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**SUBSTITUTE HOUSE BILL 1099**

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**State of Washington**

**67th Legislature**

**2021 Regular Session**

**By** House Environment & Energy (originally sponsored by Representatives Duerr, Fitzgibbon, Dolan, Bateman, Ramel, Gregerson, Goodman, Ryu, Kloba, Chopp, Ormsby, Pollet, Fey, Santos, and Davis)

READ FIRST TIME 02/02/21.

1 AN ACT Relating to improving the state's climate response through  
2 updates to the state's comprehensive planning framework; amending RCW  
3 36.70A.020, 36.70A.480, 36.70A.320, 36.70A.190, 36.70A.100,  
4 36.70A.030, and 86.12.200; reenacting and amending RCW 36.70A.070;  
5 adding new sections to chapter 36.70A RCW; adding a new section to  
6 chapter 70A.45 RCW; adding a new section to chapter 47.80 RCW; adding  
7 a new section to chapter 90.58 RCW; adding a new section to chapter  
8 43.21C RCW; and creating a new section.

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

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

12 The following goals are adopted to guide the development and  
13 adoption of comprehensive plans and development regulations of those  
14 counties and cities that are required or choose to plan under RCW  
15 36.70A.040 and, where specified, also guide the development of  
16 regional policies, plans, and strategies adopted under RCW 36.70A.210  
17 and chapter 47.80 RCW. The following goals are not listed in order of  
18 priority and shall be used exclusively for the purpose of guiding the  
19 development of comprehensive plans (~~and~~), development regulations,  
20 and, where specified, regional plans, policies, and strategies:

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

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

6 (3) Transportation. Encourage efficient multimodal transportation  
7 systems that help achieve statewide targets for the reduction of  
8 greenhouse gas emissions and per capita vehicle miles traveled, and  
9 are based on regional priorities and coordinated with county and city  
10 comprehensive plans.

11 (4) Housing. Encourage the availability of affordable housing to  
12 all economic segments of the population of this state, promote a  
13 variety of residential densities and housing types, and encourage  
14 preservation of existing housing stock.

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

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

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

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

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

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

4 (11) Citizen participation and coordination. Encourage the  
5 involvement of citizens in the planning process and ensure  
6 coordination between communities and jurisdictions to reconcile  
7 conflicts.

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

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

16 (14) Climate change. Ensure that comprehensive plans, development  
17 regulations, and regional policies, plans, and strategies under RCW  
18 36.70A.210 and chapter 47.80 RCW adapt to and mitigate the effects of  
19 a changing climate, support state greenhouse gas emissions reduction  
20 requirements and state per capita vehicle miles traveled goals,  
21 prepare for climate impact scenarios, foster resiliency to climate  
22 impacts and natural hazards, and protect and enhance environmental,  
23 economic, and human health and safety.

24 **Sec. 2.** RCW 36.70A.480 and 2010 c 107 s 2 are each amended to  
25 read as follows:

26 (1) For shorelines of the state, the goals and policies of the  
27 shoreline management act as set forth in RCW 90.58.020 are added as  
28 one of the goals of this chapter as set forth in RCW 36.70A.020  
29 without creating an order of priority among the (~~fourteen~~) 15  
30 goals. The goals and policies of a shoreline master program for a  
31 county or city approved under chapter 90.58 RCW shall be considered  
32 an element of the county or city's comprehensive plan. All other  
33 portions of the shoreline master program for a county or city adopted  
34 under chapter 90.58 RCW, including use regulations, shall be  
35 considered a part of the county or city's development regulations.

36 (2) The shoreline master program shall be adopted pursuant to the  
37 procedures of chapter 90.58 RCW rather than the goals, policies, and  
38 procedures set forth in this chapter for the adoption of a  
39 comprehensive plan or development regulations.

1 (3) (a) The policies, goals, and provisions of chapter 90.58 RCW  
2 and applicable guidelines shall be the sole basis for determining  
3 compliance of a shoreline master program with this chapter except as  
4 the shoreline master program is required to comply with the internal  
5 consistency provisions of RCW 36.70A.070, 36.70A.040(4), 35.63.125,  
6 and 35A.63.105.

7 (b) Except as otherwise provided in (c) of this subsection,  
8 development regulations adopted under this chapter to protect  
9 critical areas within shorelines of the state apply within shorelines  
10 of the state until the department of ecology approves one of the  
11 following: A comprehensive master program update, as defined in RCW  
12 90.58.030; a segment of a master program relating to critical areas,  
13 as provided in RCW 90.58.090; or a new or amended master program  
14 approved by the department of ecology on or after March 1, 2002, as  
15 provided in RCW 90.58.080. The adoption or update of development  
16 regulations to protect critical areas under this chapter prior to  
17 department of ecology approval of a master program update as provided  
18 in this subsection is not a comprehensive or segment update to the  
19 master program.

20 (c) (i) Until the department of ecology approves a master program  
21 or segment of a master program as provided in (b) of this subsection,  
22 a use or structure legally located within shorelines of the state  
23 that was established or vested on or before the effective date of the  
24 local government's development regulations to protect critical areas  
25 may continue as a conforming use and may be redeveloped or modified  
26 if: (A) The redevelopment or modification is consistent with the  
27 local government's master program; and (B) the local government  
28 determines that the proposed redevelopment or modification will  
29 result in no net loss of shoreline ecological functions. The local  
30 government may waive this requirement if the redevelopment or  
31 modification is consistent with the master program and the local  
32 government's development regulations to protect critical areas.

