

E2SHB 1181 - S AMD
By Senator

ADOPTED AND ENGROSSED 04/07/2023

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

3 "Sec. 1. RCW 36.70A.020 and 2021 c 254 s 1 are each amended to
4 read as follows:

5 The following goals are adopted to guide the development and
6 adoption of comprehensive plans and development regulations of those
7 counties and cities that are required or choose to plan under RCW
8 36.70A.040 and, where specified, also guide the development of
9 regional policies, plans, and strategies adopted under RCW 36.70A.210
10 and chapter 47.80 RCW. The following goals are not listed in order of
11 priority and shall be used exclusively for the purpose of guiding the
12 development of comprehensive plans (~~and~~), development regulations,
13 and, where specified, regional plans, policies, and strategies:

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

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

19 (3) Transportation. Encourage efficient multimodal transportation
20 systems that will reduce greenhouse gas emissions and per capita
21 vehicle miles traveled, and are based on regional priorities and
22 coordinated with county and city comprehensive plans.

23 (4) Housing. Plan for and accommodate housing affordable to all
24 economic segments of the population of this state, promote a variety
25 of residential densities and housing types, and encourage
26 preservation of existing housing stock.

27 (5) Economic development. Encourage economic development
28 throughout the state that is consistent with adopted comprehensive
29 plans, promote economic opportunity for all citizens of this state,
30 especially for unemployed and for disadvantaged persons, promote the
31 retention and expansion of existing businesses and recruitment of new
32 businesses, recognize regional differences impacting economic

1 development opportunities, and encourage growth in areas experiencing
2 insufficient economic growth, all within the capacities of the
3 state's natural resources, public services, and public facilities.

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

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

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

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

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

23 (11) Citizen participation and coordination. Encourage the
24 involvement of citizens in the planning process, including the
25 participation of vulnerable populations and overburdened communities,
26 and ensure coordination between communities and jurisdictions to
27 reconcile conflicts.

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

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

36 (14) Climate change and resiliency. Ensure that comprehensive
37 plans, development regulations, and regional policies, plans, and
38 strategies under RCW 36.70A.210 and chapter 47.80 RCW adapt to and
39 mitigate the effects of a changing climate; support reductions in
40 greenhouse gas emissions and per capita vehicle miles traveled;

1 prepare for climate impact scenarios; foster resiliency to climate
2 impacts and natural hazards; protect and enhance environmental,
3 economic, and human health and safety; and advance environmental
4 justice.

5 (15) Shorelines of the state. For shorelines of the state, the
6 goals and policies of the shoreline management act as set forth in
7 RCW 90.58.020 shall be considered an element of the county's or
8 city's comprehensive plan.

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

11 (1) For shorelines of the state, the goals and policies of the
12 shoreline management act as set forth in RCW 90.58.020 are added as
13 one of the goals of this chapter as set forth in RCW 36.70A.020
14 without creating an order of priority among the (~~fourteen~~) 15
15 goals. The goals and policies of a shoreline master program for a
16 county or city approved under chapter 90.58 RCW shall be considered
17 an element of the county or city's comprehensive plan. All other
18 portions of the shoreline master program for a county or city adopted
19 under chapter 90.58 RCW, including use regulations, shall be
20 considered a part of the county or city's development regulations.

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

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

31 (b) Except as otherwise provided in (c) of this subsection,
32 development regulations adopted under this chapter to protect
33 critical areas within shorelines of the state apply within shorelines
34 of the state until the department of ecology approves one of the
35 following: A comprehensive master program update, as defined in RCW
36 90.58.030; a segment of a master program relating to critical areas,
37 as provided in RCW 90.58.090; or a new or amended master program
38 approved by the department of ecology on or after March 1, 2002, as
39 provided in RCW 90.58.080. The adoption or update of development

1 regulations to protect critical areas under this chapter prior to
2 department of ecology approval of a master program update as provided
3 in this subsection is not a comprehensive or segment update to the
4 master program.

