposed to fill in an urban growth area, where current density and intensity of use in the area is lower than called for in the goals and policies of the applicable comprehensive plan and the development is either (i) Residential development, (ii) Mixed-use development, or (iii) Commercial development up to 65,000 square feet, excluding retail development. It does not exempt government action related to development that is inconsistent with the applicable comprehensive plan or would exceed the density or intensity of use called for in the comprehensive plan.

- i) Adopt a form-based code in one or more zoning districts that permit residential uses. "Form-based code" means a land development regulation that uses physical form, rather than separation of use, as the organizing principle for the code;***

The purpose of a form-based code is to control the size and bulk of buildings, instead of regulating by the number of units. This can help a local government encourage development that meets the desired community character, but encourages a greater number of units of a given parcel, as the number of units are not restricted. For more information see [mrsc.org/Home/Explore-Topics/Planning/Development-Types-and-Land-Uses/Form-Based-Codes.aspx](http://mrsc.org/Home/Explore-Topics/Planning/Development-Types-and-Land-Uses/Form-Based-Codes.aspx).

- j) Authorize a duplex on each corner lot within all zoning districts that permit single-family residences.***

A duplex on a corner lot can have the advantage of looking like a single-family housing unit with a front-facing door on each corner. This approach can add density in single-family areas without appearing to add a traditional duplex, but provides the benefit of additional smaller units which can be more affordable.

- k) Allow for the division or redivision of land into the maximum number of lots through the short subdivision process provided in chapter 58.17 RCW;***

RCW 58.17.020(6) defines a short subdivision as "the division or re-division of land into four or fewer lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, or transfer of ownership. However, the legislative authority of any city or town may by local ordinance increase the number of lots, tracts, or parcels to be regulated as short subdivisions to a maximum of nine. This applies in all cities and for counties within urban growth areas. By increasing the number of lots in short plat, more development may be permitted by the quicker short plat process, which can be processed administratively, rather than the longer subdivision process, which generally requires approval of the legislative body. Local governments may also wish to review RCW 58.17.100 which allows for delegation of final plat approval to the planning commission or staff rather than going back to council.

- l) Authorize a minimum net density of six dwelling units per acre in all residential zones, where the residential development capacity will increase within the city.**

This option is applicable where net density in residential zones is less than six dwelling units per acre. Net density is the gross acreage minus public right of ways, divided by the number of units. Where areas are encumbered by critical areas, clustering can help achieve the target density.

## **2. Cities may instead adopt a Housing Action Plan**

*The goal of any such housing plan must be to encourage construction of additional affordable and market rate housing in a greater variety of housing types and at prices that are accessible to a greater variety of incomes, including strategies aimed at the for-profit single-family home market. The housing action plan should:*

- (a) Quantify existing and projected housing needs for all income levels, including extremely low-income households, with documentation of housing and household characteristics, and cost-burdened households; and c) Analyze population and employment trends, with documentation of projections;**

Data should document the type and age of housing within the community, and the demographics of the households within the communities. It should look across income segments and identify how many households in each income segment are paying more than 30 percent of their income for housing costs. The analysis should also project population demographics and income levels for the planning period and identify the types and densities of housing that are needed for housing suitable and affordable for all demographic and economic segments. This analysis should specifically consider multifamily and attached housing types. For more information see WAC 365-196-410.

- (b) Develop strategies to increase the supply of housing, and variety of housing types, needed to serve the housing needs identified in (a) of this subsection;**

Data gathered in the previous section should point to the types of housing that should be allowed by local zoning, and the types of incentives and regulations that will be needed to encourage the development of appropriate housing affordable to all income segments of the community. Trade-offs in parking requirements, setbacks, and open space considerations may be reviewed as they affect the yield in housing. Strategies to encourage and support the development of subsidized housing, such as fee waivers and free land should be considered, along with options for creating more housing. For a full menu of strategies, see [www.ezview.wa.gov](http://www.ezview.wa.gov) (Affordable Housing

Planning Resources). Policy actions can be evaluated on the whether they are short term, or long term, how effective they are, or whether they have a fiscal impact.

**(d) Consider strategies to minimize displacement of low-income residents resulting from redevelopment;**

Economic displacement occurs where low-income residents are forced out of traditional low-cost areas as redevelopment occurs and rents rise. Strategies to minimize displacement include preserving existing affordable housing, encouraging greater housing development, including, but not limited to affordable housing (so more housing is available for all income segments), using collective ownership of housing, engaging existing residents in identifying strategies, and taking a broader look using regional rather than localized strategies. For more information consider US Department of Housing and Urban Development (HUD) resources such as: [www.huduser.gov/portal/sites/default/files/pdf/DisplacementReport.pdf](http://www.huduser.gov/portal/sites/default/files/pdf/DisplacementReport.pdf)

**(e) Review and evaluate the current housing element adopted pursuant to RCW 36.70A.070, including an evaluation of success in attaining planned housing types and units, achievement of goals and policies, and implementation of the schedule of programs and actions;**

The housing element of the comprehensive plan should be evaluated for how well development is implementing policies, specifically whether the community is on track to accommodate the portion of the countywide population allocated to the community within the planning period, and whether the housing types are affordable to all economic segments. If these metrics are not met, new comprehensive plan policies should be proposed to support zoning that allow the size and types of housing that can be affordable to most economic segments of the population. Policies may also encourage or incentivize the development of subsidized affordable housing. Action strategies or housing metrics can help the plan stay on track over time.

**(f) Provide for participation and input from community members, community groups, local builders, local realtors, nonprofit housing advocates, and local religious groups; and**

Broad participation from all parts of the community can help to understand and communicate the housing need. Members of the public can provide information and perspective on how the community can meet the state requirements to plan for housing affordable to all economic segments.

**(g) Include a schedule of programs and actions to implement the recommendations of the housing action plan.**

The housing action plan should cumulate in a broad array of potential programs and actions that the jurisdiction has committed to pursue, or can partner with other organizations to implement. The actions should include an update to policies in the comprehensive plan, along with actions to update regulations to implement selected strategies. The schedule should include a timeline for actions and funding, if required to implement the plan.

### **Actions projected from appeal**

If adopted between July 28, 2019, and April 1, 2021, ordinances, amendments to development regulations, and other nonproject actions taken by a city are not subject to administrative or judicial appeal under the State Environmental Policy Act (SEPA).<sup>3</sup> This excludes the adoption of a sub-area plan adopted pursuant to RCW 43.21C.420. In addition, any action taken by a city prior to April 1, 2021 to amend their comprehensive plan, or adopt or amend ordinances or development regulations to enact any of the twelve actions to increase residential building capacity is not subject to appeal to the Growth Management Hearings Boards.<sup>4</sup>

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<sup>3</sup> E2SHB 1923, Section 1(3)

<sup>4</sup> E2SHB 1923, Section 1 (4)

CERTIFICATION OF ENROLLMENT

**ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1923**

Chapter 348, Laws of 2019

66th Legislature  
2019 Regular Session

URBAN RESIDENTIAL BUILDING CAPACITY

EFFECTIVE DATE: July 28, 2019—Except for section 11, which becomes effective July 1, 2019.

Passed by the House April 24, 2019  
Yeas 75 Nays 19

FRANK CHOPP

**Speaker of the House of Representatives**

Passed by the Senate April 22, 2019  
Yeas 33 Nays 16

CYRUS HABIB

**President of the Senate**

Approved May 9, 2019 3:12 PM

JAY INSLEE

**Governor of the State of Washington**

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1923** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

**Chief Clerk**

FILED

May 13, 2019

**Secretary of State  
State of Washington**



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ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1923

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AS AMENDED BY THE SENATE

Passed Legislature - 2019 Regular Session

**State of Washington**                      **66th Legislature**                      **2019 Regular Session**

**By** House Appropriations (originally sponsored by Representatives Fitzgibbon, Macri, Appleton, Doglio, Dolan, Santos, and Frame)

READ FIRST TIME 03/01/19.

1            AN ACT Relating to increasing urban residential building  
2 capacity; amending RCW 36.70A.030, 43.21C.420, and 36.70A.490; adding  
3 new sections to chapter 36.70A RCW; adding new sections to chapter  
4 43.21C RCW; adding a new section to chapter 35.21 RCW; adding a new  
5 section to chapter 35A.21 RCW; adding a new section to chapter 36.22  
6 RCW; providing an effective date; and declaring an emergency.

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

8            NEW SECTION.    **Sec. 1.** A new section is added to chapter 36.70A  
9 RCW to read as follows:

10            (1) A city planning pursuant to RCW 36.70A.040 **is encouraged to**  
11 **take the following actions** in order to increase its residential  
12 building capacity:

13            (a) Authorize development in one or more areas of not fewer than  
14 five hundred acres that include at least one train station served by  
15 commuter rail or light rail with an average of at least fifty  
16 residential units per acre that require no more than an average of  
17 one on-site parking space per two bedrooms in the portions of  
18 multifamily zones that are located within the areas;

19            (b) Authorize development in one or more areas of not fewer than  
20 five hundred acres in cities with a population greater than forty  
21 thousand or **not fewer than two hundred fifty acres in cities with a**

1 population less than forty thousand that include at least one bus  
2 stop served by scheduled bus service of at least four times per hour  
3 for twelve or more hours per day with an average of at least twenty-  
4 five residential units per acre that require no more than an average  
5 of one on-site parking space per two bedrooms in portions of the  
6 multifamily zones that are located within the areas;

7 (c) Authorize at least one duplex, triplex, or courtyard  
8 apartment on each parcel in one or more zoning districts that permit  
9 single-family residences unless a city documents a specific  
10 infrastructure of physical constraint that would make this  
11 requirement unfeasible for a particular parcel;

12 (d) Authorize cluster zoning or lot size averaging in all zoning  
13 districts that permit single-family residences;

14 (e) Authorize attached accessory dwelling units on all parcels  
15 containing single-family homes where the lot is at least three  
16 thousand two hundred square feet in size, and permit both attached  
17 and detached accessory dwelling units on all parcels containing  
18 single-family homes, provided lots are at least four thousand three  
19 hundred fifty-six square feet in size. Qualifying city ordinances or  
20 regulations may not provide for on-site parking requirements, owner  
21 occupancy requirements, or square footage limitations below one  
22 thousand square feet for the accessory dwelling unit, and must not  
23 prohibit the separate rental or sale of accessory dwelling units and  
24 the primary residence. Cities must set applicable impact fees at no  
25 more than the projected impact of the accessory dwelling unit. To  
26 allow local flexibility, other than these factors, accessory dwelling  
27 units may be subject to such regulations, conditions, procedures, and  
28 limitations as determined by the local legislative authority, and  
29 must follow all applicable state and federal laws and local  
30 ordinances;

31 (f) Adopt a subarea plan pursuant to RCW 43.21C.420;

32 (g) Adopt a planned action pursuant to RCW 43.21C.440(1)(b)(ii),  
33 except that an environmental impact statement pursuant to RCW  
34 43.21C.030 is not required for such an action;

35 (h) Adopt increases in categorical exemptions pursuant to RCW  
36 43.21C.229 for residential or mixed-use development;

37 (i) Adopt a form-based code in one or more zoning districts that  
38 permit residential uses. "Form-based code" means a land development  
39 regulation that uses physical form, rather than separation of use, as  
40 the organizing principle for the code;

1 (j) Authorize a duplex on each corner lot within all zoning  
2 districts that permit single-family residences;

3 (k) Allow for the division or redivision of land into the maximum  
4 number of lots through the short subdivision process provided in  
5 chapter 58.17 RCW; and

6 (l) Authorize a minimum net density of six dwelling units per  
7 acre in all residential zones, where the residential development  
8 capacity will increase within the city.

9 (2) A city planning pursuant to RCW 36.70A.040 may adopt a  
10 housing action plan as described in this subsection. The goal of any  
11 such housing plan must be to encourage construction of additional  
12 affordable and market rate housing in a greater variety of housing  
13 types and at prices that are accessible to a greater variety of  
14 incomes, including strategies aimed at the for-profit single-family  
15 home market. A housing action plan may utilize data compiled pursuant  
16 to section 3 of this act. The housing action plan should:

17 (a) Quantify existing and projected housing needs for all income  
18 levels, including extremely low-income households, with documentation  
19 of housing and household characteristics, and cost-burdened  
20 households;

21 (b) Develop strategies to increase the supply of housing, and  
22 variety of housing types, needed to serve the housing needs  
23 identified in (a) of this subsection;

24 (c) Analyze population and employment trends, with documentation  
25 of projections;

26 (d) Consider strategies to minimize displacement of low-income  
27 residents resulting from redevelopment;

28 (e) Review and evaluate the current housing element adopted  
29 pursuant to RCW 36.70A.070, including an evaluation of success in  
30 attaining planned housing types and units, achievement of goals and  
31 policies, and implementation of the schedule of programs and actions;

32 (f) Provide for participation and input from community members,  
33 community groups, local builders, local realtors, nonprofit housing  
34 advocates, and local religious groups; and

35 (g) Include a schedule of programs and actions to implement the  
36 recommendations of the housing action plan.

37 (3) If adopted by April 1, 2021, ordinances, amendments to  
38 development regulations, and other nonproject actions taken by a city  
39 to implement the actions specified in subsection (1) of this section,  
40 with the exception of the action specified in subsection (1)(f) of

1 this section, are not subject to administrative or judicial appeal  
2 under chapter 43.21C RCW.

3 (4) Any action taken by a city prior to April 1, 2021, to amend  
4 their comprehensive plan, or adopt or amend ordinances or development  
5 regulations, solely to enact provisions under subsection (1) of this  
6 section is not subject to legal challenge under this chapter.

7 (5) In taking action under subsection (1) of this section, cities  
8 are encouraged to utilize strategies that increase residential  
9 building capacity in areas with frequent transit service and with the  
10 transportation and utility infrastructure that supports the  
11 additional residential building capacity.

