1. **Call to Order**  
   A. *Flag Salute*  
   B. *Roll Call*  

2. **Approval of Agenda**  
   Approval of the August 24, 2021 Planning Commission Agenda  

3. **Approval of Minutes** – July 27, 2021 Planning Commission Meeting  

4. **Audience Participation**  

   Members of the audience who wish to speak on matters not on the agenda: Please state your name and address for the record and limit your comments to 3 minutes.  

The July, 2021 meeting will be conducted via Zoom. Commissioner’s that have been vaccinated may come to City Hall for the meeting. Please let me know if you will be attending via ZOOM or coming to City Hall.  

Thanks, Jack  

**New Business**  

1. Proposed code amendments related to Permanent Supportive Housing, Transitional Housing, Emergency Housing, and Emergency Shelters  

**Adjournment**  

The next regularly scheduled Planning Commission Meeting will be Tuesday, September 28, 2021 at 6:00 p.m.

Citizens are welcomed and encouraged to attend this meeting, and to present oral or written comments. The City of Pacific does not discriminate on the basis of disabilities. If you need special accommodations, or have any questions about items on this agenda, please contact the Community Development Department at (253) 929-1110. American Disabilities Act accommodations will be provided upon request.
Call to Order
Chairman Gratz called the Regular Meeting to order at 6:10 p.m. and led the flag salute.

Attendance
Commissioners Present: DuWayne Gratz, Patrick Mahaffey, John Welch Jr, and Don Blackwell
Commissioners Absent: John Boyd and Wynette McCracken
Commissioner Welch made a motion to excuse commissioners Boyd and McCracken, seconded by Commissioner Mahaffey; motion carried unanimously
City Staff Present: Community Development Manager Jack Dodge and Administrative Assistant Nicole Schunke

Approval of Agenda
Commissioner Blackwell moved to approve the agenda as presented, seconded by Commissioner Welch; motion carried unanimously.

Approval of Planning Commission Minutes
Commissioner Welch moved to approve the June 22, 2021 Regular Meeting minutes as presented, seconded by Commissioner Blackwell; motion carried unanimously.

Audience Participation
None

Public Hearings

1. Mosby (Tarragon) Comprehensive Plan Land Use Map Change and Rezone from Residential Open Space to Light Industrial with a Manufacturing Industrial Center (MIC) Overlay – CPL-21-001

Chairman Gratz opened the public hearing at 6:14pm.

Jack Dodge gave a presentation on the Mosby (Tarragon) Comprehensive Plan Land Use Map Change.

Lisa Klein, a representative of Tarragon, gave a presentation on the design on the design plans of the property.

With no public comments, Chairman Gratz closed the public hearing at 6:42pm

Commissioner Welch moved for the Planning Commission to recommend approval of the proposed Comprehensive Plan Land Use Map change from “Open Space” to “Light Industrial with a Manufacturing Industrial Center (MIC) overlay as stated and recommended in the attached staff report (Attachment 1). Seconded by Commissioner Blackwell, passed via voice vote.

While waiting for a representative for Valley Recycling the Planning Commission moved to table Public Hearing 2 until the end of the meeting and continue with Public Hearings 3 and 4.
3. **Comprehensive Plan Text Changes – CPL-21-003**

Chairman Gratz opened the public hearing at 7:02pm.

Jack Dodge gave a presentation on the Comprehensive Plan Text Changes.

With no public comments, Chairman Gratz closed the public hearing at 7:06pm

Commissioner Welch moved to make a recommendation to the City Council regarding the proposed Comprehensive Plan text changes. Seconded by Commissioner Mahaffey, passed via voice vote.

4. **Minor Code Amendments**

Chairman Gratz opened the public hearing at 7:08pm.

Jack Dodge gave a presentation on Fence Height Requirements PMC 20.68.080, Type IV Landscape Requirements PMC 20.70.070, and Adult Family Homes.

With no public comments, Chairman Gratz closed the public hearing at 7:14pm

1. **Fence Height Requirements PMC 20.68.080**

   Commissioner Blackwell moved for the Planning Commission to forward the proposed fence height revisions (PMC 20.68.080) to the City Council with a recommendation to approve the revisions as provided in Attachment 1 of the this agenda bill. Seconded by Commissioner Welch, passed via voice vote.

3. **Adult Family Homes**

   Commissioner Blackwell moved for the Planning Commission to forward the proposed adult family home revisions (PMC 20.32.025) to the City Council with a recommendation to approve the revisions as provided in Attachment 3 of the this agenda bill. Seconded by Commissioner Mahaffey, after the motion passed 3-1

2. **Type IV Landscape Requirements PMC 20.70.070**

   Commissioner Welch Jr moved for the Planning Commission to forward the proposed landscape revisions (PMC 20.68.080) to the City Council with a recommendation to approve the revisions as provided in Attachment 2 of the this agenda bill. Seconded by Commissioner Mahaffey. Motion failed on 2 to 2 vote.

2. **Valley Recycling Comprehensive Plan Land Use Map Change and Rezone from Highway Commercial to Light Industrial – CPL-21-002**

Chairman Gratz opened the public hearing at 6:14pm.

Jack Dodge gave a presentation on the Mosby (Tarragon) Comprehensive Plan Land Use Map Change.

Lisa Klein, a representative of Tarragon, gave a presentation on the design on the design plans of the property.

With no public comments, Chairman Gratz closed the public hearing at 6:42pm
Commissioner Welch moved for the Planning Commission to recommend approval of the proposed Comprehensive Plan Land Use Map change from “Open Space” to “Light Industrial with a Manufacturing Industrial Center (MIC) overlay as stated and recommended in the attached staff report (Attachment 1). Seconded by Commissioner Blackwell, passed via voice vote.