5 (c) (i) Until the department of ecology approves a master program
6 or segment of a master program as provided in (b) of this subsection,
7 a use or structure legally located within shorelines of the state
8 that was established or vested on or before the effective date of the
9 local government's development regulations to protect critical areas
10 may continue as a conforming use and may be redeveloped or modified
11 if: (A) The redevelopment or modification is consistent with the
12 local government's master program; and (B) the local government
13 determines that the proposed redevelopment or modification will
14 result in no net loss of shoreline ecological functions. The local
15 government may waive this requirement if the redevelopment or
16 modification is consistent with the master program and the local
17 government's development regulations to protect critical areas.

18 (ii) For purposes of this subsection (3)(c), an agricultural
19 activity that does not expand the area being used for the
20 agricultural activity is not a redevelopment or modification.
21 "Agricultural activity," as used in this subsection (3)(c), has the
22 same meaning as defined in RCW 90.58.065.

23 (d) Upon department of ecology approval of a shoreline master
24 program or critical area segment of a shoreline master program,
25 critical areas within shorelines of the state are protected under
26 chapter 90.58 RCW and are not subject to the procedural and
27 substantive requirements of this chapter, except as provided in
28 subsection (6) of this section. Nothing in chapter 321, Laws of 2003
29 or chapter 107, Laws of 2010 is intended to affect whether or to what
30 extent agricultural activities, as defined in RCW 90.58.065, are
31 subject to chapter 36.70A RCW.

32 (e) The provisions of RCW 36.70A.172 shall not apply to the
33 adoption or subsequent amendment of a local government's shoreline
34 master program and shall not be used to determine compliance of a
35 local government's shoreline master program with chapter 90.58 RCW
36 and applicable guidelines. Nothing in this section, however, is
37 intended to limit or change the quality of information to be applied
38 in protecting critical areas within shorelines of the state, as
39 required by chapter 90.58 RCW and applicable guidelines.

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

6 (5) Shorelines of the state shall not be considered critical
7 areas under this chapter except to the extent that specific areas
8 located within shorelines of the state qualify for critical area
9 designation based on the definition of critical areas provided by RCW
10 36.70A.030(~~((5))~~) (6) and have been designated as such by a local
11 government pursuant to RCW 36.70A.060(2).

12 (6) If a local jurisdiction's master program does not include
13 land necessary for buffers for critical areas that occur within
14 shorelines of the state, as authorized by RCW 90.58.030(2)(~~((f))~~)
15 (d), then the local jurisdiction shall continue to regulate those
16 critical areas and their required buffers pursuant to RCW
17 36.70A.060(2).

18 **Sec. 3.** RCW 36.70A.070 and 2022 c 246 s 2 and 2022 c 220 s 1 are
19 each reenacted and amended to read as follows:

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

29 (1) A land use element designating the proposed general
30 distribution and general location and extent of the uses of land,
31 where appropriate, for agriculture, timber production, housing,
32 commerce, industry, recreation, open spaces and green spaces, urban
33 and community forests within the urban growth area, general aviation
34 airports, public utilities, public facilities, and other land uses.
35 The land use element shall include population densities, building
36 intensities, and estimates of future population growth. The land use
37 element shall provide for protection of the quality and quantity of
38 groundwater used for public water supplies. The land use element must
39 give special consideration to achieving environmental justice in its

1 goals and policies, including efforts to avoid creating or worsening
2 environmental health disparities. Wherever possible, the land use
3 element should consider utilizing urban planning approaches that
4 promote physical activity and reduce per capita vehicle miles
5 traveled within the jurisdiction, but without increasing greenhouse
6 gas emissions elsewhere in the state. Where applicable, the land use
7 element shall review drainage, flooding, and stormwater runoff in the
8 area and nearby jurisdictions and provide guidance for corrective
9 actions to mitigate or cleanse those discharges that pollute waters
10 of the state, including Puget Sound or waters entering Puget Sound.
11 The land use element must reduce and mitigate the risk to lives and
12 property posed by wildfires by using land use planning tools, which
13 may include, but are not limited to, adoption of portions or all of
14 the wildland urban interface code developed by the international code
15 council or developing building and maintenance standards consistent
16 with the firewise USA program or similar program designed to reduce
17 wildfire risk, reducing wildfire risks to residential development in
18 high risk areas and the wildland urban interface area, separating
19 human development from wildfire prone landscapes, and protecting
20 existing residential development and infrastructure through community
21 wildfire preparedness and fire adaptation measures.