33 (ii) For purposes of this subsection (3)(c), an agricultural  
34 activity that does not expand the area being used for the  
35 agricultural activity is not a redevelopment or modification.  
36 "Agricultural activity," as used in this subsection (3)(c), has the  
37 same meaning as defined in RCW 90.58.065.

38 (d) Upon department of ecology approval of a shoreline master  
39 program or critical area segment of a shoreline master program,  
40 critical areas within shorelines of the state are protected under

1 chapter 90.58 RCW and are not subject to the procedural and  
2 substantive requirements of this chapter, except as provided in  
3 subsection (6) of this section. Nothing in chapter 321, Laws of 2003  
4 or chapter 107, Laws of 2010 is intended to affect whether or to what  
5 extent agricultural activities, as defined in RCW 90.58.065, are  
6 subject to chapter 36.70A RCW.

7 (e) The provisions of RCW 36.70A.172 shall not apply to the  
8 adoption or subsequent amendment of a local government's shoreline  
9 master program and shall not be used to determine compliance of a  
10 local government's shoreline master program with chapter 90.58 RCW  
11 and applicable guidelines. Nothing in this section, however, is  
12 intended to limit or change the quality of information to be applied  
13 in protecting critical areas within shorelines of the state, as  
14 required by chapter 90.58 RCW and applicable guidelines.

15 (4) Shoreline master programs shall provide a level of protection  
16 to critical areas located within shorelines of the state that assures  
17 no net loss of shoreline ecological functions necessary to sustain  
18 shoreline natural resources as defined by department of ecology  
19 guidelines adopted pursuant to RCW 90.58.060.

20 (5) Shorelines of the state shall not be considered critical  
21 areas under this chapter except to the extent that specific areas  
22 located within shorelines of the state qualify for critical area  
23 designation based on the definition of critical areas provided by RCW  
24 36.70A.030(~~((5))~~) (6) and have been designated as such by a local  
25 government pursuant to RCW 36.70A.060(2).

26 (6) If a local jurisdiction's master program does not include  
27 land necessary for buffers for critical areas that occur within  
28 shorelines of the state, as authorized by RCW 90.58.030(2)(~~((f))~~)  
29 (d), then the local jurisdiction shall continue to regulate those  
30 critical areas and their required buffers pursuant to RCW  
31 36.70A.060(2).

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

34 (1) The requirements of the greenhouse gas emissions reduction  
35 subelement of the climate change and resiliency element set forth in  
36 RCW 36.70A.070 apply only to those counties that are required or that  
37 choose to plan under RCW 36.70A.040, and the cities within those  
38 counties, that meet either of the following criteria on or after  
39 January 1, 2021:

1 (a) A county with a population density of at least 100 people per  
2 square mile and a population of at least 200,000; or

3 (b) A county with a population density of at least 75 people per  
4 square mile and an annual growth rate of at least 1.75 percent as  
5 determined by the office of financial management.

6 (2) Once a county meets either of the sets of criteria set forth  
7 in subsection (1) of this section, the requirement to conform with  
8 the greenhouse gas emissions reduction subelement of the climate  
9 change and resiliency element set forth in RCW 36.70A.070 remains in  
10 effect, even if the county no longer meets one of these sets of  
11 criteria.

12 (3) If the population of a county that previously had not been  
13 required to conform with the greenhouse gas emissions reduction  
14 subelement of the climate change and resiliency element set forth in  
15 RCW 36.70A.070 changes sufficiently to meet either of the sets of  
16 criteria set forth in subsection (1) of this section, the county, and  
17 the cities within that county, shall adopt a greenhouse gas emissions  
18 reduction subelement of the climate change and resiliency element set  
19 forth in RCW 36.70A.070 at the next scheduled update of the  
20 comprehensive plan as set forth in RCW 36.70A.130.

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

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

32 (1) A land use element designating the proposed general  
33 distribution and general location and extent of the uses of land,  
34 where appropriate, for agriculture, timber production, housing,  
35 commerce, industry, recreation, open spaces, general aviation  
36 airports, public utilities, public facilities, and other land uses.  
37 The land use element shall include population densities, building  
38 intensities, and estimates of future population growth. The land use  
39 element shall provide for protection of the quality and quantity of

1 groundwater used for public water supplies. The land use element  
2 should give special consideration to achieving environmental justice  
3 in its goals and policies. In addition, the land use element must  
4 avoid creating or worsening environmental health disparities.  
5 Wherever possible, the land use element should consider utilizing  
6 urban planning approaches that promote physical activity and reduce  
7 per capita vehicle miles traveled. Where applicable, the land use  
8 element shall review drainage, flooding, and stormwater runoff in the  
9 area and nearby jurisdictions and provide guidance for corrective  
10 actions to mitigate or cleanse those discharges that pollute waters  
11 of the state, including Puget Sound or waters entering Puget Sound.  
12 The land use element must reduce and mitigate the risk to lives and  
13 property posed by wildfires including, but not limited to, by  
14 reducing residential development in the wildland urban interface  
15 area.