**Next Meeting**
The next meeting will be held on August 24, 2021 via Zoom.

**Adjournment**
Motion to adjourn made by Commissioner Mahaffey, seconded by Commissioner Blackwell; motion carried unanimously. The meeting was adjourned at 7:37 p.m.

Minutes prepared by Nicole Schunke, Administrative Assistant.

Approved _____________________________

______________________________
Date Planning Commission Chairperson

DuWayne Gratz
TO: Planning Commission

FROM: Jack Dodge, Community Development Manager

MEETING DATE: August 24, 2021

SUBJECT: Proposed Amendments the Zoning Code to meet the requirements of Engrossed Second Substitute House Bill (ESSHP) 1220 regarding emergency shelters and housing

ATTACHMENTS: 1. Draft Interim Ordinance 2021-2045 Adopted by the City Council
2. ESSHB 1220

City Council: 8/2/2021, 8/9/2021, 8/23/2021

Summary

On May 12, 2021, the Governor signed Engrossed Second Substitute House Bill (ESSHB) 1220. This bill requires that cities amend their zoning codes to allow “Indoor Emergency Housing”, “Indoor Emergency Shelters”, “Permanent Supportive Housing” and “Transitional Housing” within specific zoning districts within the City. This bill became effective on July 25, 2021. Cities will need to revise their codes by September 30th to conform to the new State laws. The proposed Interim Ordinance will meet the requirements to conform to the September 30th deadline. The City will need to conduct a public hearing regarding the proposed changes within 60 days of the adoption of the interim ordinance and adopt final regulations within six (6) months of the adoption of the interim ordinance.

The City Council will have already reviewed and adopted the interim regulations prior to the Planning Commission review. The Planning Commission is charged with reviewing the interim regulations and making a recommendation to the Council on the final regulations regarding the uses cited above and below.

“Indoor Emergency Housing” and “Indoor Emergency Shelters”

Indoor Emergency Housing and Indoor Emergency Shelters are required to be allowed in all zoning districts where Hotels/Motels are allowed. Within Pacific, the following zoning districts allow hotels/motels.
RMH (Multiple-Family Residential) Zoning District
MC (Commercial Residential Mixed Use) Zoning District
C (Commercial) Zoning District
HC (Highway Commercial) Zoning District

These uses would be allowed as “conditional uses” which would require a public hearing before the City’s Hearing Examiner.

“Permanent Supportive Housing” and “Transitional Housing”

Permanent Supportive Housing and Transitional Housing is required to be allowed in zoning districts where residential dwelling units are allowed and all zoning districts where hotels/motels are allowed. Within Pacific, they are allowed in the following districts.

RO (Residential Open Space) Zoning District
RS (Single-Family Residential) Zoning District
RML (Limited Multiple-Family Residential) Zoning District
RMH (Multiple-Family Residential) Zoning District
NC (Neighborhood Center Overlay) Zoning District
MC (Commercial Residential Mixed Use) Zoning District
C (Commercial) Zoning District
HC (Highway Commercial) Zoning District

The applicable Chapters within the Zoning Code have been revised to allow these uses a “Conditional Uses” in their respective zones.

Definitions

Following are the definitions for “Indoor Emergency Housing”, “Indoor Emergency Shelters”, “Permanent Supportive Housing” and “Transitional Housing”

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

“Emergency shelter” means a facility that provides a temporary shelter for individuals or families who are currently homeless. Emergency shelter may not require occupants to enter into a lease or an occupancy agreement. Emergency shelter facilities may include day and warming centers that do not provide overnight accommodations.

“Permanent supportive housing” is one or more subsidized, leased dwelling units with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy and utilizes admissions practices designed to use lower barriers to entry
than would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors. Permanent supportive housing is paired with on-site or off-site voluntary services designed to support a person living with a complex and disabling behavioral health or physical health condition who was experiencing homelessness or was at imminent risk of homelessness prior to moving into housing to retain their housing and be a successful tenant in a housing arrangement, improve the resident’s health status, and connect the resident of the housing with community-based health care, treatment, or employment services. Permanent supportive housing is subject to all of the rights and responsibilities defined in the Residential Landlord Tenant Act, chapter 59.18 RCW.

"Transitional housing" means one or more dwelling units that provides housing and supportive services to homeless individuals or families for up to two years and that has its purpose facilitating the movement of homeless individuals and families into independent living.

**Staff Recommendation:** Staff recommends that the Planning Commission set a public hearing date for the October 26, 2021 Planning Commission to gather public input regarding the proposed code changes.

**Motion:**

I move to set a public hearing date of October 24, 2021 to gain public input regarding the proposed amendments to the Zoning Code regarding “Indoor Emergency Housing”, “Indoor Emergency Shelters”, “Permanent Supportive Housing” and “Transitional Housing”
AN ORDINANCE OF THE CITY OF PACIFIC, WASHINGTON, IMPOSING AN INTERIM OFFICIAL CONTROL RELATED TO PERMANENT SUPPORTIVE HOUSING, TRANSITIONAL HOUSING, EMERGENCY HOUSING, AND EMERGENCY SHELTERS, AMENDING SECTIONS 20.32.025, 20.36.030, 20.40.030, 20.44.030, 20.48.030, 20.50.030, 20.51.030, 20.56.030, 20.58.030, OF THE PACIFIC MUNICIPAL CODE, AND ADDING NEW SECTIONS 20.04.271, 20.04.272, 20.04.513, 20.04.557, 20.68.705 AND 20.68.710 TO THE PACIFIC MUNICIPAL CODE, TO ALLOW PERMANENT SUPPORTIVE HOUSING AND TRANSITIONAL HOUSING IN ALL LAND USE DISTRICTS WHERE RESIDENTIAL DWELLINGS AND/OR HOTELS AND MOTELS ARE ALLOWED, AND TO ALLOW HOMELESS SERVICES USES IN ALL LAND USE DISTRICTS WHERE HOTELS AND MOTELS ARE ALLOWED; SUCH INTERIM OFFICIAL CONTROLS TO BE EFFECTIVE FOR A PERIOD OF SIX MONTHS, UNLESS TERMINATED OR EXTENDED, FOR THE PURPOSE OF BRINGING THE CITY INTO COMPLIANCE WITH ESSHB 1220; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR A PUBLIC HEARING; AND PROVIDING FOR SEVERABILITY.