12 (6) A city with a population over twenty thousand that is  
13 planning to take at least two actions under subsection (1) of this  
14 section, and that action will occur between the effective date of  
15 this section and April 1, 2021, is eligible to apply to the  
16 department for planning grant assistance of up to one hundred  
17 thousand dollars, subject to the availability of funds appropriated  
18 for that purpose. The department shall develop grant criteria to  
19 ensure that grant funds awarded are proportionate to the level of  
20 effort proposed by a city, and the potential increase in housing  
21 supply or regulatory streamlining that could be achieved. Funding may  
22 be provided in advance of, and to support, adoption of policies or  
23 ordinances consistent with this section. A city can request, and the  
24 department may award, more than one hundred thousand dollars for  
25 applications that demonstrate extraordinary potential to increase  
26 housing supply or regulatory streamlining.

27 (7) A city seeking to develop a housing action plan under  
28 subsection (2) of this section is eligible to apply to the department  
29 for up to one hundred thousand dollars.

30 (8) The department shall establish grant award amounts under  
31 subsections (6) and (7) of this section based on the expected number  
32 of cities that will seek grant assistance, to ensure that all cities  
33 can receive some level of grant support. If funding capacity allows,  
34 the department may consider accepting and funding applications from  
35 cities with a population of less than twenty thousand if the actions  
36 proposed in the application will create a significant amount of  
37 housing capacity or regulatory streamlining and are consistent with  
38 the actions in this section.

39 (9) In implementing this act, cities are encouraged to prioritize  
40 the creation of affordable, inclusive neighborhoods and to consider

1 the risk of residential displacement, particularly in neighborhoods  
2 with communities at high risk of displacement.

3 **Sec. 2.** RCW 36.70A.030 and 2017 3rd sp.s. c 18 s 2 are each  
4 amended to read as follows:

5 Unless the context clearly requires otherwise, the definitions in  
6 this section apply throughout this chapter.

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

10 (2) "Agricultural land" means land primarily devoted to the  
11 commercial production of horticultural, viticultural, floricultural,  
12 dairy, apiary, vegetable, or animal products or of berries, grain,  
13 hay, straw, turf, seed, Christmas trees not subject to the excise tax  
14 imposed by RCW 84.33.100 through 84.33.140, finfish in upland  
15 hatcheries, or livestock, and that has long-term commercial  
16 significance for agricultural production.

17 (3) "City" means any city or town, including a code city.

18 (4) "Comprehensive land use plan," "comprehensive plan," or  
19 "plan" means a generalized coordinated land use policy statement of  
20 the governing body of a county or city that is adopted pursuant to  
21 this chapter.

22 (5) "Critical areas" include the following areas and ecosystems:

23 (a) Wetlands; (b) areas with a critical recharging effect on aquifers  
24 used for potable water; (c) fish and wildlife habitat conservation  
25 areas; (d) frequently flooded areas; and (e) geologically hazardous  
26 areas. "Fish and wildlife habitat conservation areas" does not  
27 include such artificial features or constructs as irrigation delivery  
28 systems, irrigation infrastructure, irrigation canals, or drainage  
29 ditches that lie within the boundaries of and are maintained by a  
30 port district or an irrigation district or company.

31 (6) "Department" means the department of commerce.

32 (7) "Development regulations" or "regulation" means the controls  
33 placed on development or land use activities by a county or city,  
34 including, but not limited to, zoning ordinances, critical areas  
35 ordinances, shoreline master programs, official controls, planned  
36 unit development ordinances, subdivision ordinances, and binding site  
37 plan ordinances together with any amendments thereto. A development  
38 regulation does not include a decision to approve a project permit  
39 application, as defined in RCW 36.70B.020, even though the decision

1 may be expressed in a resolution or ordinance of the legislative body  
2 of the county or city.

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

18 (9) "Freight rail dependent uses" means buildings and other  
19 infrastructure that are used in the fabrication, processing, storage,  
20 and transport of goods where the use is dependent on and makes use of  
21 an adjacent short line railroad. Such facilities are both urban and  
22 rural development for purposes of this chapter. "Freight rail  
23 dependent uses" does not include buildings and other infrastructure  
24 that are used in the fabrication, processing, storage, and transport  
25 of coal, liquefied natural gas, or "crude oil" as defined in RCW  
26 90.56.010.

27 (10) "Geologically hazardous areas" means areas that because of  
28 their susceptibility to erosion, sliding, earthquake, or other  
29 geological events, are not suited to the siting of commercial,  
30 residential, or industrial development consistent with public health  
31 or safety concerns.

32 (11) "Long-term commercial significance" includes the growing  
33 capacity, productivity, and soil composition of the land for long-  
34 term commercial production, in consideration with the land's  
35 proximity to population areas, and the possibility of more intense  
36 uses of the land.

37 (12) "Minerals" include gravel, sand, and valuable metallic  
38 substances.

39 (13) "Public facilities" include streets, roads, highways,  
40 sidewalks, street and road lighting systems, traffic signals,

1 domestic water systems, storm and sanitary sewer systems, parks and  
2 recreational facilities, and schools.

3 (14) "Public services" include fire protection and suppression,  
4 law enforcement, public health, education, recreation, environmental  
5 protection, and other governmental services.

6 (15) "Recreational land" means land so designated under RCW  
7 36.70A.1701 and that, immediately prior to this designation, was  
8 designated as agricultural land of long-term commercial significance  
9 under RCW 36.70A.170. Recreational land must have playing fields and  
10 supporting facilities existing before July 1, 2004, for sports played  
11 on grass playing fields.

12 (16) "Rural character" refers to the patterns of land use and  
13 development established by a county in the rural element of its  
14 comprehensive plan:

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

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

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

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

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

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

27 (g) That are consistent with the protection of natural surface  
28 water flows and groundwater and surface water recharge and discharge  
29 areas.

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

38 (18) "Rural governmental services" or "rural services" include  
39 those public services and public facilities historically and  
40 typically delivered at an intensity usually found in rural areas, and

1 may include domestic water systems, fire and police protection  
2 services, transportation and public transit services, and other  
3 public utilities associated with rural development and normally not  
4 associated with urban areas. Rural services do not include storm or  
5 sanitary sewers, except as otherwise authorized by RCW 36.70A.110(4).

6 (19) "Short line railroad" means those railroad lines designated  
7 class II or class III by the United States surface transportation  
8 board.

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

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

29 (22) "Urban growth areas" means those areas designated by a  
30 county pursuant to RCW 36.70A.110.

31 (23) "Wetland" or "wetlands" means areas that are inundated or  
32 saturated by surface water or groundwater at a frequency and duration  
33 sufficient to support, and that under normal circumstances do  
34 support, a prevalence of vegetation typically adapted for life in  
35 saturated soil conditions. Wetlands generally include swamps,  
36 marshes, bogs, and similar areas. Wetlands do not include those  
37 artificial wetlands intentionally created from nonwetland sites,  
38 including, but not limited to, irrigation and drainage ditches,  
39 grass-lined swales, canals, detention facilities, wastewater  
40 treatment facilities, farm ponds, and landscape amenities, or those



1 wetlands created after July 1, 1990, that were unintentionally  
2 created as a result of the construction of a road, street, or  
3 highway. Wetlands may include those artificial wetlands intentionally  
4 created from nonwetland areas created to mitigate conversion of  
5 wetlands.

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

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

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

18 (25) "Extremely low-income household" means a single person,  
19 family, or unrelated persons living together whose adjusted income is  
20 at or below thirty percent of the median household income adjusted  
21 for household size, for the county where the household is located, as  
22 reported by the United States department of housing and urban  
23 development.

24 (26) "Low-income household" means a single person, family, or  
25 unrelated persons living together whose adjusted income is at or  
26 below eighty percent of the median household income adjusted for  
27 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 (27) "Permanent supportive housing" is subsidized, leased housing  
31 with no limit on length of stay, paired with on-site or off-site  
32 voluntary services designed to support a person living with a  
33 disability to be a successful tenant in a housing arrangement,  
34 improve the resident's health status, and connect residents of the  
35 housing with community-based health care, treatment, and employment  
36 services.

37 (28) "Very low-income household" means a single person, family,  
38 or unrelated persons living together whose adjusted income is at or  
39 below fifty percent of the median household income adjusted for  
40 household size, for the county where the household is located, as

1 reported by the United States department of housing and urban  
2 development.

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

5 The Washington center for real estate research at the University  
6 of Washington shall produce a report every two years that compiles  
7 housing supply and affordability metrics for each city planning under  
8 RCW 36.70A.040 with a population of ten thousand or more. The initial  
9 report, completed by October 15, 2020, must be a compilation of  
10 objective criteria relating to development regulations, zoning,  
11 income, housing and rental prices, housing affordability programs,  
12 and other metrics relevant to assessing housing supply and  
13 affordability for all income segments, including the percentage of  
14 cost-burdened households, of each city subject to the report required  
15 by this section. The report completed by October 15, 2022, must also  
16 include data relating to actions taken by cities under this act. The  
17 report completed by October 15, 2024, must also include relevant data  
18 relating to buildable lands reports prepared under RCW 36.70A.215,  
19 where applicable, and updates to comprehensive plans under this  
20 chapter. The Washington center for real estate research shall  
21 collaborate with the Washington housing finance commission and the  
22 office of financial management to develop the metrics compiled in the  
23 report. The report must be submitted, consistent with RCW 43.01.036,  
24 to the standing committees of the legislature with jurisdiction over  
25 housing issues and this chapter.

26 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.21C  
27 RCW to read as follows:

28 If adopted by April 1, 2021, amendments to development  
29 regulations and other nonproject actions taken by a city to implement  
30 section 1 (1) or (4) of this act, with the exception of the action  
31 specified in section 1(1)(f) of this act, are not subject to  
32 administrative or judicial appeals under this chapter.

33 NEW SECTION. **Sec. 5.** A new section is added to chapter 36.70A  
34 RCW to read as follows:

35 In counties and cities planning under RCW 36.70A.040, minimum  
36 residential parking requirements mandated by municipal zoning

1 ordinances for housing units constructed after July 1, 2019, are  
2 subject to the following requirements:

3 (1) For housing units that are affordable to very low-income or  
4 extremely low-income individuals and that are located within one-  
5 quarter mile of a transit stop that receives transit service at least  
6 four times per hour for twelve or more hours per day, minimum  
7 residential parking requirements may be no greater than one parking  
8 space per bedroom or .75 space per unit. A city may require a  
9 developer to record a covenant that prohibits the rental of a unit  
10 subject to this parking restriction for any purpose other than  
11 providing for housing for very low-income or extremely low-income  
12 individuals. The covenant must address price restrictions and  
13 household income limits and policies if the property is converted to  
14 a use other than for low-income housing. A city may establish a  
15 requirement for the provision of more than one parking space per  
16 bedroom or .75 space per unit if the jurisdiction has determined a  
17 particular housing unit to be in an area with a lack of access to  
18 street parking capacity, physical space impediments, or other reasons  
19 supported by evidence that would make on-street parking infeasible  
20 for the unit.

21 (2) For housing units that are specifically for seniors or people  
22 with disabilities, that are located within one-quarter mile of a  
23 transit stop that receives transit service at least four times per  
24 hour for twelve or more hours per day, a city may not impose minimum  
25 residential parking requirements for the residents of such housing  
26 units, subject to the exceptions provided in this subsection. A city  
27 may establish parking requirements for staff and visitors of such  
28 housing units. A city may establish a requirement for the provision  
29 of one or more parking space per bedroom if the jurisdiction has  
30 determined a particular housing unit to be in an area with a lack of  
31 access to street parking capacity, physical space impediments, or  
32 other reasons supported by evidence that would make on-street parking  
33 infeasible for the unit. A city may require a developer to record a  
34 covenant that prohibits the rental of a unit subject to this parking  
35 restriction for any purpose other than providing for housing for  
36 seniors or people with disabilities.

37 NEW SECTION. **Sec. 6.** A new section is added to chapter 43.21C  
38 RCW to read as follows:

1 (1) A project action pertaining to residential, multifamily, or  
2 mixed use development evaluated under this chapter by a city or town  
3 planning under RCW 36.70A.040 is exempt from appeals under this  
4 chapter on the basis of the evaluation of or impacts to  
5 transportation elements of the environment, so long as the project  
6 does not present significant adverse impacts to the state-owned  
7 transportation system as determined by the department of  
8 transportation and the project is:

9 (a) (i) Consistent with a locally adopted transportation plan; or

10 (ii) Consistent with the transportation element of a  
11 comprehensive plan; and

12 (b) (i) A project for which traffic or parking impact fees are  
13 imposed pursuant to RCW 82.02.050 through 82.02.090; or

14 (ii) A project for which traffic or parking impacts are expressly  
15 mitigated by an ordinance, or ordinances, of general application  
16 adopted by the city or town.

17 (2) For purposes of this section, "impacts to transportation  
18 elements of the environment" include impacts to transportation  
19 systems; vehicular traffic; waterborne, rail, and air traffic;  
20 parking; movement or circulation of people or goods; and traffic  
21 hazards.

22 **Sec. 7.** RCW 43.21C.420 and 2010 c 153 s 2 are each amended to  
23 read as follows:

24 (1) Cities with a population greater than five thousand, in  
25 accordance with their existing comprehensive planning and development  
26 regulation authority under chapter 36.70A RCW, and in accordance with  
27 this section, may adopt optional elements of their comprehensive  
28 plans and optional development regulations that apply within  
29 specified subareas of the cities, that are either:

30 (a) Areas designated as mixed-use or urban centers in a land use  
31 or transportation plan adopted by a regional transportation planning  
32 organization; or

33 (b) Areas within one-half mile of a major transit stop that are  
34 zoned to have an average minimum density of fifteen dwelling units or  
35 more per gross acre.