16 (2) A housing element ensuring the vitality and character of  
17 established residential neighborhoods that: (a) Includes an inventory  
18 and analysis of existing and projected housing needs that identifies  
19 the number of housing units necessary to manage projected growth; (b)  
20 includes a statement of goals, policies, objectives, and mandatory  
21 provisions for the preservation, improvement, and development of  
22 housing, including single-family residences; (c) identifies  
23 sufficient land for housing, including, but not limited to,  
24 government-assisted housing, housing for low-income families,  
25 manufactured housing, multifamily housing, and group homes and foster  
26 care facilities; and (d) makes adequate provisions for existing and  
27 projected needs of all economic segments of the community. In  
28 counties and cities subject to the review and evaluation requirements  
29 of RCW 36.70A.215, any revision to the housing element shall include  
30 consideration of prior review and evaluation reports and any  
31 reasonable measures identified.

32 (3) A capital facilities plan element consisting of: (a) An  
33 inventory of existing capital facilities owned by public entities,  
34 showing the locations and capacities of the capital facilities; (b) a  
35 forecast of the future needs for such capital facilities, including  
36 regional policies, plans, and strategies under RCW 36.70A.210 and  
37 chapter 47.80 RCW; (c) the proposed locations and capacities of  
38 expanded or new capital facilities; (d) at least a six-year plan that  
39 will finance such capital facilities within projected funding  
40 capacities and clearly identifies sources of public money for such

1 purposes; and (e) a requirement to reassess the land use element if  
2 probable funding falls short of meeting existing needs and to ensure  
3 that the land use element, capital facilities plan element, and  
4 financing plan within the capital facilities plan element are  
5 coordinated and consistent. Park and recreation facilities shall be  
6 included in the capital facilities plan element.

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

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

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

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

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

34 (i) Containing or otherwise controlling rural development;

35 (ii) Assuring visual compatibility of rural development with the  
36 surrounding rural area;

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

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



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

4 (vi) Protecting existing natural areas, including native forests,  
5 grasslands, wetlands, and riparian areas.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (iii) Facilities and services needs, including:

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

31 (B) Level of service standards for all locally owned arterials  
32 (~~and~~), locally and regionally operated transit routes that serve  
33 urban growth areas, and active transportation facilities to serve as  
34 a gauge to judge performance of the system and success in helping to  
35 achieve the goals of this chapter at the least cost. These standards  
36 should be regionally coordinated;

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

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

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

15 (E) Forecasts of (~~traffic~~) multimodal transportation demand and  
16 needs within cities and urban growth areas, and forecasts of traffic  
17 demand and needs outside of cities and urban growth areas, for at  
18 least ten years based on the adopted land use plan to (~~provide~~  
19 ~~information on the location, timing, and capacity needs of future~~  
20 ~~growth~~) inform the development of a transportation element that  
21 balances transportation system safety and convenience to accommodate  
22 all users of the transportation system to safely, reliably, and  
23 efficiently provide access and mobility to people and goods;

24 (F) Identification of state and local system needs to equitably  
25 meet current and future demands. Identified needs on state-owned  
26 transportation facilities must be consistent with the statewide  
27 multimodal transportation plan required under chapter 47.06 RCW.  
28 Local system needs should reflect the regional transportation system,  
29 local goals, and strive to equitably implement the multimodal  
30 network;

31 (iv) Finance, including:

32 (A) An analysis of funding capability to judge needs against  
33 probable funding resources;

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

1 developed by the office of financial management as required by RCW  
2 47.05.030;

3 (C) If probable funding falls short of meeting the identified  
4 needs of the transportation system, including state transportation  
5 facilities, a discussion of how additional funding will be raised, or  
6 how land use assumptions will be reassessed to ensure that level of  
7 service standards will be met;

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

11 (vi) Demand-management strategies;

12 (vii) (~~Pedestrian and bicycle~~) Active transportation component  
13 to include collaborative efforts to identify and designate planned  
14 improvements for (~~pedestrian and bicycle~~) active transportation  
15 facilities and corridors that address and encourage enhanced  
16 community access and promote healthy lifestyles.

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

1 development, a development approval may not be denied because it  
2 fails to meet traffic level of service standards.

3 (c) The transportation element described in this subsection (6),  
4 the six-year plans required by RCW 35.77.010 for cities, RCW  
5 36.81.121 for counties, and RCW 35.58.2795 for public transportation  
6 systems, and the ten-year investment program required by RCW  
7 47.05.030 for the state, must be consistent.

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

13 (8) A park and recreation element that implements, and is  
14 consistent with, the capital facilities plan element as it relates to  
15 park and recreation facilities. The element shall include: (a)  
16 Estimates of park and recreation demand for at least a ten-year  
17 period; (b) an evaluation of facilities and service needs; ~~((and))~~  
18 (c) an evaluation of intergovernmental coordination opportunities to  
19 provide regional approaches for meeting park and recreational demand;  
20 (d) an evaluation of consistency with fish and wildlife goals; and  
21 (e) consideration of the health disparities map, published by the  
22 department of health, to increase greenspace and tree canopy in the  
23 most pollution-burdened locations.

24 (9) A climate change and resiliency element that is designed to  
25 result in reductions in overall greenhouse gas emissions and that  
26 must enhance resiliency to and avoid the adverse impacts of climate  
27 change. The greenhouse gas emissions reduction subelement of the  
28 climate change and resiliency element is mandatory for the  
29 jurisdictions specified in section 3 of this act and is encouraged  
30 for all other jurisdictions, including those planning under RCW  
31 36.70A.040 and those planning under chapter 36.70 RCW. The resiliency  
32 subelement of the climate change and resiliency element is mandatory  
33 for all jurisdictions planning under RCW 36.70A.040 and is encouraged  
34 for those jurisdictions planning under chapter 36.70 RCW.