WHEREAS, under the authority of RCW 35A.63.220 and RCW 36.70A.390, the City may impose interim regulations to be effective for a period of up to six months, and for six-month intervals thereafter; and

WHEREAS, earlier this year, the state legislature enacted ESSHB 1220, which, after partial veto by Governor Inslee, became Chapter 254, Laws of 2021, which took effect on July 25, 2021; and

WHEREAS, Section 3 of ESSHB 1220 contains the following preemption of local zoning authority:

A code city shall not prohibit transitional housing or permanent supportive housing in any zones in which residential dwelling units or hotels are allowed. Effective September 30, 2021, a code city shall not prohibit indoor emergency shelters and indoor emergency housing in any zones in which hotels are allowed, except in such cities that have adopted an ordinance authorizing indoor emergency shelters and indoor emergency housing in a majority of zones within a one-mile proximity to transit.; and
WHEREAS, in response to ESSHB 1220, the Pacific City Council deems it in the public interest to make certain changes to its development regulations on an interim basis to bring the City into immediate compliance with ESSHB 1220 and to provide city staff and the Planning Commission adequate time to make a recommendation to the City Council with respect to ensuring that the city remains compliant with ESSHB 1220 on a permanent basis;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PACIFIC DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Findings of Fact. The findings and recitals set forth above are hereby adopted as Findings of Fact to justify adoption of this Interim Official Control.

Section 2. An interim official control is hereby imposed to amend Section 20.32.025 of the Pacific Municipal Code to read as follows:

**20.32.025 Matrix of permitted and conditional uses.**

The matrix set forth below summarizes the permitted and conditional uses for the commercial districts of Chapters 20.52 (neighborhood business), 20.54 (office park), 20.56 (commercial), 20.58 (highway commercial), 20.60 (light industrial) and 20.64 (heavy industrial) PMC. The provisions of these chapters shall control over inconsistent parts of the matrix. For purposes of the matrix, the following acronyms shall refer to the following terms:

| OP | Office Park |
| NB | Neighborhood Business |
| LI | Light Industrial |
| HI | Heavy Industrial |
| C  | Commercial |
| A  | Agriculture |
| HC | Highway Commercial |
| P  | Permitted (where no number is present, all levels of the use type are allowed) |
| C  | Requires conditional use permit |
| G  | Grandfathered |
| NOS | No outdoor storage |

Number Refers to level of use type allowed (see Chapter 20.06 PMC for
### USE CATEGORIES AND TYPES

**Residential Use Category**

<table>
<thead>
<tr>
<th>Description</th>
<th>OP</th>
<th>LI</th>
<th>C</th>
<th>HC</th>
<th>NB</th>
<th>HI</th>
</tr>
</thead>
<tbody>
<tr>
<td>Duplex</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fraternity and sorority house</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Group home</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Indoor Emergency Housing</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Indoor Emergency Shelter</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mobile home park</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Multifamily housing</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nursing home</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Permanent Supportive Housing</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Senior housing</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Transitional Housing</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Civic Use Category**

<table>
<thead>
<tr>
<th>Description</th>
<th>OP</th>
<th>LI</th>
<th>C</th>
<th>HC</th>
<th>NB</th>
<th>HI</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administrative and government facilities and services</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Day-care centers</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Community and cultural services</td>
<td>C</td>
<td>C</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Educational facilities</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Health services</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Postal services</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Recreation, nonprofit</td>
<td>P1, 4</td>
<td>P1, 4</td>
<td>C4</td>
<td>C4</td>
<td>C4</td>
<td>C4</td>
</tr>
<tr>
<td>Religious assembly</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Public safety services</td>
<td>P1, 2</td>
<td>P1, 2; C3</td>
<td>P1, 2</td>
<td>P1</td>
<td>C1</td>
<td>C1</td>
</tr>
<tr>
<td>Transportation</td>
<td>P1; C2, 3</td>
<td>P1; C2, 3</td>
<td>P1; C2, 3</td>
<td>P1; C2, 3</td>
<td>P1; C2, 3</td>
<td>P1; C2, 3</td>
</tr>
<tr>
<td>Utilities or public maintenance facilities</td>
<td>C1</td>
<td>P1, 2</td>
<td>P1; C2</td>
<td>P1; C2</td>
<td>C1, 2</td>
<td>C1, 2</td>
</tr>
</tbody>
</table>

**Utilities Use Category**

<table>
<thead>
<tr>
<th>Description</th>
<th>OP</th>
<th>LI</th>
<th>C</th>
<th>HC</th>
<th>NB</th>
<th>HI</th>
</tr>
</thead>
<tbody>
<tr>
<td>Communication or cellular facilities</td>
<td>P</td>
<td>P; C1, 2, 3</td>
<td>P1, 2</td>
<td>P1, 2</td>
<td>C1, 2</td>
<td>C1, 2</td>
</tr>
<tr>
<td>USE CATEGORIES AND TYPES</td>
<td>OP</td>
<td>LI</td>
<td>C</td>
<td>HC</td>
<td>NB</td>
<td>HI</td>
</tr>
<tr>
<td>--------------------------</td>
<td>----</td>
<td>----</td>
<td>---</td>
<td>----</td>
<td>----</td>
<td>----</td>
</tr>
<tr>
<td>Electrical facilities</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Electrical generation facilities</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Natural gas facilities</td>
<td>P1, 3</td>
<td>P1, 3</td>
<td>P1, 3</td>
<td>P1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Organic waste processing facilities</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pipelines</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Sewage collection facilities</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>C</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Stormwater facilities</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Waste disposal facilities</td>
<td>P1; C2</td>
<td>P1; C2</td>
<td>P1; C2</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Waste transfer facilities</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water supply facilities</td>
<td>P1; C2</td>
<td>P</td>
<td>P1</td>
<td>P1</td>
<td>P1</td>
<td></td>
</tr>
</tbody>
</table>