36 (2) Cities located on the east side of the Cascade mountains and  
37 located in a county with a population of two hundred thirty thousand  
38 or less, in accordance with their existing comprehensive planning and  
39 development regulation authority under chapter 36.70A RCW, and in

1 accordance with this section, may adopt optional elements of their  
2 comprehensive plans and optional development regulations that apply  
3 within the mixed-use or urban centers. The optional elements of their  
4 comprehensive plans and optional development regulations must enhance  
5 pedestrian, bicycle, transit, or other nonvehicular transportation  
6 methods.

7 (3) A major transit stop is defined as:

8 (a) A stop on a high capacity transportation service funded or  
9 expanded under the provisions of chapter 81.104 RCW;

10 (b) Commuter rail stops;

11 (c) Stops on rail or fixed guideway systems, including  
12 transitways;

13 (d) Stops on bus rapid transit routes or routes that run on high  
14 occupancy vehicle lanes; or

15 (e) Stops for a bus or other transit mode providing fixed route  
16 service at intervals of at least thirty minutes during the peak hours  
17 of operation.

18 (4) (a) A city that elects to adopt such an optional comprehensive  
19 plan element and optional development regulations shall prepare a  
20 nonproject environmental impact statement, pursuant to RCW  
21 43.21C.030, assessing and disclosing the probable significant adverse  
22 environmental impacts of the optional comprehensive plan element and  
23 development regulations and of future development that is consistent  
24 with the plan and regulations.

25 (b) At least one community meeting must be held on the proposed  
26 subarea plan before the scoping notice for such a nonproject  
27 environmental impact statement is issued. Notice of scoping for such  
28 a nonproject environmental impact statement and notice of the  
29 community meeting required by this section must be mailed to all  
30 property owners of record within the subarea to be studied, to all  
31 property owners within one hundred fifty feet of the boundaries of  
32 such a subarea, to all affected federally recognized tribal  
33 governments whose ceded area is within one-half mile of the  
34 boundaries of the subarea, and to agencies with jurisdiction over the  
35 future development anticipated within the subarea.

36 ~~(c) ((In cities with over five hundred thousand residents, notice~~  
37 ~~of scoping for such a nonproject environmental impact statement and~~  
38 ~~notice of the community meeting required by this section must be~~  
39 ~~mailed to all small businesses as defined in RCW 19.85.020, and to~~  
40 ~~all community preservation and development authorities established~~

1 ~~under chapter 43.167 RCW, located within the subarea to be studied or~~  
2 ~~within one hundred fifty feet of the boundaries of such subarea. The~~  
3 ~~process for community involvement must have the goal of fair~~  
4 ~~treatment and meaningful involvement of all people with respect to~~  
5 ~~the development and implementation of the subarea planning process.~~

6 ~~(d))~~ The notice of the community meeting must include general  
7 illustrations and descriptions of buildings generally representative  
8 of the maximum building envelope that will be allowed under the  
9 proposed plan and indicate that future appeals of proposed  
10 developments that are consistent with the plan will be limited.  
11 Notice of the community meeting must include signs located on major  
12 travel routes in the subarea. If the building envelope increases  
13 during the process, another notice complying with the requirements of  
14 this section must be issued before the next public involvement  
15 opportunity.

16 ~~((e))~~ (d) Any person that has standing to appeal the adoption  
17 of this subarea plan or the implementing regulations under RCW  
18 36.70A.280 has standing to bring an appeal of the nonproject  
19 environmental impact statement required by this subsection.

20 ~~((f) Cities with over five hundred thousand residents shall~~  
21 ~~prepare a study that accompanies or is appended to the nonproject~~  
22 ~~environmental impact statement, but must not be part of that~~  
23 ~~statement, that analyzes the extent to which the proposed subarea~~  
24 ~~plan may result in the displacement or fragmentation of existing~~  
25 ~~businesses, existing residents, including people living with poverty,~~  
26 ~~families with children, and intergenerational households, or cultural~~  
27 ~~groups within the proposed subarea plan. The city shall also discuss~~  
28 ~~the results of the analysis at the community meeting.~~

29 ~~(g))~~ (e) **As an incentive for development authorized under this**  
30 **section, a city shall consider establishing a transfer of development**  
31 **rights program in consultation with the county where the city is**  
32 **located, that conserves county-designated agricultural and forestland**  
33 **of long-term commercial significance.** If the city decides not to

34 establish a transfer of development rights program, the city must  
35 state in the record the reasons for not adopting the program. The  
36 city's decision not to establish a transfer of development rights  
37 program is not subject to appeal. Nothing in this subsection (4)

38 ~~((g))~~ (e) may be used as a basis to challenge the optional  
39 comprehensive plan or subarea plan policies authorized under this  
40 section.

1 (5) (a) Until July 1, ((2018)) 2029, a proposed development that  
2 meets the criteria of (b) of this subsection may not be challenged in  
3 administrative or judicial appeals for noncompliance with this  
4 chapter as long as a complete application for such a development that  
5 vests the application or would later lead to vested status under city  
6 or state law is submitted to the city within a time frame established  
7 by the city, but not to exceed the following time frames:

8 (i) Nineteen years from the date of issuance of the final  
9 environmental impact statement, for projects that are consistent with  
10 an optional element adopted by a city as of the effective date of  
11 this section; or

12 (ii) Ten years from the date of issuance of the final  
13 environmental impact statement, for projects that are consistent with  
14 an optional element adopted by a city after the effective date of  
15 this section.

16 (b) A proposed development may not be challenged, consistent with  
17 the timelines established in (a) of this subsection, so long as the  
18 development:

19 (i) Is consistent with the optional comprehensive plan or subarea  
20 plan policies and development regulations adopted under subsection  
21 (1) or (2) of this section;

22 (ii) Sets aside or requires the occupancy of at least ten percent  
23 of the dwelling units, or a greater percentage as determined by city  
24 development regulations, within the development for low-income  
25 households at a sale price or rental amount that is considered  
26 affordable by a city's housing programs. This subsection (5) (b) (ii)  
27 applies only to projects that are consistent with an optional element  
28 adopted by a city pursuant to this section after the effective date  
29 of this section; and ((that))

30 (iii) Is environmentally reviewed under subsection (4) of this  
31 section ((may not be challenged in administrative or judicial appeals  
32 for noncompliance with this chapter as long as a complete application  
33 for such a development that vests the application or would later lead  
34 to vested status under city or state law is submitted to the city  
35 within a time frame established by the city, but not to exceed ten  
36 years from the date of issuance of the final environmental impact  
37 statement)).

38 ((b)) (c) After July 1, ((2018)) 2029, the immunity from  
39 appeals under this chapter of any application that vests or will vest  
40 under this subsection or the ability to vest under this subsection is

1 still valid, provided that the final subarea environmental impact  
2 statement is issued by July 1, ~~((2018))~~ 2029. After July 1, ~~((2018))~~  
3 2029, a city may continue to collect reimbursement fees under  
4 subsection (6) of this section for the proportionate share of a  
5 subarea environmental impact statement issued prior to July 1,  
6 ~~((2018))~~ 2029.

7 (6) It is recognized that a city that prepares a nonproject  
8 environmental impact statement under subsection (4) of this section  
9 must endure a substantial financial burden. A city may recover or  
10 apply for a grant or loan to prospectively cover its reasonable  
11 expenses of preparation of a nonproject environmental impact  
12 statement prepared under subsection (4) of this section through  
13 access to financial assistance under RCW 36.70A.490 or funding from  
14 private sources. In addition, a city is authorized to recover a  
15 portion of its reasonable expenses of preparation of such a  
16 nonproject environmental impact statement by the assessment of  
17 reasonable and proportionate fees upon subsequent development that is  
18 consistent with the plan and development regulations adopted under  
19 subsection (5) of this section, as long as the development makes use  
20 of and benefits ~~((from))~~ from, as described in subsection (5) of  
21 this section, ~~((from))~~ the nonproject environmental impact statement  
22 prepared by the city. Any assessment fees collected from subsequent  
23 development may be used to reimburse funding received from private  
24 sources. In order to collect such fees, the city must enact an  
25 ordinance that sets forth objective standards for determining how the  
26 fees to be imposed upon each development will be proportionate to the  
27 impacts of each development and to the benefits accruing to each  
28 development from the nonproject environmental impact statement. Any  
29 disagreement about the reasonableness or amount of the fees imposed  
30 upon a development may not be the basis for delay in issuance of a  
31 project permit for that development. The fee assessed by the city may  
32 be paid with the written stipulation "paid under protest" and if the  
33 city provides for an administrative appeal of its decision on the  
34 project for which the fees are imposed, any dispute about the amount  
35 of the fees must be resolved in the same administrative appeal  
36 process.

37 (7) If a proposed development is inconsistent with the optional  
38 comprehensive plan or subarea plan policies and development  
39 regulations adopted under subsection (1) of this section, the city



1 shall require additional environmental review in accordance with this  
2 chapter.

3 **Sec. 8.** RCW 36.70A.490 and 2012 1st sp.s. c 1 s 309 are each  
4 amended to read as follows:

5 The growth management planning and environmental review fund is  
6 hereby established in the state treasury. Moneys may be placed in the  
7 fund from the proceeds of bond sales, tax revenues, budget transfers,  
8 federal appropriations, gifts, or any other lawful source. Moneys in  
9 the fund may be spent only after appropriation. Moneys in the fund  
10 shall be used to make grants or loans to local governments for the  
11 purposes set forth in RCW 43.21C.240, 43.21C.031, (~~(e)~~) 36.70A.500,  
12 section 1 of this act, for costs associated with section 3 of this  
13 act, and to cover costs associated with the adoption of optional  
14 elements of comprehensive plans consistent with RCW 43.21C.420. Any  
15 payment of either principal or interest, or both, derived from loans  
16 made from this fund must be deposited into the fund.

17 NEW SECTION. **Sec. 9.** A new section is added to chapter 35.21  
18 RCW to read as follows:

19 A city may not prohibit permanent supportive housing in areas  
20 where multifamily housing is permitted.

21 NEW SECTION. **Sec. 10.** A new section is added to chapter 35A.21  
22 RCW to read as follows:

23 A code city may not prohibit permanent supportive housing in  
24 areas where multifamily housing is permitted.

25 NEW SECTION. **Sec. 11.** A new section is added to chapter 36.22  
26 RCW to read as follows:

27 (1) Except as provided in subsection (2) of this section, a  
28 surcharge of two dollars and fifty cents shall be charged by the  
29 county auditor for each document recorded, which will be in addition  
30 to any other charge or surcharge allowed by law. The auditor shall  
31 remit the funds to the state treasurer to be deposited and used as  
32 follows:

33 (a) Through June 30, 2024, funds must be deposited into the  
34 growth management planning and environmental review fund created in  
35 RCW 36.70A.490 to be used first for grants for costs associated with

1 section 1 of this act and for costs associated with section 3 of this  
2 act, and thereafter for any allowable use of the fund.

3 (b) Beginning July 1, 2024, sufficient funds must be deposited  
4 into the growth management planning and environmental review fund  
5 created in RCW 36.70A.490 for costs associated with section 3 of this  
6 act, and the remainder deposited into the home security fund account  
7 created in RCW 43.185C.060 to be used for maintenance and operation  
8 costs of: (i) Permanent supportive housing and (ii) affordable  
9 housing for very low-income and extremely low-income households.  
10 Funds may only be expended in cities that have taken action under  
11 section 1 of this act.

12 (2) The surcharge imposed in this section does not apply to: (a)  
13 Assignments or substitutions of previously recorded deeds of trust;  
14 (b) documents recording a birth, marriage, divorce, or death; (c) any  
15 recorded documents otherwise exempted from a recording fee or  
16 additional surcharges under state law; (d) marriage licenses issued  
17 by the county auditor; or (e) documents recording a federal, state,  
18 county, or city lien or satisfaction of lien.

19 (3) For purposes of this section, the terms "permanent supportive  
20 housing," "affordable housing," "very low-income households," and  
21 "extremely low-income households" have the same meaning as provided  
22 in RCW 36.70A.030.

23 NEW SECTION. **Sec. 12.** Section 11 of this act is necessary for  
24 the immediate preservation of the public peace, health, or safety, or  
25 support of the state government and its existing public institutions,  
26 and takes effect July 1, 2019.

Passed by the House April 24, 2019.

Passed by the Senate April 22, 2019.

Approved by the Governor May 9, 2019.

Filed in Office of Secretary of State May 13, 2019.

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# HOUSE BILL REPORT

## E2SHB 1923

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### As Passed Legislature

**Title:** An act relating to increasing urban residential building capacity.

**Brief Description:** Increasing urban residential building capacity.

**Sponsors:** House Committee on Appropriations (originally sponsored by Representatives Fitzgibbon, Macri, Appleton, Doglio, Dolan, Santos and Frame).

#### **Brief History:**

##### **Committee Activity:**

Environment & Energy: 2/14/19, 2/21/19 [DPS];

Appropriations: 2/26/19, 2/28/19 [DP2S(w/o sub ENVI)].

##### **Floor Activity:**

Passed House: 3/13/19, 66-30.

Senate Amended.

Passed Senate: 4/13/19, 33-12.

House Refused to Concur.

Senate Receded.

Senate Amended.

Passed Senate: 4/22/19, 33-16.

House Concurred.

Passed House: 4/24/19, 75-19.

Passed Legislature.

#### **Brief Summary of Engrossed Second Substitute Bill**

- Encourages cities that are planning fully under the Growth Management Act (GMA) to take certain actions to increase residential building capacity and housing affordability.
- Authorizes cities that are planning fully under the GMA to adopt a housing action plan.
- Exempts from appeal under the State Environmental Policy Act (SEPA) and the Growth Management Act (GMA) certain nonproject actions taken by a city to implement the residential building capacity elements of the act.
- Authorizes planning grants of up to \$100,000 for certain cities that take certain actions with regard to residential building capacity.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

- Exempts certain project actions from appeals under SEPA on the basis of transportation impacts, provided they meet certain criteria.
- Directs the Washington Center for Real Estate Research at the University of Washington to prepare a biennial report on housing supply and affordability.
- Establishes certain requirements related to minimum residential parking requirements in certain cities.
- Creates a document recording fee of \$2.50 for certain documents, to be deposited into the GMA Planning and Environmental Review Fund.