35 (a)(i) The greenhouse gas emissions reduction subelement of the  
36 comprehensive plan, and its related development regulations, must  
37 identify the actions the jurisdiction will take during the planning  
38 cycle consistent with the guidelines published by the department  
39 pursuant to section 5 of this act that will:

1 (A) Result in reductions in overall greenhouse gas emissions  
2 generated by the transportation and land use systems within the  
3 jurisdiction;

4 (B) Result in reductions in per capita vehicle miles traveled  
5 within the jurisdiction; and

6 (C) Prioritize reductions in communities that experience  
7 disproportionate impacts and harm due to air pollution in order to  
8 maximize the cobenefits of reduced air pollution.

9 (ii) Actions not specifically identified in the guidelines  
10 developed by the department pursuant to section 5 of this act may be  
11 considered to be consistent with those guidelines only if:

12 (A) They are projected to achieve greenhouse gas emissions  
13 reductions or per capita vehicle miles traveled reductions equivalent  
14 to what would be required of the jurisdiction under the guidelines  
15 adopted by the department; and

16 (B) They are supported by scientifically credible projections and  
17 scenarios that indicate their adoption is likely to result in  
18 reductions of greenhouse gas emissions or per capita vehicle miles  
19 traveled consistent with the reduction requirements set forth in RCW  
20 70A.45.020.

21 (b) The resiliency subelement must equitably enhance resiliency  
22 to, and avoid or substantially reduce the adverse impacts of, climate  
23 change on people, property, and ecological systems through goals,  
24 policies, and programs consistent with the best available science and  
25 scientifically credible climate projections and impact scenarios that  
26 moderate or avoid harm, enhance the resiliency of natural and human  
27 systems, and enhance beneficial opportunities. The resiliency  
28 subelement must prioritize actions in communities that will  
29 disproportionately suffer from compounding environmental impacts and  
30 will be most impacted by natural hazards due to climate change. A  
31 natural hazard mitigation plan or similar plan that is guided by RCW  
32 36.70A.020(14) and complies with the applicable requirements of this  
33 act, including the requirements set forth in this subsection (9)(b),  
34 may be adopted by reference to satisfy those requirements. Specific  
35 goals, policies, and programs of the resiliency subelement must  
36 include, but are not limited to, those designed to:

37 (i) Identify, protect, and enhance natural areas to foster  
38 resiliency to climate impacts, as well as areas of vital habitat for  
39 safe passage and species migration; and

1 (ii) Address natural hazards created or aggravated by climate  
2 change, including sea level rise, landslides, flooding, drought,  
3 heat, smoke, wildfire, and other effects of changes to temperature  
4 and precipitation patterns.

5 (c) For the jurisdictions set forth in section 3 of this act,  
6 updates to comprehensive plans and related development regulations  
7 made during the update cycle that begins in 2024 must adopt measures  
8 identified by the department pursuant to section 5 of this act that  
9 are likely to result in reductions of greenhouse gas emissions and  
10 per capita vehicle miles traveled.

11 (d) The adoption of ordinances, amendments to comprehensive  
12 plans, amendments to development regulations, and other nonproject  
13 actions taken by a county or city pursuant to (a) or (c) of this  
14 subsection in order to implement measures specified by the department  
15 pursuant to section 5 of this act are not subject to administrative  
16 or judicial appeal under chapter 43.21C RCW.

17 ~~((9))~~ (10) It is the intent that new or amended elements  
18 required after January 1, 2002, be adopted concurrent with the  
19 scheduled update provided in RCW 36.70A.130. Requirements to  
20 incorporate any such new or amended elements shall be null and void  
21 until funds sufficient to cover applicable local government costs are  
22 appropriated and distributed by the state at least two years before  
23 local government must update comprehensive plans as required in RCW  
24 36.70A.130.

25 NEW SECTION. Sec. 5. A new section is added to chapter 70A.45  
26 RCW to read as follows:

27 (1) The department of commerce, in consultation with the  
28 department of ecology, the department of health, and the department  
29 of transportation, shall publish guidelines that specify a set of  
30 measures counties and cities have available to them to take through  
31 updates to their comprehensive plans and development regulations that  
32 have a demonstrated ability to reduce greenhouse gas emissions in  
33 order to achieve the statewide greenhouse gas emissions reductions  
34 set forth in RCW 70A.45.020(1), allowing for consideration of the  
35 emissions reductions achieved through the adoption of statewide  
36 programs. The guidelines must prioritize reductions in communities  
37 that have experienced disproportionate harm due to air pollution and  
38 may draw upon the most recent health disparities data from the  
39 department of health to identify high pollution areas and



1 disproportionately burdened communities. The guidelines must be based  
2 on:

3 (a) The most recent greenhouse gas emissions report prepared by  
4 the department of ecology and the department of commerce pursuant to  
5 RCW 70A.45.020(2); and

6 (b) The most recent city and county population estimates prepared  
7 by the office of financial management pursuant to RCW 43.62.035.

8 (2) The department of commerce, in consultation with the  
9 department of transportation, shall publish guidelines that specify a  
10 set of measures counties and cities have available to them to take  
11 through updates to their comprehensive plans and development  
12 regulations that have a demonstrated ability to reduce per capita  
13 vehicle miles traveled.

14 The guidelines must be based on:

15 (a) The most recent greenhouse gas emissions report prepared by  
16 the department of ecology and the department of commerce pursuant to  
17 RCW 70A.45.020(2);

18 (b) The most recent city and county population estimates prepared  
19 by the office of financial management pursuant to RCW 43.62.035; and

20 (c) The most recent summary of per capita vehicle miles traveled  
21 as compiled by the department of transportation.