**Office/Business Use Category**

| Administrative and professional offices | P  | P  | P  | P  | C  |     |
| Educational services                  | C  | C  | P  | P  | C  |     |

**Resource Use Category**

| Agricultural sales |     |     | P  | P  | P1 |     |
| Agricultural services | C  | P  | P  | C  |     |     |
| Animal production, boarding and slaughtering | C1 | C1 |     |     |     |     |
| Crop production | C1 | P2 | P  | P2 |     |     |
| Fish hatcheries and aquaculture | C  | C  |     |     |     |     |
| Forestry | P1; C2 | P1; C2 | P1 |     |     |     |
| Mineral extraction |     |     |     |     |     |     |

**Commercial Use Category**

<p>| Adult business | C  |     |     |     | P1, 2 | P1, 2 |
| Amusement and recreation | P1, 2 | P1, 2 |     |     |     |     |
| Building materials and garden supplies | P  | P  | P  | P1 |     |     |
| Bulk fuel dealers | C  | C  |     |     |     |     |
| Business services | P  | P  | P  | P  | P  |     |
| Buy-back recycling center | P  | P  | C  |     |     |     |</p>
<table>
<thead>
<tr>
<th>USE CATEGORIES AND TYPES</th>
<th>OP</th>
<th>LI</th>
<th>C</th>
<th>HC</th>
<th>NB</th>
<th>HI</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial centers</td>
<td></td>
<td></td>
<td>C</td>
<td>P</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Eating and drinking establishment</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Food stores</td>
<td>P1; C2</td>
<td>P1, 2</td>
<td>P</td>
<td>P</td>
<td>P1</td>
<td></td>
</tr>
<tr>
<td>Lodging</td>
<td></td>
<td></td>
<td>P1, 2</td>
<td>P2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mobile, manufactured and modular homes and office sales</td>
<td></td>
<td></td>
<td>P</td>
<td>P</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Motor vehicles and related equipment sales/rental/repair and services</td>
<td></td>
<td></td>
<td>P</td>
<td>P</td>
<td>P1, 2</td>
<td></td>
</tr>
<tr>
<td>Personal services</td>
<td>C1</td>
<td>C</td>
<td>P</td>
<td>P</td>
<td>C1</td>
<td></td>
</tr>
<tr>
<td>Storage</td>
<td>C</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pet sales and services</td>
<td>P1</td>
<td>P1</td>
<td>P</td>
<td>P</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Rental and repair services</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>C1</td>
<td></td>
</tr>
<tr>
<td>Sales of general merchandise</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P1</td>
<td></td>
</tr>
<tr>
<td>Swap meet (PMC 20.06.080, sales of general merchandise)</td>
<td>C</td>
<td>P1; C2, 3</td>
<td></td>
<td>C</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wholesale trade</td>
<td>P1</td>
<td>P</td>
<td>P</td>
<td></td>
<td>C1</td>
<td></td>
</tr>
</tbody>
</table>

**Industrial Use Category**

| Basic manufacturing                                 | C3, 5 | C3, 5 | P |
| Contractor yards                                    | P     | P     | P |
| Food and related products                           | C     | P     | C |
| Industrial services and repair                       | P1    | P1    | C1 | P |
| Intermediate manufacturing and intermediate/final assembly (See PMC 20.06.110) | P1    | P1    | C1 | P |
| Motion picture/television and radio production studios | C     | P     | P |
| Off-site hazardous waste treatment and storage facilities |       |       | C |
| Printing, publishing and related industries         | P1    | P1, 2 | P1 | P1  | C  |
| Recycling processor                                  | P1; C2 |       | P  |
| Salvage yards/vehicle storage facilities             |       |       | C  |
| Warehousing, distribution and freight movement       | P1    | P     | P  |
Section 3. An interim official control is hereby imposed to amend Section 20.36.030 (Residential Open Space (RO) Zone) of the Pacific Municipal Code to read as follows:

20.36.030 Buildings and uses permitted conditionally.

The city may grant a conditional use permit (CUP) for the following buildings and uses in accordance with the procedures set forth in Chapter 20.20 PMC:

A. Libraries;

B. Permanent Supportive Housing (Shall conform to Chapter 20.96 – Multifamily Housing Design Standards) (See PMC 20.68.705 for number of units allowed);

C. Transitional Housing (Shall conform to Chapter 20.96 – Multifamily Housing Design Standards) (See PMC 20.68.705 for number of units allowed); and

BD. Any other buildings or uses determined to be similar to those listed in PMC 20.36.020. Such other uses shall not have any different or more detrimental effect upon the adjoining neighborhood areas or landscape than the specifically permitted buildings and uses.

Section 4. An interim official control is hereby imposed to amend Section 20.40.030 (Single-family Residential (RS) Zone) of the Pacific Municipal Code to read as follows:

20.40.030 Buildings and uses permitted conditionally.

The city may grant a conditional use permit (CUP) for any of the following buildings and uses in accordance with the procedures set forth in Chapter 20.20 PMC:

A. Churches, when using existing buildings;

B. Group care homes;

C. Homes for the aged, including assisted and unassisted living facilities;

D. Hospitals;

E. Libraries;
F. Permanent Supportive Housing (Shall conform to Chapter 20.96 – Multifamily Housing Design Standards) (See PMC 20.68.705 for number of units allowed);

G. Transitional Housing (Shall conform to Chapter 20.96 – Multifamily Housing Design Standards) (See PMC 20.68.705 for number of units allowed); and

FH. Unassisted senior housing complexes, at densities supportable by available infrastructure and land use compatibility, within 2,000 feet walking distance of the Senior Center, measured from the center of the housing complex to the Senior Center entrance following pedestrian routes.