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## HOUSE COMMITTEE ON ENVIRONMENT & ENERGY

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Fitzgibbon, Chair; Lekanoff, Vice Chair; Doglio, Fey, Mead, Peterson and Shewmake.

**Minority Report:** Do not pass. Signed by 3 members: Representatives Shea, Ranking Minority Member; Dye, Assistant Ranking Minority Member; Boehnke.

**Staff:** Robert Hatfield (786-7117).

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## HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Environment & Energy. Signed by 21 members: Representatives Ormsby, Chair; Bergquist, 2nd Vice Chair; Robinson, 1st Vice Chair; Stokesbary, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier, Cody, Dolan, Fitzgibbon, Hansen, Hudgins, Jinkins, Macri, Pettigrew, Ryu, Springer, Stanford, Sullivan, Tharinger and Ybarra.

**Minority Report:** Do not pass. Signed by 7 members: Representatives Chandler, Dye, Hoff, Kraft, Mosbrucker, Steele and Sutherland.

**Minority Report:** Without recommendation. Signed by 3 members: Representatives Pollet, Senn and Tarleton.

**Staff:** Meghan Morris (786-7119).

### **Background:**

#### Growth Management Act.

The Growth Management Act (GMA) is the comprehensive land use planning framework for counties and cities in Washington. Originally enacted in 1990 and 1991, the GMA establishes land use designation and environmental protection requirements for all Washington counties and cities. The GMA also establishes a significantly wider array of

planning duties for 29 counties, and the cities within those counties, that are obligated to satisfy all planning requirements of the GMA. These jurisdictions are sometimes said to be "fully planning" under the GMA.

The GMA directs fully planning jurisdictions to adopt internally consistent comprehensive land use plans. Comprehensive plans are implemented through locally adopted development regulations, and both the plans and the local regulations are subject to review and revision requirements prescribed in the GMA. In developing their comprehensive plans, counties and cities must consider various goals set forth in statute. These goals include:

- *Urban Growth.* Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.
- *Housing.* Encourage the availability of affordable housing to all economic segments of the population of Washington State, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.
- *Public Facilities and Services.* Ensure that those public facilities and services necessary to support development are adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.

Counties that fully plan under the GMA must include a plan, scheme, or design for different types of land use areas, including Urban Growth Areas (UGAs)—areas within which urban growth must be encouraged and outside of which growth can occur only if it is not urban in nature. Planning jurisdictions must include within their UGAs sufficient areas and densities to accommodate projected urban growth for the succeeding 20-year period. In addition, cities must include sufficient areas to accommodate the broad range of needs and uses that will accompany the projected urban growth, including, as appropriate, medical, governmental, institutional, commercial, service, retail, and other nonresidential uses.

#### State Environmental Policy Act.

The SEPA establishes a review process for state and local governments to identify environmental impacts that may result from governmental decisions, such as the issuance of permits or the adoption of land use plans. The SEPA environmental review process involves a project proponent or the lead agency completing an environmental checklist to identify and evaluate probable environmental impacts. Government decisions that the SEPA-checklist process identifies as having significant adverse environmental impacts must then undergo a more comprehensive environmental analysis in the form of an Environmental Impact Statement (EIS).

Projects which undergo a SEPA review may be required to mitigate significant adverse environmental impacts in order to receive approval from the government entity performing the SEPA analysis. Project proponents may also choose to mitigate environmental impacts identified in the environmental checklist in order to receive a determination that the project does not have significant environmental impacts, and therefore can avoid the process of completing an EIS for the project.

#### State Environmental Policy Act—Subarea Plans.

A city with a population greater than 5,000 may adopt optional elements of its comprehensive plans and optional development regulations that apply within specified

subareas of the cities that are either: areas designated as mixed-use or urban centers in a land use or transportation plan adopted by a regional transportation planning organization; or areas within 0.5 miles of a major transit stop that are zoned to have an average minimum density of 15 dwelling units or more per gross acre.

A city that elects to include subarea development elements into its comprehensive plan must prepare a nonproject EIS specifically for the subarea. At least one community meeting must be held before the scoping of the EIS. All property owners within the subarea and within 150 feet of the subarea must be notified of the community meeting. Additional notice provisions are specified. A person may appeal the adoption of the subarea or the implementing regulations if they meet the requirements for standing provided in the GMA.

In a city with over 500,000 residents (large city), community meeting notices must be mailed to all small businesses within the subarea and within 150 feet of the subarea. A large city must also analyze whether the subarea plan will result in the displacement or fragmentation of businesses, existing residents, or cultural groups. The analysis must be discussed at the community meeting and incorporated in the nonproject EIS.

Until July 1, 2018, project-specific developments cannot be appealed as long as they are within the scope of the EIS and the development application is vested within a timeframe established by the city not to exceed 10 years from the adoption of the final EIS. After July 1, 2018, project specific developments cannot be appealed as long as they are within the scope of the EIS, the final EIS is issued by July 1, 2018, and the development application is vested.

#### State Environmental Policy Act—Categorical Exemptions.

Under SEPA, certain nonproject actions are categorically exempted from the requirements of SEPA. Examples of categorically exempt nonproject actions include certain amendments to development regulations and certain amendments to technical codes.

#### State Environmental Policy Act—Categorical Exemptions—Infill Development.

Counties and cities planning fully under GMA may establish categorical exemptions from the requirements of SEPA to accommodate infill development. Locally authorized categorical exemptions may differ from the categorical exemptions established by the Department of Ecology by rule. Under the infill development categorical exemption, cities and counties may adopt categorical exemptions to exempt government action related to development that is new residential development, mixed-use development, or commercial development up to 65,000 square feet, proposed to fill in an urban growth area when:

- current density and intensity of the use in the area is lower than called for in the goals and policies of the applicable comprehensive plan;
- the action would not exceed the density or intensity of use called for in the goals and policies of the applicable comprehensive plan;
- the local government considers the specific probable adverse environmental impact of the proposed action and determines that those specific impacts are adequately addressed by other applicable regulations, comprehensive plans, ordinances, or other local, state, and federal laws and rules; and
- the applicable comprehensive plan was previously subjected to environmental analysis through an EIS according to SEPA.

## Summary of Engrossed Second Substitute Bill:

### Increased Residential Building Capacity and Housing Affordability.

Cities planning fully under the Growth Management Act (GMA) are encouraged to take two or more of the following actions in order to increase residential building capacity:

- authorize development of at least 50 residential units per acre in one or more areas of not fewer than 500 acres that include one or more train stations served by commuter rail or light rail;
- authorize development of an average of at least 25 residential units per acre in one or more areas of not fewer than 500 acres in cities with a population greater than 40,000, or areas of not fewer than 250 acres in cities with a population less than 40,000, that include one or more bus stops served by scheduled bus service of at least four times per hour for 12 or more hours per day;
- authorize at least one duplex, triplex, or courtyard apartment on each parcel in one or more zoning districts that permit single-family residences unless a city documents a specific infrastructure or physical constraint that would make this requirement unfeasible for a particular parcel;
- authorize cluster zoning or lot size averaging in all zoning districts that permit single-family residences;
- authorize accessory dwelling units on all lots located in zoning districts that permit single-family residences, subject to certain restrictions;
- adopt a subarea plan pursuant to the State Environmental Policy Act (SEPA);
- adopt a planned action pursuant to the planned action provisions of SEPA, except that an Environmental Impact Statement (EIS) need not be prepared for such a planned action;
- adopt increases in categorical exemptions pursuant to the infill development provisions of SEPA for single-family and multifamily development;
- adopt a form-based code in one or more zoning districts that permit residential uses;
- authorize a duplex on each corner lot within all zoning districts that permit single-family residences;
- allow for the division or redivision of land into the maximum number of lots through the short subdivision process; and
- authorize a minimum net density of six dwelling units per acres in all residential zones.

Cities planning fully under the GMA may adopt a housing action plan. The goal of the housing plan must be to encourage construction of additional affordable and market rate housing in a greater variety of housing types and at prices that are accessible to a greater variety of incomes. The housing action plan should, among other things, quantify existing and projected housing needs for all income levels and develop strategies to increase the supply of housing, and should consider strategies to minimize displacement of low-income residents resulting from redevelopment and review and evaluate the current housing element.

If taken prior to April 1, 2021, the actions taken by a city to implement the residential building capacity elements are exempt from administrative or judicial appeal under SEPA and the Growth Management Act.

A city with a population over 20,000 that is planning to take at least two actions to increase residential building capacity by April 1, 2021 is eligible to apply for a grant of up to \$100,000 from the Department of Commerce (Commerce) to support planning and outreach efforts. A city seeking to develop a housing action plan is also eligible to apply for a grant of up to \$100,000 from Commerce. Commerce must establish grant award amounts that take into consideration if the proposed action will create a significant amount of housing capacity or regulatory streamlining.

#### Growth Management Act—Definitions.

The following terms are added to the definitions within the GMA:

- "affordable housing" means, unless the context clearly indicates otherwise, residential housing whose monthly costs, including utilities other than telephone, do not exceed 30 percent of the monthly income of a household whose income is, for rental housing 60 percent or for owner-occupied housing 80 percent, of the median family income adjusted for family size, for the county where the household is located, as reported by the United States Department of Housing and Urban Development (HUD);
- "extremely low-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below 30 percent of the median family income adjusted for family size, for the county where the household is located, as reported by the HUD;
- "low-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below 80 percent of the median family income adjusted for family size, for the county where the household is located, as reported by the HUD; and
- "very low-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below 50 percent of the median family income adjusted for family size, for the county where the household is located, as reported by the HUD; and
- "permanent supportive housing" means subsidized, leased housing with no limit on length of stay, paired with on-site or off-site voluntary services designed to support a person living with a disability to be a successful tenant in a housing arrangement, improve the resident's health status, and connect residents of the housing with community-based health care, treatment, and employment services.

#### Housing Supply and Affordability Report.

The University of Washington, through the Washington Center for Real Estate Research, shall produce a report every two years that compiles housing supply and affordability metrics for each city planning under the GMA with a population of 10,000 or more. The report must be a compilation of objective criteria relating to development regulations, zoning, income, housing and rental prices, housing affordability programs, and other metrics relevant to assessing housing supply and affordability for all income segments. The Washington Center for Real Estate Research shall collaborate with the Washington Housing Finance Commission and the Office of Financial Management to develop the metrics compiled in the report. The report must be submitted to the Legislature by October 15 of each even-numbered year beginning in 2020.

#### Growth Management Act—Minimum Residential Parking Requirements.



For affordable housing units that are affordable to very low-income or extremely low-income individuals and that are located within 0.25 miles of a transit stop that receives transit service at least four times per hour for 12 or more hours per day, minimum residential parking requirements may be no greater than one parking space per bedroom or 0.75 spaces per unit.

For housing units that are specifically for seniors or people with disabilities, that are located within 0.25 miles of a transit stop that receives transit service at least four times per hour for 12 or more hours per day, no minimum residential parking requirement may be imposed, with certain exceptions.

#### State Environmental Policy Act—Transportation Elements.

A project action evaluated under SEPA by a city, county, or town planning fully under the GMA is exempt from appeals under SEPA on the basis of the evaluation of or impacts to transportation elements of the environment, so long as the project does not present significant adverse impacts to state highways as determined by the Department of Transportation and the project is:

- consistent with a locally adopted transportation plan; or
- consistent with the transportation element of a comprehensive plan, and either a project for which traffic or parking impact fees are imposed pursuant to, or a project for which traffic or parking impacts are expressly mitigated by, an ordinance adopted by the city, town, or county.

#### State Environmental Policy Act—Subarea Plans.

The requirement that cities with populations greater than 500,000 take certain actions regarding notice of scoping for a nonproject EIS related to subarea plans is eliminated. The requirement that cities with populations greater than 500,000 analyze whether an adopted subarea plan will result in displacement or fragmentation of certain populations is eliminated.

Until July 1, 2029, a proposed development that meets the criteria described below is exempt from appeal under SEPA as long as a complete application for such a development is submitted to the city within a time frame established by the city, not to exceed 19 years from the date of issuance of the final EIS for projects that are consistent with an optional element adopted by a city as of the effective date of this section, or 10 years from the date of issuance of the final EIS for projects that are consistent with an optional element adopted by a city after the effective date of this section.

The criteria that a proposed development must meet in order to qualify for the SEPA appeal exemption are:

- the development must be consistent with the optional comprehensive plan or subarea plan policies and development regulations adopted under the SEPA subarea plan provisions;
- the development must set aside or require the occupancy of at least 10 percent of the dwelling units, or a greater percentage as determined by city development regulations, within the development for low-income households at a sale price or rental amount that is considered affordable by a city's housing program, for projects that are consistent with an optional element of a subarea plan adopted after the effective date of the act; and

- the development must be environmentally reviewed through a nonproject EIS pursuant to the SEPA subarea plan provisions.

Growth Management Planning and Environmental Review Fund.

The scope of permissible uses of the GMA Planning and Environmental Review Fund is expanded to include planning grants, the biennial study prepared by Washington Center for Real Estate Research, and costs associated with the adoption of optional elements of comprehensive plans.

Permanent Supportive Housing.

A city may not prohibit permanent supportive housing in areas where multifamily housing is permitted.

Recording Fee.

A surcharge of \$2.50 must be charged by the county auditor for each document recorded. Each county auditor must remit the collected funds to the Washington State Treasurer. The funds must initially be deposited in the GMA Planning and Environmental Review Fund. Beginning in 2024, sufficient funds must be deposited in the GMA Planning and Environmental Review Fund for the costs associated with the biennial report on housing supply and affordability required by the act, and the remainder of the funds must be deposited into the Home Security Fund Account. The surcharge does not apply to certain documents, including, among others, documents recording a birth, marriage, divorce, or death.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed, except section 11, relating to the document recording surcharge, which takes effect July 1, 2019.