22 (3) The department of commerce shall first publish the full set  
23 of guidelines described in subsections (1) and (2) of this section no  
24 later than December 31, 2025. The department of commerce shall update  
25 these guidelines at least every four years thereafter based on the  
26 most recently available data, and shall provide for a process for  
27 local governments and other parties to submit alternative actions for  
28 consideration for inclusion into the guidelines at least once per  
29 year. The department of commerce shall publish an intermediate set of  
30 guidelines no later than December 31, 2022, in order to be available  
31 for use by jurisdictions whose periodic updates are required by RCW  
32 36.70A.130(5) to occur prior to December 31, 2025.

33 (4) In any updates to the guidelines published after 2025, the  
34 department of commerce shall include a determination of whether  
35 adequate progress has been made toward the statewide greenhouse gas  
36 and per capita vehicle miles traveled reduction goals. If adequate  
37 progress is not being made, the department must identify in the  
38 guidelines what additional measures cities and counties must take in  
39 order to make further progress.

1 NEW SECTION. **Sec. 6.** A new section is added to chapter 36.70A

2 RCW to read as follows:

3 (1) A greenhouse gas emissions reduction subelement required by  
4 RCW 36.70A.070 becomes effective when approved by the department as  
5 provided in this section. The department shall strive to achieve  
6 final action on a submitted greenhouse gas emissions reduction  
7 subelement within 180 days of receipt and shall post an annual  
8 assessment related to this performance benchmark on the agency  
9 website.

10 (2) Upon receipt of a proposed greenhouse gas emissions reduction  
11 subelement, the department shall:

12 (a) Provide notice to and opportunity for written comment by all  
13 interested parties of record as a part of the local government review  
14 process for the proposal and to all persons, groups, and agencies  
15 that have requested in writing notice of proposed greenhouse gas  
16 emissions reduction subelements. The comment period shall be at least  
17 30 days, unless the department determines that the level of  
18 complexity or controversy involved supports a shorter period;

19 (b) In the department's discretion, conduct a public hearing  
20 during the 30-day comment period in the jurisdiction proposing the  
21 greenhouse gas emissions reduction subelement;

22 (c) Within 15 days after the close of public comment, request the  
23 local government to review the issues identified by the public,  
24 interested parties, groups, and agencies and provide a written  
25 response as to how the proposal addresses the identified issues;

26 (d) Within 30 days after receipt of the local government response  
27 pursuant to (c) of this subsection, make written findings and  
28 conclusions regarding the consistency of the proposal with the policy  
29 of RCW 36.70A.070 and, after they are adopted, the applicable  
30 guidelines adopted by the department pursuant to section 5 of this  
31 act and any reduction allocations made pursuant to RCW 36.70A.100,  
32 provide a response to the issues identified in (c) of this  
33 subsection, and either approve the greenhouse gas emissions reduction  
34 subelement as submitted, recommend specific changes necessary to make  
35 the greenhouse gas emissions reduction subelement approvable, or deny  
36 approval of the greenhouse gas emissions reduction subelement in  
37 those instances where no alteration of the greenhouse gas emissions  
38 reduction subelement appears likely to be consistent with the policy  
39 of RCW 36.70A.070 and the applicable guidelines. The written findings  
40 and conclusions shall be provided to the local government, and made

1 available to all interested persons, parties, groups, and agencies of  
2 record on the proposal;

3 (e) If the department recommends changes to the proposed  
4 greenhouse gas emissions reduction subelement, within 90 days after  
5 the department mails the written findings and conclusions to the  
6 local government, require the local government to:

7 (i) Agree to the proposed changes by written notice to the  
8 department; or

9 (ii) Submit an alternative greenhouse gas emissions reduction  
10 subelement. If, in the opinion of the department, the alternative is  
11 consistent with the purpose and intent of the changes originally  
12 submitted by the department and with this chapter it shall approve  
13 the changes and provide notice to all recipients of the written  
14 findings and conclusions. If the department determines the proposed  
15 greenhouse gas emissions reduction subelement is not consistent with  
16 the purpose and intent of the changes proposed by the department, the  
17 department may resubmit the proposed greenhouse gas emissions  
18 reduction subelement for public and agency review pursuant to this  
19 section or reject the proposed greenhouse gas emissions reduction  
20 subelement.

21 (3) The department shall approve a proposed greenhouse gas  
22 emissions reduction subelement unless it determines that the proposed  
23 greenhouse gas emissions reduction subelement is not consistent with  
24 the policy of RCW 36.70A.070 and, after they are adopted, the  
25 applicable guidelines.

26 (4) A greenhouse gas emissions reduction subelement takes effect  
27 when and in such form as approved or adopted by the department. The  
28 effective date is 14 days from the date of the department's written  
29 notice of final action to the local government stating the department  
30 has approved or rejected the proposed greenhouse gas emissions  
31 reduction subelement. The department's written notice to the local  
32 government must conspicuously and plainly state that it is the  
33 department's final decision and that there will be no further  
34 modifications to the proposed greenhouse gas emissions reduction  
35 subelement. The department shall maintain a record of each greenhouse  
36 gas emissions reduction subelement, the action taken on any proposed  
37 greenhouse gas emissions reduction subelement, and any appeal of the  
38 department's action. The department's approved document of record  
39 constitutes the official greenhouse gas emissions reduction  
40 subelement.