Section 5. An interim official control is hereby imposed to amend Section 20.44.030 (Limited Multiple Family Residential (RML) Zone) of the Pacific Municipal Code to read as follows:

20.44.030 Buildings and uses permitted conditionally

The city may grant a conditional use permit (CUP) for any of the following buildings and uses in accordance with the procedures set forth in Chapter 20.20 PMC:

A. Churches, when using existing buildings;

B. Day nurseries;

C. Group care homes;

D. Homes for the aged, including assisted and unassisted living facilities;

E. Mobile home parks;

F. Libraries;

G. Nursing homes;

H. Public parking areas;

I. Permanent Supportive Housing (Shall conform to Chapter 20.96 – Multifamily Housing Design Standards) (See PMC 20.68.705 for number of units allowed);

IJ. One accessory dwelling unit per lot; and

K. Transitional Housing (Shall conform to Chapter 20.96 – Multifamily Housing Design Standards) (See PMC 20.68.705 for number of units allowed).
Section 6. An interim official control is hereby imposed to amend Section 20.48.030 (Multiple Family Residential (RMH) Zone) of the Pacific Municipal Code to read as follows:

**20.48.030 Buildings and uses permitted conditionally**

The city may grant a conditional use permit (CUP) for any of the following buildings and uses in accordance with the procedures set forth in Chapter 20.20 PMC:

A. Artists’ studios;

B. Hospitals;

C. Hotels, motels and motor hotels;

D. **Indoor Emergency Housing (See PMC 20.68.710 for occupancy requirements);**

E. **Indoor Emergency Shelter (See PMC 20.68.710 for occupancy requirements);**

F. Libraries;

G. **Permanent Supportive Housing (Shall conform to Chapter 20.96 – Multifamily Housing Design Standards) (See PMC 20.68.705 for number of units allowed); and**

H. **Transitional Housing (Shall conform to Chapter 20.96 – Multifamily Housing Design Standards) (See PMC 20.68.705 for number of units allowed).**

Section 7. An interim official control is hereby imposed to amend Section 20.50.030 (Neighborhood Center Overlay (NC) Zone) of the Pacific Municipal Code to read as follows:

**20.50.030 Conditional uses**

In addition to the buildings and uses permitted conditionally in PMC 20.68.170, the city may grant a conditional use permit for any of the following buildings and uses in accordance with the procedures set forth in Chapter 20.20 PMC:

A. Administrative and professional offices;

B. Communication or cellular facilities (levels 1 and 2);
C. Electrical facilities;
D. Educational facilities;
E. Educational services;
F. Motion picture/television and radio production studios;
G. Personal services (level 1);
H. Pet sales and services;
I. **Permanent Supportive Housing** (Shall conform to Chapter 20.96 – Multifamily Housing Design Standards) (See PMC 20.68.705 for number of units allowed);
J. Public safety services (level 1);
K. Recreation, nonprofit (level 4);
L. Religious assembly;
M. Rental and repair services (level 1);
N. **Transitional Housing** (Shall conform to Chapter 20.96 – Multifamily Housing Design Standards) (See PMC 20.68.705 for number of units allowed);
O. Transportation (levels 2 and 3);
P. Utility or public maintenance facilities (levels 1 and 2);
Q. Wholesale trade (level 1); and
R. Any other buildings or uses determined to be similar to those listed in PMC 20.52.020. Such other uses shall not have any different or more detrimental effect upon the adjoining neighborhood areas than the specifically permitted buildings and uses.

**Section 8.** An interim official control is hereby imposed to amend Section 20.51.030 (Commercial Residential Mixed Use (MC) Zone) of the Pacific Municipal Code to read as follows:

**20.51.030 Buildings and uses permitted conditionally**
The city may grant a conditional use permit (CUP) for any of the following buildings and uses in accordance with the procedures set forth in Chapter 20.20 PMC:

A. Educational facilities;
B. Linear trails, long narrow parks used for walking, jogging and bicycling;
C. Religious assembly;
D. Transportation uses serving communities and regions, e.g., passenger rail stations, parking facilities, school bus yards, bus barns, weigh stations, bus stations, transfer centers, heliports;
E. Utilities or public maintenance facilities, e.g., facilities with a building of more than 1,000 square feet, without outdoor storage;
F. Electrical facilities;
G. Commercial centers selling a variety of goods or providing a variety of services, ranging from general merchandise to specialty goods and foods, e.g., any lot or combination of lots with a store or variety of stores, offices, and services integrated into a complex utilizing uniform parking facilities;
H. Food and related product manufacturing that can be shown to be primarily a retail establishment such as a bakery or a brewpub;
I. Residential uses not within a mixed use building. In addition to meeting the criteria for approval of a CUP as set forth in Chapter 20.20 PMC, such residential uses must be shown to be subordinate to the commercial use on the property in terms of location on the property, size and/or height of the residential component versus the commercial component and location on the site. In most instances, a stand-alone residential building would not be permitted as a conditional use on a parcel in the MC district.
J. Indoor Emergency Housing (See PMC 20.68.710 for occupancy requirements);
K. Indoor Emergency Shelter (See PMC 20.68.710 for occupancy requirements);
L. Permanent Supportive Housing (Shall conform to Chapter 20.96 – Multifamily Housing Design Standards) (See PMC 20.68.705 for number of units allowed); and
M. Transitional Housing (Shall conform to Chapter 20.96 – Multifamily Housing Design Standards) (See PMC 20.68.705 for number of units allowed).
Section 9. An interim official control is hereby imposed to amend Section 20.56.030 (Commercial (C) Zone) of the Pacific Municipal Code to read as follows:

20.56.030 Conditional uses

In addition to the buildings and uses permitted conditionally in PMC 20.68.170, the city may grant a conditional use permit (CUP) for any of the following buildings and uses in accordance with the procedures set forth in Chapter 20.20 PMC:

A. Adult entertainment businesses in the area west of State Route 167, south of the King/Pierce County line, east of West Valley Highway and north of 8th Street East;

B. Animal production, boarding, slaughtering (level 1);

C. Basic manufacturing (categories 3, 5);

D. Bulk fuel dealers;

E. Electrical facilities;

F. Educational facilities;

G. Fish hatcheries and aquaculture;

H. Forestry (level 2);

I. Indoor Emergency Housing (See PMC 20.68.710 for occupancy requirements);

J. Indoor Emergency Shelter (See PMC 20.68.710 for occupancy requirements);

K. Intermediate manufacturing and intermediate/final assembly in accordance with PMC 20.06.110;

L. Permanent Supportive Housing (Shall conform to Chapter 20.96 – Multifamily Housing Design Standards) (See PMC 20.68.705 for number of units allowed);

M. Public safety services (level 3);

N. Recreation, nonprofit (level 4);

O. Religious assembly;
MP. Swap meet (levels 2 and 3);

Q. Transitional Housing (Shall conform to Chapter 20.96 – Multifamily Housing Design Standards) (See PMC 20.68.705 for number of units allowed);

NR. Transportation (levels 2 and 3);

OS. Utility or public maintenance facilities (level 2); and

PT. Waste transfer facilities (level 2).

Section 10. An interim official control is hereby imposed to amend Section 20.58.030 (Highway Commercial (HC) Zone) of the Pacific Municipal Code to read as follows:

20.58.030 Buildings and uses permitted conditionally.

The city may grant a conditional use permit (CUP) for any of the following buildings and uses in accordance with the procedures set forth in Chapter 20.20 PMC:

A. Educational facilities;

B. Linear trails, long narrow parks used for walking, jogging and bicycling;

C. Religious assembly;

D. Transportation uses serving communities and regions, i.e., passenger rail stations, parking facilities, school bus yards, bus barns, weigh stations, bus stations, transfer centers, heliports;

E. Utilities or public maintenance facilities, i.e., facilities with a building of more than 1,000 square feet, without outdoor storage;

F. Electrical facilities;

G. Sewage collection facilities;

H. Agricultural services;

I. Commercial centers selling a variety of goods or providing a variety of services, ranging from general merchandise to specialty goods and foods, i.e., any lot or combination of lots with a store or variety of stores, offices, and services integrated into a complex utilizing uniform parking facilities;

J. Mobile, manufactured and modular home sales;
K. Food and related product manufacturing;

L. Industrial services and repair;

M. Warehousing, distribution and freight movement;

N. Natural gas facilities, i.e., interim propane storage facilities or natural gas dispensing station;

O. Swap meets (levels 1, 2 and 3).

P. Indoor Emergency Housing (See PMC 20.68.710 for occupancy requirements);

Q. Indoor Emergency Shelter (See PMC 20.68.710 for occupancy requirements);

R. Permanent Supportive Housing (Shall conform to Chapter 20.96 – Multifamily Housing Design Standards) (See PMC 20.68.705 for number of units allowed); and

S. Transitional Housing (Shall conform to Chapter 20.96 – Multifamily Housing Design Standards) (See PMC 20.68.705 for number of units allowed).

Section 11. An interim official control is hereby imposed to add a new Section 20.04.271 of the Pacific Municipal Code to read as follows:

**20.04.271 Emergency housing**

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

Section 12. An interim official control is hereby imposed to add a new Section 20.04.272 of the Pacific Municipal Code to read as follows:

**20.04.271 Emergency shelter**

“Emergency shelter" means a facility that provides a temporary shelter for individuals or families who are currently homeless. Emergency shelter may not require occupants to enter into a lease or an occupancy agreement. Emergency shelter facilities may include day and warming centers that do not provide overnight accommodations.
Section 13. An interim official control is hereby imposed to add a new Section 20.04.513 of the Pacific Municipal Code to read as follows:

20.04.513 Permanent supportive housing

"Permanent supportive housing" is one or more subsidized, leased dwelling units with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy and utilizes admissions practices designed to use lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors. Permanent supportive housing is paired with on-site or off-site voluntary services designed to support a person living with a complex and disabling behavioral health or physical health condition who was experiencing homelessness or was at imminent risk of homelessness prior to moving into housing to retain their housing and be a successful tenant in a housing arrangement, improve the resident's health status, and connect the resident of the housing with community-based health care, treatment, or employment services. Permanent supportive housing is subject to all of the rights and responsibilities defined in the Residential Landlord Tenant Act, chapter 59.18 RCW.

Section 14. An interim official control is hereby imposed to add a new Section 20.04.557 of the Pacific Municipal Code to read as follows:

20.04.557 Transitional housing

"Transitional housing" means one or more dwelling units that provides housing and supportive services to homeless individuals or families for up to two years and that has its purpose facilitating the movement of homeless individuals and families into independent living.

Section 15. An interim official control is hereby imposed to add a new Section 20.68.705 of the Pacific Municipal Code to read as follows:

20.68.705 Permanent supportive housing and transitional housing units – number of units

The number of permanent supportive housing units and transitional housing units allowed on any given property shall be no more than the number of standard dwelling units that would be allowed under the zoning of the property, PROVIDED THAT in no case shall the number of permanent supportive housing units and transitional housing units allowed on any given property exceed ten. No permanent supportive housing unit or transitional housing unit may be located within half a mile of another property that contains permanent supportive housing or transitional housing. All permanent support housing units and transitional housing units shall be within a quarter mile walking distance to a metro transit bus.
stop. Permanent supportive housing or transitional housing shall not be located within a half mile of emergency housing and emergency shelters.