**Staff Summary of Public Testimony (Environment & Energy):**

(In support) This bill represents a big step forward. There are multiple proposals before the Legislature on the housing crisis, and this one does a good job of addressing the issue of density in urban areas. There should be a minimum density requirement, at least in most cities, that have the urban services to accommodate growth, such as light rail service.

This bill will help ensure cities do their part to provide enough homes for all of Washington. Rents are rising faster than incomes and the reason is that not enough new homes are being built. One factor holding housing back is restrictive zoning. This bill is not a silver bullet, but silver buckshot. Every city is unique, so the bill allows individual cities flexibility to adopt measures that work for them.

Affordability will never happen without taking additional actions. By passing a suite of complementary bills, Washington has a chance to be a national model for housing affordability.

There should be language in the bill about deep affordability. There should also be anti-displacement language in the bill. It is important to put affordable housing dollars to work faster. This bill deals with unnecessary parking requirements, impediments to permanent supportive housing, and higher impact fees for multi-family housing.

(Opposed) The bill silences citizens because they do not get to appeal when there has been a change in zoning. There is no clear definition of affordable housing. It would be good to look at the profiteering aspect of the bill.

The key to affordability is supply, and the bill makes a good faith effort at syncing up state policies to make that happen. There are concerns with elements of the mandatory affordability requirement.

This bill is the best of the various bills the Legislature is considering this year for housing affordability and building capacity. Zoning is not the major impediment to development in most cities. People simply will not build projects if they do not pencil out. There should be greater protection from appeals if the state is going to tell local governments to adopt these policies.

(Other) The outline of the legislation is fantastic. There are concerns about the safe harbor with regard to appeals under the State Environmental Policy Act (SEPA). Deeper affordability and displacement are important to look at. There may be value in looking at a sliding scale of cities that are subject to the requirements, rather than a flat number of 10,000. The housing element in section 2 of the bill should be better linked to section 1 in terms of requirements.

It is good to have a greater variety of housing options. It is important not to lose sight of the fiscal impact of the housing element update requirements. The state is not really funding periodic updates to comprehensive plans now; for cities to get that work done, they will need some help. The relationship is unclear between the appeal process and the role of the Department of Commerce.

Increasing housing near transit is a fundamental principle of good planning. There are some technical issues in the bill that should be addressed; for example, the bill amends the Growth Management Act to remove the requirements for an Environmental Impact Statement (EIS), but it also amends SEPA in a way that contemplates that an EIS would be prepared.

It is good to recognize the power of transit-oriented development. Increasing urban housing density in the vicinity of transit is much more efficient. There should be a role for the Department of Transportation to determine whether a project poses a significant impact to the state transportation system.

The bill will go a long way to helping to get more housing supply on the ground for all income levels.

**Staff Summary of Public Testimony (Appropriations):**

(In support) The legislation will increase housing near jobs that are critical to working families. The creation of additional construction jobs will stimulate the economy. This bill is a work in progress to find the right balance of density, affordability, and housing options that reflect the needs of the community.

(Opposed) Market rate is determined by negotiations between buyers and sellers; government should not attempt to control the residential real estate market. Lowering construction costs does not necessarily lead to residential projects, unless those units can be sold or rented. The attempt to balance density and redevelopment challenges faced by cities is an important one. However, cities with extensive zoning and streamlined permitting are still not seeing increased development. Additional resources are needed.

(Other) Affordable home ownership options of all kinds are needed. Local jurisdictions should be appropriately encouraged to create growth and development opportunities.

**Persons Testifying** (Environment & Energy): (In support) Representative Fitzgibbon, prime sponsor; Alex Hur, Master Builders Association of King and Snohomish Counties; Craig Enkelking, Sightline; and Michele Thomas, Washington Low-Income Housing Alliance.

(Opposed) Carl Schroeder, Association of Washington Cities; Jan Himebaugh, Building Industry Association of Washington; and Phyllis Booth.

(Other) Bryce Yadon, Futurewise; Dave Anderson, Department of Commerce; Tim Gates, Department of Ecology; Elizabeth Robbins, Department of Transportation; and Jeanette McKasgue, Washington Realtors.

**Persons Testifying** (Appropriations): (In support) Joe Kendo, Washington State Labor Council and American Federation of Labor and Congress of Industrial Organizations; and Alex Hur, Master Builders Association of King and Snohomish Counties.

(Opposed) Bob Jacobs; and Carl Schroeder, Association of Washington Cities.

(Other) Jan Himebaugh, Building Industry Association of Washington.

**Persons Signed In To Testify But Not Testifying** (Environment & Energy): None.

**Persons Signed In To Testify But Not Testifying** (Appropriations): None.

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE HOUSE BILL 1377**

Chapter 218, Laws of 2019

66th Legislature  
2019 Regular Session

AFFORDABLE HOUSING DEVELOPMENT ON RELIGIOUS ORGANIZATION PROPERTY

EFFECTIVE DATE: July 28, 2019

Passed by the House April 18, 2019  
Yeas 85 Nays 9

FRANK CHOPP

**Speaker of the House of Representatives**

Passed by the Senate April 12, 2019  
Yeas 42 Nays 3

CYRUS HABIB

**President of the Senate**

Approved April 30, 2019 2:43 PM

JAY INSLEE

**Governor of the State of Washington**

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1377** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

**Chief Clerk**

FILED

May 1, 2019

**Secretary of State  
State of Washington**

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**SUBSTITUTE HOUSE BILL 1377**

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AS AMENDED BY THE SENATE

Passed Legislature - 2019 Regular Session

**State of Washington                      66th Legislature                      2019 Regular Session**

**By** House Housing, Community Development & Veterans (originally sponsored by Representatives Walen, Barkis, Jenkin, Harris, Springer, Macri, Wylie, Ryu, Reeves, Robinson, Griffey, Appleton, Bergquist, Jinkins, Tharinger, Slatter, Kloba, Doglio, Goodman, Leavitt, Ormsby, and Santos)

READ FIRST TIME 02/08/19.

1            AN ACT Relating to affordable housing development on religious  
2 organization property; adding a new section to chapter 35.63 RCW;  
3 adding a new section to chapter 35A.63 RCW; adding a new section to  
4 chapter 36.70A RCW; and adding a new section to chapter 44.28 RCW.

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

6            NEW SECTION.    **Sec. 1.**    A new section is added to chapter 35.63  
7 RCW to read as follows:

8            (1) A city planning under this chapter must allow an increased  
9 density bonus consistent with local needs for any affordable housing  
10 development of any single-family or multifamily residence located on  
11 real property owned or controlled by a religious organization  
12 provided that:

13            (a) The affordable housing development is set aside for or  
14 occupied exclusively by low-income households;

15            (b) The affordable housing development is part of a lease or  
16 other binding obligation that requires the development to be used  
17 exclusively for affordable housing purposes for at least fifty years,  
18 even if the religious organization no longer owns the property; and

19            (c) The affordable housing development does not discriminate  
20 against any person who qualifies as a member of a low-income  
21 household based on race, creed, color, national origin, sex, veteran

1 or military status, sexual orientation, or mental or physical  
2 disability; or otherwise act in violation of the federal fair housing  
3 amendments act of 1988 (42 U.S.C. Sec. 3601 et seq.).

4 (2) A city may develop policies to implement this section if it  
5 receives a request from a religious organization for an increased  
6 density bonus for an affordable housing development.

7 (3) The religious organization developing the affordable housing  
8 development must pay all fees, mitigation costs, and other charges  
9 required through the development of the affordable housing  
10 development.

11 (4) If applicable, the religious organization developing the  
12 affordable housing development should work with the local transit  
13 agency to ensure appropriate transit services are provided to the  
14 affordable housing development.

15 (5) This section applies to any religious organization  
16 rehabilitating an existing affordable housing development.

17 (6) For purposes of this section:

18 (a) "Affordable housing development" means a proposed or existing  
19 structure in which one hundred percent of all single-family or  
20 multifamily residential dwelling units within the development are set  
21 aside for or are occupied by low-income households at a sales price  
22 or rent amount that may not exceed thirty percent of the income limit  
23 for the low-income housing unit;

24 (b) "Low-income household" means a single person, family, or  
25 unrelated persons living together whose adjusted income is less than  
26 eighty percent of the median family income, adjusted for household  
27 size, for the county where the affordable housing development is  
28 located; and

29 (c) "Religious organization" has the same meaning as in RCW  
30 35.21.915.

31 NEW SECTION. **Sec. 2.** A new section is added to chapter 35A.63  
32 RCW to read as follows:

33 (1) A city planning under this chapter must allow an increased  
34 density bonus consistent with local needs for any affordable housing  
35 development of any single-family or multifamily residence located on  
36 real property owned or controlled by a religious organization  
37 provided that:

38 (a) The affordable housing development is set aside for or  
39 occupied exclusively by low-income households;

1 (b) The affordable housing development is part of a lease or  
2 other binding obligation that requires the development to be used  
3 exclusively for affordable housing purposes for at least fifty years,  
4 even if the religious organization no longer owns the property; and

5 (c) The affordable housing development does not discriminate  
6 against any person who qualifies as a member of a low-income  
7 household based on race, creed, color, national origin, sex, veteran  
8 or military status, sexual orientation, or mental or physical  
9 disability; or otherwise act in violation of the federal fair housing  
10 amendments act of 1988 (42 U.S.C. Sec. 3601 et seq.).

11 (2) A city may develop policies to implement this section if it  
12 receives a request from a religious organization for an increased  
13 density bonus for an affordable housing development.

14 (3) The religious organization developing the affordable housing  
15 development must pay all fees, mitigation costs, and other charges  
16 required through the development of the affordable housing  
17 development.

18 (4) If applicable, the religious organization developing the  
19 affordable housing development should work with the local transit  
20 agency to ensure appropriate transit services are provided to the  
21 affordable housing development.

22 (5) This section applies to any religious organization  
23 rehabilitating an existing affordable housing development.

24 (6) For purposes of this section:

25 (a) "Affordable housing development" means a proposed or existing  
26 structure in which one hundred percent of all single-family or  
27 multifamily residential dwelling units within the development are set  
28 aside for or are occupied by low-income households at a sales price  
29 or rent amount that may not exceed thirty percent of the income limit  
30 for the low-income housing unit;

31 (b) "Low-income household" means a single person, family, or  
32 unrelated persons living together whose adjusted income is less than  
33 eighty percent of the median family income, adjusted for household  
34 size, for the county where the affordable housing development is  
35 located; and

36 (c) "Religious organization" has the same meaning as in RCW  
37 35A.21.360.

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



1 (1) Any city or county fully planning under this chapter must  
2 allow an increased density bonus consistent with local needs for any  
3 affordable housing development of any single-family or multifamily  
4 residence located on real property owned or controlled by a religious  
5 organization provided that:

6 (a) The affordable housing development is set aside for or  
7 occupied exclusively by low-income households;

8 (b) The affordable housing development is part of a lease or  
9 other binding obligation that requires the development to be used  
10 exclusively for affordable housing purposes for at least fifty years,  
11 even if the religious organization no longer owns the property; and

12 (c) The affordable housing development does not discriminate  
13 against any person who qualifies as a member of a low-income  
14 household based on race, creed, color, national origin, sex, veteran  
15 or military status, sexual orientation, or mental or physical  
16 disability; or otherwise act in violation of the federal fair housing  
17 amendments act of 1988 (42 U.S.C. Sec. 3601 et seq.).

18 (2) A city or county may develop policies to implement this  
19 section if it receives a request from a religious organization for an  
20 increased density bonus for an affordable housing development.

21 (3) An affordable housing development created by a religious  
22 institution within a city or county fully planning under RCW  
23 36.70A.040 must be located within an urban growth area as defined in  
24 RCW 36.70A.110.

25 (4) The religious organization developing the affordable housing  
26 development must pay all fees, mitigation costs, and other charges  
27 required through the development of the affordable housing  
28 development.

29 (5) If applicable, the religious organization developing the  
30 affordable housing development should work with the local transit  
31 agency to ensure appropriate transit services are provided to the  
32 affordable housing development.

33 (6) This section applies to any religious organization  
34 rehabilitating an existing affordable housing development.

35 (7) For purposes of this section:

36 (a) "Affordable housing development" means a proposed or existing  
37 structure in which one hundred percent of all single-family or  
38 multifamily residential dwelling units within the development are set  
39 aside for or are occupied by low-income households at a sales price

1 or rent amount that may not exceed thirty percent of the income limit  
2 for the low-income housing unit;

3 (b) "Low-income household" means a single person, family, or  
4 unrelated persons living together whose adjusted income is less than  
5 eighty percent of the median family income, adjusted for household  
6 size, for the county where the affordable housing development is  
7 located; and

8 (c) "Religious organization" has the same meaning as in RCW  
9 36.01.290.

10 NEW SECTION. **Sec. 4.** A new section is added to chapter 44.28  
11 RCW to read as follows:

12 The joint committee must review the efficacy of the increased  
13 density bonus incentive for affordable housing development located on  
14 property owned by a religious organization pursuant to this act and  
15 report its findings to the appropriate committees of the legislature  
16 by December 1, 2030. The review must include a recommendation on  
17 whether this incentive should be continued without change or should  
18 be amended or repealed.

Passed by the House April 18, 2019.  
Passed by the Senate April 12, 2019.  
Approved by the Governor April 30, 2019.  
Filed in Office of Secretary of State May 1, 2019.

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# HOUSE BILL REPORT

## SHB 1377

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### As Passed Legislature

**Title:** An act relating to affordable housing development on religious organization property.

**Brief Description:** Concerning affordable housing development on religious organization property.

**Sponsors:** House Committee on Housing, Community Development & Veterans (originally sponsored by Representatives Walen, Barkis, Jenkin, Harris, Springer, Macri, Wylie, Ryu, Reeves, Robinson, Griffey, Appleton, Bergquist, Jinkins, Tharinger, Slatter, Kloba, Doglio, Goodman, Leavitt, Ormsby and Santos).