1 (5) Promptly after approval or disapproval of a local  
2 government's greenhouse gas emissions reduction subelement, the  
3 department shall publish a notice consistent with RCW 36.70A.290 that  
4 the greenhouse gas emissions reduction subelement has been approved  
5 or disapproved. This notice must be filed for all greenhouse gas  
6 emissions reduction subelements.

7 (6) The department's final decision to approve or reject a  
8 proposed greenhouse gas emissions reduction subelement or amendment  
9 by a local government planning under RCW 36.70A.040 may be appealed  
10 according to the following provisions:

11 (a) The department's final decision to approve or reject a  
12 proposed greenhouse gas emissions reduction subelement or amendment  
13 by a local government planning under RCW 36.70A.040 may be appealed  
14 to the growth management hearings board by filing a petition as  
15 provided in RCW 36.70A.290.

16 (b) A decision of the growth management hearings board concerning  
17 an appeal of the department's final decision to approve or reject a  
18 proposed greenhouse gas emissions reduction subelement or amendment  
19 must be based solely on whether or not the adopted or amended  
20 greenhouse gas emissions reduction subelement, any adopted amendments  
21 to other elements of the comprehensive plan necessary to carry out  
22 the subelement, and any adopted or amended development regulations  
23 necessary to implement the subelement, comply with the goal set forth  
24 in RCW 36.70A.020(14) as it applies to greenhouse gas emissions  
25 reductions, RCW 36.70A.070(9) excluding RCW 36.70A.070(9)(b), the  
26 guidelines adopted under section 5 of this act applicable to the  
27 greenhouse gas emissions reduction subelement, or chapter 43.21C RCW.

28 **Sec. 7.** RCW 36.70A.320 and 1997 c 429 s 20 are each amended to  
29 read as follows:

30 (1) Except as provided in subsections (5) and (6) of this  
31 section, comprehensive plans and development regulations, and  
32 amendments thereto, adopted under this chapter are presumed valid  
33 upon adoption.

34 (2) Except as otherwise provided in subsection (4) of this  
35 section, the burden is on the petitioner to demonstrate that any  
36 action taken by a state agency, county, or city under this chapter is  
37 not in compliance with the requirements of this chapter.

38 (3) In any petition under this chapter, the board, after full  
39 consideration of the petition, shall determine whether there is

1 compliance with the requirements of this chapter. In making its  
2 determination, the board shall consider the criteria adopted by the  
3 department under RCW 36.70A.190(4). The board shall find compliance  
4 unless it determines that the action by the state agency, county, or  
5 city is clearly erroneous in view of the entire record before the  
6 board and in light of the goals and requirements of this chapter.

7 (4) A county or city subject to a determination of invalidity  
8 made under RCW 36.70A.300 or 36.70A.302 has the burden of  
9 demonstrating that the ordinance or resolution it has enacted in  
10 response to the determination of invalidity will no longer  
11 substantially interfere with the fulfillment of the goals of this  
12 chapter under the standard in RCW 36.70A.302(1).

13 (5) The shoreline element of a comprehensive plan and the  
14 applicable development regulations adopted by a county or city shall  
15 take effect as provided in chapter 90.58 RCW.

16 (6) The greenhouse gas emissions reduction subelement required by  
17 RCW 36.70A.070 shall take effect as provided in section 6 of this  
18 act.

19 **Sec. 8.** RCW 36.70A.190 and 1991 sp.s. c 32 s 3 are each amended  
20 to read as follows:

21 (1) The department shall establish a program of technical and  
22 financial assistance and incentives to counties and cities to  
23 encourage and facilitate the adoption and implementation of  
24 comprehensive plans and development regulations throughout the state.

25 (2) The department shall develop a priority list and establish  
26 funding levels for planning and technical assistance grants both for  
27 counties and cities that plan under RCW 36.70A.040. Priority for  
28 assistance shall be based on a county's or city's population growth  
29 rates, commercial and industrial development rates, the existence and  
30 quality of a comprehensive plan and development regulations, and  
31 other relevant factors.

32 (3) The department shall develop and administer a grant program  
33 to provide direct financial assistance to counties and cities for the  
34 preparation of comprehensive plans under this chapter. The department  
35 may establish provisions for county and city matching funds to  
36 conduct activities under this subsection. Grants may be expended for  
37 any purpose directly related to the preparation of a county or city  
38 comprehensive plan as the county or city and the department may  
39 agree, including, without limitation, the conducting of surveys,

1 inventories and other data gathering and management activities, the  
2 retention of planning consultants, contracts with regional councils  
3 for planning and related services, and other related purposes.

4 (4) The department shall establish a program of technical  
5 assistance:

6 (a) Utilizing department staff, the staff of other state  
7 agencies, and the technical resources of counties and cities to help  
8 in the development of comprehensive plans required under this  
9 chapter. The technical assistance may include, but not be limited to,  
10 model land use ordinances, regional education and training programs,  
11 and information for local and regional inventories; and

12 (b) Adopting by rule procedural criteria to assist counties and  
13 cities in adopting comprehensive plans and development regulations  
14 that meet the goals and requirements of this chapter. These criteria  
15 shall reflect regional and local variations and the diversity that  
16 exists among different counties and cities that plan under this  
17 chapter.

18 (5) The department shall provide mediation services to resolve  
19 disputes between counties and cities regarding, among other things,  
20 coordination of regional issues and designation of urban growth  
21 areas.