Section 16. An interim official control is hereby imposed to add a new Section 20.68.710 of the Pacific Municipal Code to read as follows:

20.68.710 Emergency shelter or emergency housing – occupancy

The occupancy of an emergency shelter or emergency housing facility shall be limited to no more than ten families or forty people, whichever is fewer. There shall be no more than one continuously operating emergency shelter in the city and no more than one continuously operating emergency housing facility within the city. As used herein, the phrase "continuously operating" is intended to exclude emergency shelters and emergency housing facilities that are needed to respond temporarily to a natural disaster or other similarly acute emergency that has caused unexpected homelessness within the city. No continuously operating emergency shelter may be located within a half mile of a continuously operating emergency housing facility. No continuously operating emergency housing facility may be located within a half mile of a continuously operating emergency shelter. Emergency housing and emergency shelters shall not be located within a half mile of permanent supportive housing or transitional housing units.

Section 17. Public Hearing. Pursuant to RCW 35A.63.220 and RCW 36.70A.390, the City Council shall hold a public hearing on this Interim Official Control within 60 days of adoption of this Ordinance in order to take public testimony regarding this Interim Official Control. Following such hearing, the City Council may adopt additional findings of fact, and may extend the Interim Official Control for a period up to an additional six (6) months. The City Council may adopt additional six (6) month extensions after any required public hearing, pursuant to RCW 36.70A.390

Section 18. Effective Period of Interim Development Regulations. This Ordinance shall take effect and be in full force and effect five days after adoption and publication as provided by law. Pursuant to RCW 36.70A.390, this Interim Official Control ordinance shall remain in effect for a period of six months from the effective date, unless earlier repealed, renewed, or modified by the City Council as provided by State law. This Interim Official Control may be renewed for one or more six-month periods if a subsequent public hearing is held and findings of fact are made prior to each renewal.

Section 19. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional or unlawful by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.
Section 20. Publication. This Ordinance shall be published by an approved summary consisting of the title.

PASSED by the City Council of Pacific this ___ day of _____. 2021.

__________________________________________
Leanne Guier
Mayor

AUTHENTICATED:

__________________________________________
City Clerk

APPROVED AS TO FORM:
Office of the City Attorney

__________________________________________
Charlotte Archer, City Attorney

PUBLISHED:
EFFECTIVE DATE:
CERTIFICATION OF ENROLLMENT

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1220

Chapter 254, Laws of 2021

(partial veto)

67th Legislature
2021 Regular Session

EMERGENCY SHELTERS AND HOUSING—LOCAL PLANNING AND DEVELOPMENT

EFFECTIVE DATE: July 25, 2021

Passed by the House April 14, 2021
Yeas 57  Nays 40

LAURIE JINKINS
Speaker of the House of Representatives

Passed by the Senate April 10, 2021
Yeas 25  Nays 24

DENNY HECK
President of the Senate

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 1220 as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN
Chief Clerk

Approved May 12, 2021 2:35 PM with the exception of section 7, which is vetoed.

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 1220 as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN
Chief Clerk

FILED

May 12, 2021

JAY INSLEE
Governor of the State of Washington

Attachment 2
AN ACT Relating to supporting emergency shelters and housing through local planning and development regulations; amending RCW 36.70A.020, 36.70A.390, and 36.70A.030; reenacting and amending RCW 36.70A.070; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 35.21 RCW; and adding a new section to chapter 36.70A RCW.

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

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

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

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

(2) Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.
(3) Transportation. Encourage efficient multimodal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans.

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

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

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

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

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

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

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

(11) Citizen participation and coordination. Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts.
(12) Public facilities and services. Ensure that those public facilities and services necessary to support development shall be 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.

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

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

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

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

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

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

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

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

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

(c) (identifies) Identifies sufficient capacity of land for housing((r)) including, but not limited to, government-assisted housing, housing for ((low-income families)) moderate, low, very low, and extremely low-income households, manufactured housing, multifamily housing, ((and)) group homes ((and)) foster care facilities, emergency housing, emergency shelters, permanent supportive housing, and within an urban growth area boundary, consideration of duplexes, triplexes, and townhomes; ((and))

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

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

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

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

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

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

(i) Zoning that may have a discriminatory effect;

(ii) Disinvestment; and

(iii) Infrastructure availability;

(f) Identifies and implements policies and regulations to address and begin to undo racially disparate impacts, displacement, and exclusion in housing caused by local policies, plans, and actions;
(q) Identifies areas that may be at higher risk of displacement from market forces that occur with changes to zoning development regulations and capital investments; and

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

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

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

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

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

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

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

(c) Measures governing rural development. The rural element shall include measures that apply to rural development and protect the rural character of the area, as established by the county, by:
(i) Containing or otherwise controlling rural development;
(ii) Assuring visual compatibility of rural development with the surrounding rural area;
(iii) Reducing the inappropriate conversion of undeveloped land into sprawling, low-density development in the rural area;
(iv) Protecting critical areas, as provided in RCW 36.70A.060, and surface water and groundwater resources; and
(v) Protecting against conflicts with the use of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170.

(d) Limited areas of more intensive rural development. Subject to the requirements of this subsection and except as otherwise specifically provided in this subsection (5)(d), the rural element may allow for limited areas of more intensive rural development, including necessary public facilities and public services to serve the limited area as follows:
(i) Rural development consisting of the infill, development, or redevelopment of existing commercial, industrial, residential, or mixed-use areas, whether characterized as shoreline development, villages, hamlets, rural activity centers, or crossroads developments.
(A) A commercial, industrial, residential, shoreline, or mixed-use area are subject to the requirements of (d)(iv) of this
subsection, but are not subject to the requirements of (c)(ii) and (iii) of this subsection.