**Brief History:**

**Committee Activity:**

Housing, Community Development & Veterans: 2/1/19, 2/6/19 [DPS].

**Floor Activity:**

Passed House: 3/8/19, 84-12.

Senate Amended.

Passed Senate: 4/12/19, 42-3.

House Concurred.

Passed House: 4/18/19, 85-9.

Passed Legislature.

### Brief Summary of Substitute Bill

- Requires certain cities and counties engaged in comprehensive planning to allow an increased density bonus for certain affordable housing development on property owned or controlled by a religious organization.

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### HOUSE COMMITTEE ON HOUSING, COMMUNITY DEVELOPMENT & VETERANS

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Ryu, Chair; Morgan, Vice Chair; Gildon, Ranking Minority Member; Barkis, Assistant Ranking Minority Member; Entenman, Frame, Leavitt and Reeves.

**Minority Report:** Do not pass. Signed by 1 member: Representative Corry.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Staff:** Cassie Jones (786-7303).

**Background:**

Planning enabling statutes allow cities and counties, at their option, to adopt comprehensive plans, zoning ordinances, and other official controls regulating land uses within their boundaries. Such regulations may generally include: the location and the use of buildings, structures, and land for residence, industry, trade, and other purposes; the height, construction, and design of buildings and structures; the size of yards, open spaces, lots, and tracts; the density of population; the set-back of buildings; the subdivision and development of land; and adoption of standard building codes and fire regulations. These regulations must form parts of a comprehensive plan which must prepare for the physical and generally advantageous development of the city or county and be designed to encourage the most appropriate uses of land.

Other cities and counties are required, or have elected, to adopt comprehensive plans under the Growth Management Act (GMA). The GMA establishes land-use designation and environmental protection requirements for all Washington cities and counties, and a significantly wider array of planning duties for the cities and counties within that are obligated to satisfy all planning requirements of the GMA. The GMA directs planning jurisdictions (*i.e.*, jurisdictions that fully plan under the GMA) to adopt internally consistent comprehensive land-use plans that are generalized, coordinated land-use policy statements of the governing body. Comprehensive plans are implemented through locally adopted development regulations.

Generally, a density bonus is a zoning tool used by cities and counties in which they allow a developer to build more housing units, taller buildings, or more floor space than normally allowed, in exchange for provision of a defined public benefit, such as a specified number or percentage of affordable housing units. Any city or county that is fully planning under the GMA may enact or expand an affordable housing incentive program that may include density bonuses in the urban growth area.

Joint Legislative Audit and Review Committee.

The Joint Legislative Audit and Review Committee (JLARC) is comprised of an equal number of House of Representatives and Senate members, Democrats and Republicans. The nonpartisan staff of the JLARC conduct performance audits, program evaluations, sunset reviews, and other analyses assigned by the Legislature and the JLARC itself.

**Summary of Substitute Bill:**

A city planning under certain planning enabling statutes, or a city or county fully planning under the Growth Management Act (GMA), must allow an increased density bonus consistent with local needs for any affordable housing development of any single-family or multifamily residence located on real property owned or controlled by a religious organization if the affordable housing development:

- is set aside for, or occupied exclusively for, low-income households. "Low-income household" means a single person, family, or unrelated persons living together whose

- adjusted income is less than 80 percent of the median family income, adjusted for household size for the county where the affordable housing development is located;
- is part of a lease or other binding obligation that requires development to be used exclusively for affordable housing purposes for at least 50 years, even if the religious organization no longer owns the property; and
- does not discriminate against any person who qualifies as a member of a low-income household.

A city or town, code city, or county may develop policies to implement the increased density bonus if it receives a request for a religious organization for the increased density bonus. The religious organization developing the qualifying affordable housing must pay all fees, mitigation costs, and other charges required and, if applicable, should work with local transit agencies to ensure appropriate transit services are provided to the affordable housing development.

"Affordable housing development" means a proposed or existing structure in which 100 percent of all single-family or multifamily residential dwelling units within the development are set aside for or are occupied by low-income households at a sales price or rent amount that may not exceed 30 percent of the income limit for the low-income housing unit.

An affordable housing development created by a religious institution within a city or county fully planning under the GMA must be located within an urban growth area.

The Joint Legislative Audit and Review Committee must review the efficacy of the increased density bonus incentive for affordable housing development located on property owned by a religious organization and must report its findings to the appropriate committees of the Legislature by December 1, 2030. The review must include a recommendation on whether this incentive should be continued without change or should be amended or repealed.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

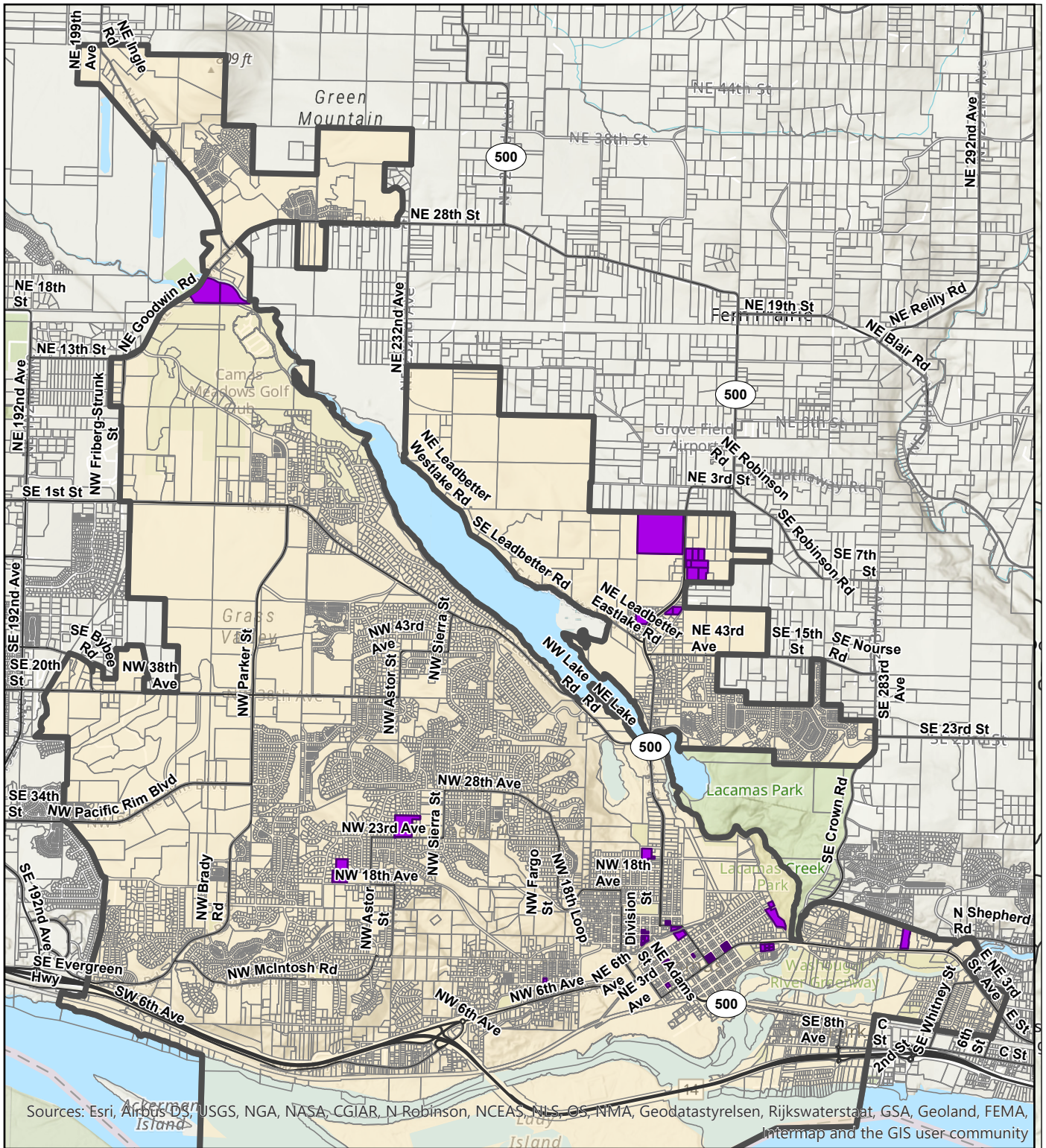
**Staff Summary of Public Testimony:**

(In support) This is an effort to address affordable housing and homelessness in our communities. The faith community often leads the way with its efforts to house the homeless. This bill provides for a density bonus for affordable housing on religious organization property. Sometimes zoning ordinances prevent religious organizations from carrying out their mission to provide affordable housing. Under this bill, religious organizations would still have to comply with other requirements not related to the density bonus. The cities and the faith communities have been working together for years to promote affordable housing efforts by religious organizations. A technical amendment would improve the bill by allowing cities to plan for the density bonus after a request by a religious organization to avoid unnecessary planning efforts.

(Opposed) None.



**Persons Testifying:** Representative Walen, prime sponsor; Carl Schroeder, Association of Washington Cities; and Paul Benz, Faith Action Network.

**Persons Signed In To Testify But Not Testifying:** None.



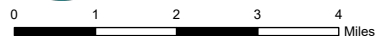
## City of Camas Church-Owned Properties

### KEY

-  Camas City Limits
-  Church-Owned Properties



NOTE: Information shown on this map was collected from several sources. Clark County accepts no responsibility for any inaccuracies that may be present.



CERTIFICATION OF ENROLLMENT  
**ENGROSSED SUBSTITUTE SENATE BILL 5383**

Chapter 352, Laws of 2019

66th Legislature  
2019 Regular Session

TINY HOUSES

EFFECTIVE DATE: July 28, 2019

Passed by the Senate April 22, 2019  
Yeas 41 Nays 1

CYRUS HABIB

**President of the Senate**

Passed by the House April 10, 2019  
Yeas 95 Nays 0

FRANK CHOPP

**Speaker of the House of Representatives**

Approved May 9, 2019 3:26 PM

JAY INSLEE

**Governor of the State of Washington**

CERTIFICATE

I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 5383** as passed by the Senate and the House of Representatives on the dates hereon set forth.

BRAD HENDRICKSON

**Secretary**

FILED

May 13, 2019

**Secretary of State  
State of Washington**



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**ENGROSSED SUBSTITUTE SENATE BILL 5383**

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AS AMENDED BY THE HOUSE

Passed Legislature - 2019 Regular Session

**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** Senate Housing Stability & Affordability (originally sponsored by Senators Zeiger, Palumbo, Nguyen, Short, Van De Wege, Wilson, C., and Wilson, L.)

READ FIRST TIME 02/14/19.

1 AN ACT Relating to tiny houses; amending RCW 58.17.040,  
2 35.21.684, 43.22.450, 19.27.035, and 35.21.278; adding a new section  
3 to chapter 35.21 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** Tiny houses have become a trend across the  
6 nation to address the shortage of affordable housing. As tiny houses  
7 become more acceptable, the legislature finds that it is important to  
8 create space in the code for the regulation of tiny house siting.  
9 Individual cities and counties may allow tiny houses with wheels to  
10 be collected together as tiny house villages using the binding site  
11 plan method articulated in chapter 58.17 RCW.

12 The legislature recognizes that the International Code Council in  
13 2018 has issued tiny house building code standards in Appendix Q of  
14 the International Residential Code, which can provide a basis for the  
15 standards requested within this act.

16 **Sec. 2.** RCW 58.17.040 and 2004 c 239 s 1 are each amended to  
17 read as follows:

18 The provisions of this chapter shall not apply to:

19 (1) Cemeteries and other burial plots while used for that  
20 purpose;

1 (2) Divisions of land into lots or tracts each of which is one-  
2 one hundred twenty-eighth of a section of land or larger, or five  
3 acres or larger if the land is not capable of description as a  
4 fraction of a section of land, unless the governing authority of the  
5 city, town, or county in which the land is situated shall have  
6 adopted a subdivision ordinance requiring plat approval of such  
7 divisions: PROVIDED, That for purposes of computing the size of any  
8 lot under this item which borders on a street or road, the lot size  
9 shall be expanded to include that area which would be bounded by the  
10 center line of the road or street and the side lot lines of the lot  
11 running perpendicular to such center line;

12 (3) Divisions made by testamentary provisions, or the laws of  
13 descent;

14 (4) Divisions of land into lots or tracts classified for  
15 industrial or commercial use when the city, town, or county has  
16 approved a binding site plan for the use of the land in accordance  
17 with local regulations;

18 (5) A division for the purpose of lease when no residential  
19 structure other than mobile homes, tiny houses or tiny houses with  
20 wheels as defined in section 5 of this act, or travel trailers are  
21 permitted to be placed upon the land when the city, town, or county  
22 has approved a binding site plan for the use of the land in  
23 accordance with local regulations;

24 (6) A division made for the purpose of alteration by adjusting  
25 boundary lines, between platted or unplatted lots or both, which does  
26 not create any additional lot, tract, parcel, site, or division nor  
27 create any lot, tract, parcel, site, or division which contains  
28 insufficient area and dimension to meet minimum requirements for  
29 width and area for a building site;

30 (7) Divisions of land into lots or tracts if: (a) Such division  
31 is the result of subjecting a portion of a parcel or tract of land to  
32 either chapter 64.32 or 64.34 RCW subsequent to the recording of a  
33 binding site plan for all such land; (b) the improvements constructed  
34 or to be constructed thereon are required by the provisions of the  
35 binding site plan to be included in one or more condominiums or owned  
36 by an association or other legal entity in which the owners of units  
37 therein or their owners' associations have a membership or other  
38 legal or beneficial interest; (c) a city, town, or county has  
39 approved the binding site plan for all such land; (d) such approved  
40 binding site plan is recorded in the county or counties in which such