22 (6) The department shall provide planning grants to enhance  
23 citizen participation under RCW 36.70A.140.

24 (7) The department shall develop, in collaboration with the  
25 department of ecology, the department of fish and wildlife, the  
26 department of natural resources, the department of health, the  
27 emergency management division of the military department, as well as  
28 any federally recognized tribe whose reservation is within the state  
29 of Washington who chooses to voluntarily participate, and adopt by  
30 rule guidance that creates a model climate change and resiliency  
31 element that may be used by counties, cities, and multiple-county  
32 planning regions for developing and implementing climate change and  
33 resiliency plans and policies required by RCW 36.70A.070(9), subject  
34 to the following provisions:

35 (a) The model element must establish minimum requirements or  
36 include model options for fulfilling the requirements of RCW  
37 36.70A.070(9);

38 (b) The model element should provide guidance on identifying,  
39 designing, and investing in infrastructure that supports community  
40 resilience to climate impacts, including the protection, restoration,

1 and enhancement of natural infrastructure as well as traditional  
2 infrastructure and protecting and enhancing natural areas to foster  
3 resiliency to climate impacts, as well as areas of vital habitat for  
4 safe passage and species migration;

5 (c) The model element should provide guidance on identifying and  
6 addressing natural hazards created or aggravated by climate change,  
7 including sea level rise, landslides, flooding, drought, heat, smoke,  
8 wildfires, and other effects of reasonably anticipated changes to  
9 temperature and precipitation patterns; and

10 (d) The rule must recognize and promote as many cobenefits of  
11 climate resilience as possible such as salmon recovery, forest  
12 health, and ecosystem services.

13 **Sec. 9.** RCW 36.70A.100 and 1990 1st ex.s. c 17 s 10 are each  
14 amended to read as follows:

15 The comprehensive plan of each county or city (~~(that is)~~) adopted  
16 pursuant to RCW 36.70A.040 shall be (~~coordinated~~):

17 (1) Coordinated with, and consistent with, the comprehensive  
18 plans adopted pursuant to RCW 36.70A.040 of other counties or cities  
19 with which the county or city has, in part, common borders or related  
20 regional issues; and

21 (2) Consistent with the regional transportation plans required  
22 under RCW 47.80.030 for the region within which the county or city is  
23 located.

24 NEW SECTION. **Sec. 10.** A new section is added to chapter 47.80  
25 RCW to read as follows:

26 The department shall compile, maintain, and publish a summary of  
27 the per capita vehicle miles traveled annually in each city in the  
28 state, and in the unincorporated portions of each county in the  
29 state.

30 NEW SECTION. **Sec. 11.** A new section is added to chapter 90.58  
31 RCW to read as follows:

32 The department shall update its shoreline master program  
33 guidelines to require shoreline master programs to address the impact  
34 of sea level rise and increased storm severity on people, property,  
35 and shoreline natural resources and the environment.

1       **Sec. 12.** RCW 36.70A.030 and 2020 c 173 s 4 are each amended to  
2 read as follows:

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

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

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

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

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

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

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

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

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

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



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

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

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

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

33 (11) "Freight rail dependent uses" means buildings and other  
34 infrastructure that are used in the fabrication, processing, storage,  
35 and transport of goods where the use is dependent on and makes use of  
36 an adjacent short line railroad. Such facilities are both urban and  
37 rural development for purposes of this chapter. "Freight rail  
38 dependent uses" does not include buildings and other infrastructure  
39 that are used in the fabrication, processing, storage, and transport

1 of coal, liquefied natural gas, or "crude oil" as defined in RCW  
2 90.56.010.

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

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

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

19 (15) "Minerals" include gravel, sand, and valuable metallic  
20 substances.

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

37 (17) "Public facilities" include streets, roads, highways,  
38 sidewalks, street and road lighting systems, traffic signals,  
39 domestic water systems, storm and sanitary sewer systems, parks and  
40 recreational facilities, and schools.

1 (18) "Public services" include fire protection and suppression,  
2 law enforcement, public health, education, recreation, environmental  
3 protection, and other governmental services.

4 (19) "Recreational land" means land so designated under RCW  
5 36.70A.1701 and that, immediately prior to this designation, was  
6 designated as agricultural land of long-term commercial significance  
7 under RCW 36.70A.170. Recreational land must have playing fields and  
8 supporting facilities existing before July 1, 2004, for sports played  
9 on grass playing fields.

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

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

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

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

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

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

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

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

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

36 (22) "Rural governmental services" or "rural services" include  
37 those public services and public facilities historically and  
38 typically delivered at an intensity usually found in rural areas, and  
39 may include domestic water systems, fire and police protection  
40 services, transportation and public transit services, and other

1 public utilities associated with rural development and normally not  
2 associated with urban areas. Rural services do not include storm or  
3 sanitary sewers, except as otherwise authorized by RCW 36.70A.110(4).

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

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

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

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

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

35 (28) "Wetland" or "wetlands" means areas that are inundated or  
36 saturated by surface water or groundwater at a frequency and duration  
37 sufficient to support, and that under normal circumstances do  
38 support, a prevalence of vegetation typically adapted for life in  
39 saturated soil conditions. Wetlands generally include swamps,  
40 marshes, bogs, and similar areas. Wetlands do not include those

1 artificial wetlands intentionally created from nonwetland sites,  
2 including, but not limited to, irrigation and drainage ditches,  
3 grass-lined swales, canals, detention facilities, wastewater  
4 treatment facilities, farm ponds, and landscape amenities, or those  
5 wetlands created after July 1, 1990, that were unintentionally  
6 created as a result of the construction of a road, street, or  
7 highway. Wetlands may include those artificial wetlands intentionally  
8 created from nonwetland areas created to mitigate conversion of  
9 wetlands.