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

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

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

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

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

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

(A) On July 1, 1990, in a county that was initially required to plan under all of the provisions of this chapter;
(B) On the date the county adopted a resolution under RCW 36.70A.040(2), in a county that is planning under all of the provisions of this chapter under RCW 36.70A.040(2); or
(C) On the date the office of financial management certifies the county's population as provided in RCW 36.70A.040(5), in a county that is planning under all of the provisions of this chapter pursuant to RCW 36.70A.040(5).

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

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

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

(i) Land use assumptions used in estimating travel;
(ii) Estimated traffic impacts to state-owned transportation facilities resulting from land use assumptions to assist the department of transportation in monitoring the performance of state facilities, to plan improvements for the facilities, and to assess
the impact of land-use decisions on state-owned transportation facilities;

(iii) Facilities and services needs, including:

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

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

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

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

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

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

(iv) Finance, including:

(A) An analysis of funding capability to judge needs against probable funding resources;
(B) A multiyear financing plan based on the needs identified in the comprehensive plan, the appropriate parts of which shall serve as the basis for the six-year street, road, or transit program required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems. The multiyear financing plan should be coordinated with the ten-year investment program developed by the office of financial management as required by RCW 47.05.030;

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

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

(vi) Demand-management strategies;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Low-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below eighty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

"Minerals" include gravel, sand, and valuable metallic substances.

"Moderate-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below 120 percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

"Permanent supportive housing" is subsidized, leased housing with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy and utilizes admissions practices designed to use lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors. Permanent supportive housing is paired with on-site or off-site voluntary services designed to support a person living with a complex and disabling behavioral health or physical health condition who was experiencing homelessness or was at imminent risk of homelessness prior to moving into housing to retain their housing and be a successful tenant in a housing arrangement, improve the resident's health status, and connect the resident of the housing with community-based health care, treatment, or employment services. Permanent supportive housing is subject to all of the rights and responsibilities defined in chapter 59.18 RCW.

"Public facilities" include streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, parks and recreational facilities, and schools.

"Public services" include fire protection and suppression, law enforcement, public health, education, recreation, environmental protection, and other governmental services.
"Recreational land" means land so designated under RCW 36.70A.1701 and that, immediately prior to this designation, was designated as agricultural land of long-term commercial significance under RCW 36.70A.170. Recreational land must have playing fields and supporting facilities existing before July 1, 2004, for sports played on grass playing fields.

"Rural character" refers to the patterns of land use and development established by a county in the rural element of its comprehensive plan:

(a) In which open space, the natural landscape, and vegetation predominate over the built environment;
(b) That foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas;
(c) That provide visual landscapes that are traditionally found in rural areas and communities;
(d) That are compatible with the use of the land by wildlife and for fish and wildlife habitat;
(e) That reduce the inappropriate conversion of undeveloped land into sprawling, low-density development;
(f) That generally do not require the extension of urban governmental services; and
(g) That are consistent with the protection of natural surface water flows and groundwater and surface water recharge and discharge areas.

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

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

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

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

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

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

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

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

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

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

1. The city or county may not require the owner of a lot on which there is an accessory dwelling unit to reside in or occupy the accessory dwelling unit or another housing unit on the same lot;
2. The city or county may require the owner not to use the accessory dwelling unit for short-term rentals;
3. The city or county may not count residents of accessory dwelling units against existing limits on the number of unrelated residents on a lot;
4. The city or county may not establish a minimum gross floor area for accessory dwelling units that exceeds the state building code;
5. The city or county must make the same allowances for accessory dwelling units' roof decks, balconies, and porches to encroach on setbacks as are allowed for the principal unit;
6. The city or county must apply abutting lot setbacks to accessory dwelling units on lots abutting zones with lower setback requirements;
7. The city or county must establish an amnesty program to help owners of unpermitted accessory dwelling units to obtain a permit;
8. The city or county must permit accessory dwelling units in structures detached from the principal unit, must allow an accessory dwelling unit on any lot that meets the minimum lot size required for the principal unit, and must allow attached accessory dwelling units on any lot with a principal unit that is nonconforming solely because
the lot is smaller than the minimum size, as long as the accessory
dwelling unit would not increase nonconformity of the residential use
with respect to building height, bulk, or lot coverage;

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

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

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

(12) A city or county may require a new or separate utility
connection between an accessory dwelling unit and a utility only when
necessary to be consistent with water availability requirements,
water system plans, small water system management plans, or
established policies adopted by the water or sewer utility provider.
If such a connection is necessary, the connection fees and capacity
charges must:

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

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

*Sec. 7 was vetoed. See message at end of chapter.

Passed by the House April 14, 2021.
Passed by the Senate April 10, 2021.
Approved by the Governor May 12, 2021, with the exception of
certain items that were vetoed.
Filed in Office of Secretary of State May 12, 2021.

Note: Governor's explanation of partial veto is as follows:
"I am returning herewith, without my approval as to Section 7, Engrossed Second Substitute House Bill No. 1220 entitled:

"AN ACT Relating to supporting emergency shelters and housing through local planning and development regulations."

Section 7 of this bill can be read to encourage the siting and
development of accessory dwelling units in areas of the state outside
of urban growth areas. This was a technical oversight that occurred
during the legislative process. As passed, the bill inadvertently
omitted a key reference limiting these policies to urban growth
areas, which was not the intention of the bill's sponsor.

For these reasons I have vetoed Section 7 of Engrossed Second
Substitute House Bill No. 1220.
With the exception of Section 7, Engrossed Second Substitute House Bill No. 1220 is approved.

--- END ---