1 land is located; and (e) the binding site plan contains thereon the  
2 following statement: "All development and use of the land described  
3 herein shall be in accordance with this binding site plan, as it may  
4 be amended with the approval of the city, town, or county having  
5 jurisdiction over the development of such land, and in accordance  
6 with such other governmental permits, approvals, regulations,  
7 requirements, and restrictions that may be imposed upon such land and  
8 the development and use thereof. Upon completion, the improvements on  
9 the land shall be included in one or more condominiums or owned by an  
10 association or other legal entity in which the owners of units  
11 therein or their owners' associations have a membership or other  
12 legal or beneficial interest. This binding site plan shall be binding  
13 upon all now or hereafter having any interest in the land described  
14 herein." The binding site plan may, but need not, depict or describe  
15 the boundaries of the lots or tracts resulting from subjecting a  
16 portion of the land to either chapter 64.32 or 64.34 RCW. A site plan  
17 shall be deemed to have been approved if the site plan was approved  
18 by a city, town, or county: (i) In connection with the final approval  
19 of a subdivision plat or planned unit development with respect to all  
20 of such land; or (ii) in connection with the issuance of building  
21 permits or final certificates of occupancy with respect to all of  
22 such land; or (iii) if not approved pursuant to (i) and (ii) of this  
23 subsection (7)(e), then pursuant to such other procedures as such  
24 city, town, or county may have established for the approval of a  
25 binding site plan;

26 (8) A division for the purpose of leasing land for facilities  
27 providing personal wireless services while used for that purpose.  
28 "Personal wireless services" means any federally licensed personal  
29 wireless service. "Facilities" means unstaffed facilities that are  
30 used for the transmission or reception, or both, of wireless  
31 communication services including, but not necessarily limited to,  
32 antenna arrays, transmission cables, equipment shelters, and support  
33 structures; and

34 (9) A division of land into lots or tracts of less than three  
35 acres that is recorded in accordance with chapter 58.09 RCW and is  
36 used or to be used for the purpose of establishing a site for  
37 construction and operation of consumer-owned or investor-owned  
38 electric utility facilities. For purposes of this subsection,  
39 "electric utility facilities" means unstaffed facilities, except for  
40 the presence of security personnel, that are used for or in

1 connection with or to facilitate the transmission, distribution,  
2 sale, or furnishing of electricity including, but not limited to,  
3 electric power substations. This subsection does not exempt a  
4 division of land from the zoning and permitting laws and regulations  
5 of cities, towns, counties, and municipal corporations. Furthermore,  
6 this subsection only applies to electric utility facilities that will  
7 be placed into service to meet the electrical needs of a utility's  
8 existing and new customers. New customers are defined as electric  
9 service locations not already in existence as of the date that  
10 electric utility facilities subject to the provisions of this  
11 subsection are planned and constructed.

12 **Sec. 3.** RCW 35.21.684 and 2009 c 79 s 1 are each amended to read  
13 as follows:

14 (1) A city or town may not adopt an ordinance that has the  
15 effect, directly or indirectly, of discriminating against consumers'  
16 choices in the placement or use of a home in such a manner that is  
17 not equally applicable to all homes. Homes built to 42 U.S.C. Sec.  
18 5401-5403 standards (as amended in 2000) must be regulated for the  
19 purposes of siting in the same manner as site built homes, factory  
20 built homes, or homes built to any other state construction or local  
21 design standard. However, except as provided in subsection (2) of  
22 this section, any city or town may require that:

23 (a) A manufactured home be a new manufactured home;

24 (b) The manufactured home be set upon a permanent foundation, as  
25 specified by the manufacturer, and that the space from the bottom of  
26 the home to the ground be enclosed by concrete or an approved  
27 concrete product which can be either load bearing or decorative;

28 (c) The manufactured home comply with all local design standards  
29 applicable to all other homes within the neighborhood in which the  
30 manufactured home is to be located;

31 (d) The home is thermally equivalent to the state energy code;  
32 and

33 (e) The manufactured home otherwise meets all other requirements  
34 for a designated manufactured home as defined in RCW 35.63.160.

35 A city with a population of one hundred thirty-five thousand or  
36 more may choose to designate its building official as the person  
37 responsible for issuing all permits, including department of labor  
38 and industries permits issued under chapter 43.22 RCW in accordance  
39 with an interlocal agreement under chapter 39.34 RCW, for

1 alterations, remodeling, or expansion of manufactured housing located  
2 within the city limits under this section.

3 (2) A city or town may not adopt an ordinance that has the  
4 effect, directly or indirectly, of restricting the location of  
5 manufactured/mobile homes in manufactured/mobile home communities  
6 that were legally in existence before June 12, 2008, based  
7 exclusively on the age or dimensions of the manufactured/mobile home.  
8 This does not preclude a city or town from restricting the location  
9 of a manufactured/mobile home in manufactured/mobile home communities  
10 for any other reason including, but not limited to, failure to comply  
11 with fire, safety, or other local ordinances or state laws related to  
12 manufactured/mobile homes.

13 (3) Except as provided under subsection (4) of this section, a  
14 city or town may not adopt an ordinance that has the effect, directly  
15 or indirectly, of preventing the entry or requiring the removal of a  
16 recreational vehicle or tiny house with wheels as defined in section  
17 5 of this act used as a primary residence in manufactured/mobile home  
18 communities.

19 (4) Subsection (3) of this section does not apply to any local  
20 ordinance or state law that:

21 (a) Imposes fire, safety, or other regulations related to  
22 recreational vehicles;

23 (b) Requires utility hookups in manufactured/mobile home  
24 communities to meet state or federal building code standards for  
25 manufactured/mobile home communities; or

26 (c) Includes both of the following provisions:

27 (i) A recreational vehicle or tiny house with wheels as defined  
28 in section 5 of this act must contain at least one internal toilet  
29 and at least one internal shower; and

30 (ii) If the requirement in (c)(i) of this subsection is not met,  
31 a manufactured/mobile home community must provide toilets and  
32 showers.

33 (5) For the purposes of this section, "manufactured/mobile home  
34 community" has the same meaning as in RCW 59.20.030.

35 (6) This section does not override any legally recorded covenants  
36 or deed restrictions of record.

37 (7) This section does not affect the authority granted under  
38 chapter 43.22 RCW.

1       **Sec. 4.** RCW 43.22.450 and 2001 c 335 s 8 are each amended to  
2 read as follows:

3       Whenever used in RCW 43.22.450 through 43.22.490:

4       (1) "Department" means the Washington state department of labor  
5 and industries;

6       (2) "Approved" means approved by the department;

7       (3) "Factory built housing" means any structure, including a  
8 factory built tiny house with or without a chassis (wheels), designed  
9 primarily for human occupancy other than a manufactured or mobile  
10 home the structure or any room of which is either entirely or  
11 substantially prefabricated or assembled at a place other than a  
12 building site;

13       (4) "Install" means the assembly of factory built housing or  
14 factory built commercial structures at a building site;

15       (5) "Building site" means any tract, parcel or subdivision of  
16 land upon which factory built housing or a factory built commercial  
17 structure is installed or is to be installed;

18       (6) "Local enforcement agency" means any agency of the governing  
19 body of any city or county which enforces laws or ordinances  
20 governing the construction of buildings;

21       (7) "Commercial structure" means a structure designed or used for  
22 human habitation, or human occupancy for industrial, educational,  
23 assembly, professional or commercial purposes.

24       NEW SECTION.   **Sec. 5.** A new section is added to chapter 35.21  
25 RCW to read as follows:

26       (1) A city or town may adopt an ordinance to regulate the  
27 creation of tiny house communities.

28       (2) The owner of the land upon which the community is built shall  
29 make reasonable accommodation for utility hookups for the provision  
30 of water, power, and sewerage services and comply with all other  
31 duties in chapter 59.20 RCW.

32       (3) Tenants of tiny house communities are entitled to all rights  
33 and subject to all duties and penalties required under chapter 59.20  
34 RCW.

35       (4) For purposes of this section:

36       (a) "Tiny house" and "tiny house with wheels" means a dwelling to  
37 be used as permanent housing with permanent provisions for living,  
38 sleeping, eating, cooking, and sanitation built in accordance with  
39 the state building code.

1 (b) "Tiny house communities" means real property rented or held  
2 out for rent to others for the placement of tiny houses with wheels  
3 or tiny houses utilizing the binding site plan process in RCW  
4 58.17.035.

5 **Sec. 6.** RCW 19.27.035 and 2018 c 207 s 2 are each amended to  
6 read as follows:

7 The building code council shall:

8 (1) (a) By July 1, 2019, adopt a revised process for the review of  
9 proposed statewide amendments to the codes enumerated in RCW  
10 19.27.031; and

11 ~~((2))~~ (b) Adopt a process for the review of proposed or enacted  
12 local amendments to the codes enumerated in RCW 19.27.031 as amended  
13 and adopted by the state building code council.

14 (2) By December 31, 2019, adopt building code standards specific  
15 for tiny houses.

16 **Sec. 7.** RCW 35.21.278 and 2012 c 218 s 1 are each amended to  
17 read as follows:

18 (1) Without regard to competitive bidding laws for public works,  
19 a county, city, town, school district, metropolitan park district,  
20 park and recreation district, port district, or park and recreation  
21 service area may contract with a chamber of commerce, a service  
22 organization, a community, youth, or athletic association, or other  
23 similar association located and providing service in the immediate  
24 neighborhood, for drawing design plans, making improvements to a  
25 park, school playground, public square, or port habitat site,  
26 installing equipment or artworks, or providing maintenance services  
27 for a facility or facilities as a community or neighborhood project,  
28 or environmental stewardship project, and may reimburse the  
29 contracting association its expense. The contracting association may  
30 use volunteers in the project and provide the volunteers with  
31 clothing or tools; meals or refreshments; accident/injury insurance  
32 coverage; and reimbursement of their expenses. The consideration to  
33 be received by the public entity through the value of the  
34 improvements, artworks, equipment, or maintenance shall have a value  
35 at least equal to three times that of the payment to the contracting  
36 association. All payments made by a public entity under the authority  
37 of this section for all such contracts in any one year shall not

1 exceed twenty-five thousand dollars or two dollars per resident  
2 within the boundaries of the public entity, whichever is greater.

3 (2) A county, city, town, school district, metropolitan park  
4 district, park and recreation district, or park and recreation  
5 service area may ratify an agreement, which qualifies under  
6 subsection (1) of this section and was made before June 9, 1988.

7 (3) Without regard to competitive bidding laws for public works,  
8 a school district, institution of higher education, or other  
9 governmental entity that includes training programs for students may  
10 contract with a community service organization, nonprofit  
11 organization, or other similar entity, to build tiny houses for low-  
12 income housing, if the students participating in the building of the  
13 tiny houses are in:

14 (a) Training in a community and technical college construction or  
15 construction management program;

16 (b) A career and technical education program;

17 (c) A state recognized apprenticeship preparation program; or

18 (d) Training under a construction career exploration program for  
19 high school students administered by a nonprofit organization.

Passed by the Senate April 22, 2019.

Passed by the House April 10, 2019.

Approved by the Governor May 9, 2019.

Filed in Office of Secretary of State May 13, 2019.

--- END ---



## STAFF REPORT

Minor Amendments to Camas Municipal Code  
Chapter 18.27 - Accessory Dwelling Units  
File# MC19-04

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TO Bryan Beel, Chair  
Planning Commission

FROM Madeline Sutherland, Assistant Planner

DATE August 9, 2019

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### Summary

The Camas Comprehensive Plan supports and encourages a variety of housing types to provide choice, diversity and affordability. Accessory dwelling units (ADUs) align with the Housing Goals and Policies of the Comprehensive Plan.

Staff has researched accessory dwelling unit requirements in other jurisdictions, compared them to Camas's regulations and have proposed edits. The proposed minor amendments to Chapter 18.27 Accessory Dwelling Units of the Camas Municipal Code (CMC) include updates to encourage the construction of ADUs.

The proposed Accessory Dwelling Unit amendments are provided with the one attachment: Attachment 1 shows the draft changes as strike-through text or underlined.

### *Chapter 18.27 – Accessory Dwelling Units*

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#### **Section 18.27.010(E) – Purpose.**

The purpose reflects the overall intent of the chapter. The sentence proposed to be added is from the City of Vancouver's Code. Many single family homeowners are concerned that ADUs could cause unwanted impacts to the neighborhood character. By adding this sentence, it ensures staff will take into consideration the impacts an ADU could potentially have on the character of the neighborhood when reviewing an ADU application.

#### **Section 18.27.020 – Scope.**

The City of Portland allows ADUs in any zone that currently has a residence. Camas's code restricts ADUs to single-family and multi-family zones although residential uses are permitted in other zones. Single

family residential is permitted in mixed use, however ADUs are not permitted in Mixed Use zoning. ADUs are proposed to be permitted in all zones where residential uses are permitted.

**Section 18.27.030 – Definition.**

Staff is suggesting to add language from the City of Vancouver’s Code because it gives a well-rounded definition of an ADU instead of repeating other sections.

The language that is stricken repeats the purpose and scope sections and does not comply with the changes in other sections staff is proposing. Therefore staff has proposed to strike it out.

**Section 18.27.040(B) - Establishing an accessory dwelling unit.**

Staff does not think a 40 foot front setback for an internal or attached ADU is necessary. An example would be a garage or basement that does not extend 40 feet beyond the front property line. In this case, the property owner could not create an internal ADU.

**Section 18.27.040(C) - Establishing an accessory dwelling unit.**

The City of Vancouver allows internal conversions to exceed 40% of the primary living space if the internal conversion is a garage or basement. However, Camas limits internal conversions to 40% of the primary living space, restricting the amount of space available for internal ADU conversions. An example would be if the garage took up 45% of the primary dwelling living space, the code would limit the internal conversion to 40%, and leave the remaining 5% unusable.

**Section 18.27.040(E) - Establishing an accessory dwelling unit.**

The building code requires a minimum of a six feet separation between two structures, therefore there is no need to require a ten foot separation between the primary residence and a detached ADU.