10 (29) "Per capita vehicle miles traveled" means the number of  
11 miles traveled using cars and light trucks in a calendar year divided  
12 by the number of residents in Washington. The calculation of this  
13 value excludes vehicle miles driven conveying freight.

14 (30) "Active transportation" means forms of pedestrian mobility  
15 including walking or running, the use of a mobility assistive device  
16 such as a wheelchair, bicycling and cycling irrespective of the  
17 number of wheels, and the use of small personal devices such as foot  
18 scooters or skateboards. Active transportation includes both  
19 traditional and electric assist bicycles and other devices. Planning  
20 for active transportation must consider and address accommodation  
21 pursuant to the Americans with disabilities act and the distinct  
22 needs of each form of active transportation.

23 (31) "Transportation system" means all infrastructure and  
24 services for all forms of transportation within a geographical area,  
25 irrespective of the responsible jurisdiction or transportation  
26 provider.

27 (32) "Environmental justice" means the fair treatment and  
28 meaningful involvement of all people regardless of race, color,  
29 national origin, or income with respect to development,  
30 implementation, and enforcement of environmental laws, regulations,  
31 and policies; with a focus on the equitable distribution of  
32 resources, benefits, and burdens in a manner that prioritizes  
33 communities that experience the greatest inequities, disproportionate  
34 impacts, and have the greatest unmet needs.

35 **Sec. 13.** RCW 86.12.200 and 1991 c 322 s 3 are each amended to  
36 read as follows:

37 The county legislative authority of any county may adopt a  
38 comprehensive flood control management plan for any drainage basin  
39 that is located wholly or partially within the county.

1 A comprehensive flood control management plan shall include the  
2 following elements:

3 (1) Designation of areas that are susceptible to periodic  
4 flooding, from inundation by bodies of water or surface water runoff,  
5 or both, including the river's meander belt or floodway;

6 (2) Establishment of a comprehensive scheme of flood control  
7 protection and improvements for the areas that are subject to such  
8 periodic flooding, that includes: (a) Determining the need for, and  
9 desirable location of, flood control improvements to protect or  
10 preclude flood damage to structures, works, and improvements, based  
11 upon a cost/benefit ratio between the expense of providing and  
12 maintaining these improvements and the benefits arising from these  
13 improvements; (b) establishing the level of flood protection that  
14 each portion of the system of flood control improvements will be  
15 permitted; (c) identifying alternatives to in-stream flood control  
16 work; (d) identifying areas where flood waters could be directed  
17 during a flood to avoid damage to buildings and other structures; and  
18 (e) identifying sources of revenue that will be sufficient to finance  
19 the comprehensive scheme of flood control protection and  
20 improvements;

21 (3) Establishing land use regulations that preclude the location  
22 of structures, works, or improvements in critical portions of such  
23 areas subject to periodic flooding, including a river's meander belt  
24 or floodway, and permitting only flood-compatible land uses in such  
25 areas;

26 (4) Establishing restrictions on construction activities in areas  
27 subject to periodic floods that require the flood proofing of those  
28 structures that are permitted to be constructed or remodeled; (~~and~~)

29 (5) Establishing restrictions on land clearing activities and  
30 development practices that exacerbate flood problems by increasing  
31 the flow or accumulation of flood waters, or the intensity of  
32 drainage, on low-lying areas. Land clearing activities do not include  
33 forest practices as defined in chapter 76.09 RCW; and

34 (6) Consideration of climate change impacts, including the impact  
35 of sea level rise and increased storm severity on people, property,  
36 natural resources, and the environment.

37 A comprehensive flood control management plan shall be subject to  
38 the minimum requirements for participation in the national flood  
39 insurance program, requirements exceeding the minimum national flood  
40 insurance program that have been adopted by the department of ecology

1 for a specific floodplain pursuant to RCW 86.16.031, and rules  
2 adopted by the department of ecology pursuant to RCW 86.26.050  
3 relating to floodplain management activities. When a county plans  
4 under chapter 36.70A RCW, it may incorporate the portion of its  
5 comprehensive flood control management plan relating to land use  
6 restrictions in its comprehensive plan and development regulations  
7 adopted pursuant to chapter 36.70A RCW.

8 NEW SECTION. **Sec. 14.** A new section is added to chapter 43.21C  
9 RCW to read as follows:

10 The adoption of ordinances, amendments to comprehensive plans,  
11 amendments to development regulations, and other nonproject actions  
12 taken by a county or city pursuant to RCW 36.70A.070(9) (a) or (c) in  
13 order to implement measures specified by the department of commerce  
14 pursuant to section 5 of this act are not subject to administrative  
15 or judicial appeals under this chapter.

16 NEW SECTION. **Sec. 15.** The requirements of this act are subject  
17 to the availability of funds appropriated to support local  
18 governments for the specific purpose of complying with this act. If  
19 sufficient funds are not appropriated consistent with the timelines  
20 set forth in RCW 36.70A.070(9), counties and cities shall not be  
21 subject to the requirements set forth in sections 1 and 4 of this  
22 act, and instead, RCW 36.70A.020 and 36.70A.070 shall apply as they  
23 exist on January 1, 2021.

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