**Section 18.27.050(B) – Development standards.**

A detached ADU cannot exceed 40% of the primary dwellings living space. Each zone also has a maximum lot coverage percentage. The smaller the lot is, the smaller the lot coverage is, and the smaller the ADU can be. At some point a lot becomes too small to construct an ADU. Therefore there is no need for a minimum lot size an ADU to be constructed on.

**Section 18.27.050(G) – Development standards.**

Many cities do not have a maximum number of bedrooms regulation. If the ADU meets all the dimensional standards, there is no need to limit the number of bedrooms. It is very unlikely that there would be over two bedrooms in an ADU. This would allow for more than one person to live in the ADU.

**Section 18.27.050(H) – Development standards.**

There is no need to require off street parking for an ADU if there is existing on street parking. The cost to create an off street parking space is expensive and discourages residents from creating ADUs. The City's goal is to encourage the growth of ADUs.

**Section 18.27.050(K) – Development standards.**

The code does not mention whether utilities can be connected or shared between the primary residence and the ADU. The City of Bellingham and the City of Portland allow shared or connected utilities. Therefore both options should be stated in this section for clarification.

**Recommendation**

Staff requests direction from the Commission on the proposed amendments.

## Chapter 18.27 - ACCESSORY DWELLING UNITS

### 18.27.010 - Purpose.

Accessory dwelling units are intended to:

- A. Provide for a range of choices of housing in the city;
- B. Provide additional dwelling units, thereby increasing densities with minimal cost and disruption to existing neighborhoods;
- C. Allow individuals and smaller households to retain large houses as residences; and
- D. Enhance options for families by providing opportunities for older or younger relatives to live in close proximity while maintaining a degree of privacy.
- E. Ensure that the development of an ADU does not cause unanticipated impact on the character or stability of single-family neighborhoods.

### 18.27.020 - Scope.

Accessory dwelling units shall meet the requirement of this chapter, and may be allowed in all zones where residential uses are permitted. ~~in the residential (R) and multifamily (MF) zones.~~

### 18.27.030 - Definition.

An "accessory dwelling unit (ADU)" means an additional smaller, subordinate dwelling unit on a lot with or in an existing or new house. These secondary units contain a private bath and kitchen facilities comprising an independent, self-contained dwelling unit. ~~These units are intended to provide for a greater range of choices of housing types in single-family and multifamily residential districts.~~ An ADU is not a duplex because the intensity of use is less due to the limitations of size ~~and number of bedrooms.~~

### 18.27.040 - Establishing an accessory dwelling unit.

An accessory dwelling unit may be created through:

- A. Internal conversion within an existing dwelling;
- ~~B. The addition of new square footage to the existing house, or to a garage, and any addition thereto is located at least forty feet back from the front property line;~~
- C. Conversion of an existing garage provided it is not larger than the primary residence. ~~if the garage is setback at least forty feet back from the front property line;~~
- D. Inclusion in the development plans for, or as part of, the construction of a new single-family detached dwelling unit; or
- E. A separate detached dwelling unit on the same lot as the primary dwelling unit, ~~when the accessory unit is located at least ten feet behind the most distant back or side wall, or other structural element of the primary dwelling unit structure.~~

Manufactured homes or recreational vehicles are not considered an accessory structure for the purposes of this chapter.

18.27.050 - Development standards.

- A. Number. No more than one accessory dwelling unit per legal lot is permitted, and it must be accessory to a single-family residence. A lot of record lawfully occupied by two or more single-family residences shall not be permitted to have an accessory dwelling unit, unless the lot is short platted under Title 17 of this code. If a short plat is approved, an accessory dwelling unit for each dwelling unit is permitted only if all dimensional standards of the underlying zone, and all other provisions of this chapter are met.
- B. ~~Lot Area. No accessory dwelling unit shall be permitted on a lot of less than five thousand square feet.~~
- C. Building Permit. The applicant must apply for a building permit for an accessory dwelling unit. An ADU shall comply with applicable building, fire, health, and safety codes. Addressing of the ADU shall be assigned by the building department, with approval by the fire department. An ADU cannot be occupied until a certificate of occupancy is issued by the building department.
- D. Conformance to Zoning. The addition of an accessory dwelling unit shall not make any lot, structure or use nonconforming within the development site. An accessory dwelling unit shall conform to existing requirements for the primary residence, including, but not limited to, lot coverage, front, side, and rear yard setbacks. Building height is limited to twenty-five feet for a detached ADU. Building height requirements of the underlying zone apply to the ADU for internal conversion, or structural addition to the existing primary dwelling.
- E. Outbuilding Size. For purposes of this section, an accessory structure (such as a garage or other outbuilding, but not a detached accessory dwelling unit) which contains an accessory dwelling unit may not cover more than ten percent of the total site area.
- F. Total Floor Area. The total gross floor area of an accessory dwelling unit shall not exceed forty percent of the area of the primary dwelling's living area. The living area of the primary unit excludes uninhabitable floor area and garage or other outbuilding square footage whether attached or detached.
- G. ~~Number of Bedrooms. An accessory dwelling unit shall not contain more than one bedroom.~~
- H. Parking. An accessory dwelling unit shall have a minimum of one on-site parking space, in addition to the primary dwelling unit's designated parking spaces if there is not on street parking allowed.
- I. Architectural Design. The exterior appearance of an addition or detached accessory dwelling unit shall be architecturally compatible with the primary residence. Compatibility includes coordination of architectural style, exterior building materials and color, roof material, form and pitch, window style and placement, other architectural features, and landscaping.
- J. Entrances. For an accessory dwelling unit created by internal conversion or by an addition to an existing primary dwelling, only one entrance may be located on the front of the house, unless the house contained additional front doors before the conversion. Secondary entrances should be located on the side or rear of the primary residence to the extent possible.
- K. Utilities. An accessory dwelling unit shall connect to public sewer and water. A home or lot not connected to public sewer and water, which adds an accessory dwelling unit, shall connect to public sewer and water. An ADU may have shared or separate public sewer and water services.
- L. Nonconformity. A home or lot which has an accessory dwelling unit which was established prior to adoption of this chapter may be approved for a building permit, subject to the provisions of Chapter 18.41 "Nonconforming Lots, Structures and Uses."
- M. Reserved.
- N. Owner Occupancy. Prior to the issuance of a building permit establishing an accessory dwelling unit, the applicant shall record the ADU as a deed restriction with the Clark County auditor's office. Forms shall be provided by the city stating that one of the dwelling units is and will continue to be occupied by the owner of the property as the owner's principal and permanent residence for as long as the

other unit is being rented or otherwise occupied. The owner shall show proof of ownership, and shall maintain residency for at least six months out of the year, and at no time receive rent for the owner occupied unit. Falsely certifying owner occupancy shall be considered a violation of the zoning ordinance, and is subject to the enforcement actions.

18.27.060 - Design guidelines.

- A. Exterior Finish Materials. Exterior finish materials must duplicate or reflect the exterior finish material on the primary dwelling unit.
- B. Roof Slopes. For buildings over fifteen feet in height, the slope of the accessory dwelling unit roof must be the same as that of the predominate slope of the primary dwelling structure.
- C. Historic Structures. If an accessory dwelling unit is on the same lot as, or within an historic structure which has been designated on the national, state, or local historic register, the following design guidelines are applicable:
  - 1. Exterior materials shall be of the same type, size, and placement as those of the primary dwelling structure.
  - 2. Trim on edges of elements of an ADU shall be the same as those of the primary structure in type, size, and placement.
  - 3. Windows in any elevation which faces a street shall match those in the primary structure in proportion, i.e., same height, width, and orientation (horizontal or vertical).
  - 4. Pediment and Dormers. Each accessory dwelling unit over twenty feet in height shall have either a roof pediment or dormer, if one or the other of these architectural features are present on the primary dwelling.

## STAFF REPORT

Sign Code Update (CMC 18.15)

File No. MC19-03

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<u>TO</u>	Bryan Beel, Chair Planning Commission
<u>FROM</u>	Madeline Sutherland, Assistant Planner
<u>DATE</u>	August 9, 2019

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### Summary

Chapter 18.15 – Signs of the Camas Municipal Code was adopted November of 2010 with minor code changes adopted January of 2014. The intent behind the adoption was to regulate the construction, location, and maintenance of signs and how they affect the public health, safety, and welfare of the people. City Council found that the size, number, lighting and movement of signs diverted attention of public street users.

Electronic message board signs have been brought to staffs attention regarding the distraction and aesthetic value due to the advances in technology. Electronic message board signs, also considered animated and LED signs, utilize changes in lights and movement to create a message, scene or special effect.

The attachment contains the research staff has gathered from neighboring jurisdictions. The chart organizes each cities regulations on electronic message board signs into categories such as permitted zones, locations, design, animations and hours of operation.

Staff has not brought forward specific changes to the sign code, however staff is requesting direction on the potential changes to the sign code and what the Commission would like staff to bring forward for workshop next month.

### Recommendation

Staff requests direction from the Commission regarding potential changes to the sign code (CMC18.15).

	<u>City of Camas</u>	<u>City of Battle Ground</u>	<u>City of Washougal</u>	<u>City of Ridgefield</u>	<u>City of Vancouver</u>		<u>City of Bonney Lake</u>	<u>City of Bellevue</u>
					Residential	Commercial & Industrial		
<b>Zoning:</b>	<ul style="list-style-type: none"> <li>Permitted in all Commercial and Industrial.</li> <li>Conditional in Residential.</li> </ul>	<ul style="list-style-type: none"> <li>Permitted in RC, CC, and LI.</li> </ul>	<ul style="list-style-type: none"> <li>Prohibited in residential and town center.</li> </ul>	<ul style="list-style-type: none"> <li>Prohibited in Residential.</li> </ul>	<ul style="list-style-type: none"> <li>Permitted in Residential if for non Residential use.</li> </ul>	<ul style="list-style-type: none"> <li>Permitted.</li> </ul>	<ul style="list-style-type: none"> <li>Prohibited in Residential or within 200 ft.</li> </ul>	<ul style="list-style-type: none"> <li>Permitted in all zones. Different criteria for downtown.</li> </ul>
<b>Location:</b>	<ul style="list-style-type: none"> <li>Illumination not within 150' of residential.</li> </ul>	<ul style="list-style-type: none"> <li>Permitted in addition to another sign.</li> </ul>		<ul style="list-style-type: none"> <li>Permitted in addition to another sign.</li> </ul>	<ul style="list-style-type: none"> <li>Facing or adjacent to arterial.</li> </ul>		<ul style="list-style-type: none"> <li>Only permitted on multi-tenant buildings or multi-building complexes.</li> </ul>	
<b>Illumination &amp; Animation:</b>	<ul style="list-style-type: none"> <li>No flashing or blinking.</li> <li>Movement or change in light to depict action or scene permitted.</li> </ul>		<ul style="list-style-type: none"> <li>Prohibited.</li> </ul>	<ul style="list-style-type: none"> <li>Daytime: 5,000 nits.</li> <li>Nighttime: 100 nits.</li> <li>Auto-dimming required.</li> <li>No sudden flashes of light or motion.</li> </ul>	<ul style="list-style-type: none"> <li>Internal illumination permitted on remainder of sign.</li> </ul>	<ul style="list-style-type: none"> <li>Daytime: 8,000 nits.</li> <li>Nighttime: 1,000 nits.</li> <li>Light monitors and ability to adjust brightness required.</li> <li>No flashing or blinking lights.</li> <li>Permitted: Text and static images.</li> </ul>	<ul style="list-style-type: none"> <li>Daytime: 5,000 nits.</li> <li>Nighttime: 500 nits.</li> <li>Ambient light meter and dimmer required.</li> <li>Horizontally or vertically traveling displays permitted.</li> <li>No flashing or blinking.</li> <li>No videos.</li> </ul>	<ul style="list-style-type: none"> <li>No Flashing.</li> <li>No animations</li> <li>Text can only roll onto screen.</li> </ul>
<b>Hours of Operation:</b>	<ul style="list-style-type: none"> <li>6am-12am</li> </ul>				<ul style="list-style-type: none"> <li>7am-9pm</li> </ul>			<ul style="list-style-type: none"> <li>6am-10pm, unless premise is open at night.</li> </ul>
<b>Design &amp; Image Frequency:</b>		<ul style="list-style-type: none"> <li>Architectural features required if on a freestanding sign.</li> </ul>	<ul style="list-style-type: none"> <li>Pictures required to change through mechanical means.</li> </ul>	<ul style="list-style-type: none"> <li>10 second hold per message.</li> <li>1.5 second faded transition.</li> </ul>		<ul style="list-style-type: none"> <li>No off premise sign content permitted.</li> <li>8 seconds between message.</li> <li>4 seconds or less per transition.</li> </ul>	<ul style="list-style-type: none"> <li>2 seconds of static display, max. of 10 sec total displays.</li> </ul>	<ul style="list-style-type: none"> <li>Text only.</li> <li>Architecturally compatible with structure.</li> <li>Shall not change more than once every 8 hours.</li> </ul>
<b>Number:</b>		<ul style="list-style-type: none"> <li>1 sign per building, parcel, or project.</li> </ul>		<ul style="list-style-type: none"> <li>1 per 100' of street frontage, cannot exceed 1 per business tenant space.</li> </ul>	<ul style="list-style-type: none"> <li>1 sign per use.</li> </ul>			
<b>Size:</b>	<ul style="list-style-type: none"> <li>30% max. of total sign area or 100 sf, whichever is greater.</li> </ul>	<ul style="list-style-type: none"> <li>25% max. of total sign area.</li> </ul>	<ul style="list-style-type: none"> <li>30% max. of total sign area.</li> </ul>	<ul style="list-style-type: none"> <li>30sf</li> </ul>	<ul style="list-style-type: none"> <li>16 sf or 50% of total sign area.</li> <li>8' tall if on monument sign.</li> <li>Not extend above the parapet or eave line if on other signs.</li> </ul>	<ul style="list-style-type: none"> <li>20% max. of total sign area.</li> </ul>	<ul style="list-style-type: none"> <li>45 sf</li> </ul>	