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

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

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

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

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

38 (c) Identifies sufficient capacity of land for housing including,
39 but not limited to, government-assisted housing, housing for
40 moderate, low, very low, and extremely low-income households,

1 manufactured housing, multifamily housing, group homes, foster care
2 facilities, emergency housing, emergency shelters, permanent
3 supportive housing, and within an urban growth area boundary,
4 consideration of duplexes, triplexes, and townhomes;

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

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

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

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

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

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

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

20 (ii) Disinvestment; and

21 (iii) Infrastructure availability;

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

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

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

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

1 The adoption of ordinances, development regulations and
2 amendments to such regulations, and other nonproject actions taken by
3 a city that is required or chooses to plan under RCW 36.70A.040 that
4 increase housing capacity, increase housing affordability, and
5 mitigate displacement as required under this subsection (2) and that
6 apply outside of critical areas are not subject to administrative or
7 judicial appeal under chapter 43.21C RCW unless the adoption of such
8 ordinances, development regulations and amendments to such
9 regulations, or other nonproject actions has a probable significant
10 adverse impact on fish habitat.

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

25 The county or city shall identify all public entities that own
26 capital facilities and endeavor in good faith to work with other
27 public entities, such as special purpose districts, to gather and
28 include within its capital facilities element the information
29 required by this subsection. If, after a good faith effort, the
30 county or city is unable to gather the information required by this
31 subsection from the other public entities, the failure to include
32 such information in its capital facilities element cannot be grounds
33 for a finding of noncompliance or invalidity under this act. A good
34 faith effort must, at a minimum, include consulting the public
35 entity's capital facility or system plans and emailing and calling
36 the staff of the public entity.

37 (4) (a) A utilities element consisting of the general location,
38 proposed location, and capacity of all existing and proposed
39 utilities(~~(r)~~) including, but not limited to, electrical (~~(lines)~~),

1 (~~telecommunication lines~~) telecommunications, and natural gas
2 (~~lines~~) systems.

3 (b) The county or city shall identify all public entities that
4 own utility systems and endeavor in good faith to work with other
5 public entities, such as special purpose districts, to gather and
6 include within its utilities element the information required in (a)
7 of this subsection. However, if, after a good faith effort, the
8 county or city is unable to gather the information required in (a) of
9 this subsection from the other public entities, the failure to
10 include such information in the utilities element shall not be
11 grounds for a finding of noncompliance or invalidity under this act.
12 A good faith effort must, at a minimum, include consulting the public
13 entity's capital facility or system plans, and emailing and calling
14 the staff of the public entity.

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

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

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

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

- 38 (i) Containing or otherwise controlling rural development;
- 39 (ii) Assuring visual compatibility of rural development with the
40 surrounding rural area;

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

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

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

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

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

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

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

26 (C) Any development or redevelopment in terms of building size,
27 scale, use, or intensity may be permitted subject to confirmation
28 from all existing providers of public facilities and public services
29 of sufficient capacity of existing public facilities and public
30 services to serve any new or additional demand from the new
31 development or redevelopment. Development and redevelopment may
32 include changes in use from vacant land or a previously existing use
33 so long as the new use conforms to the requirements of this
34 subsection (5) and is consistent with the local character. Any
35 commercial development or redevelopment within a mixed-use area must
36 be principally designed to serve the existing and projected rural
37 population and must meet the following requirements:

38 (I) Any included retail or food service space must not exceed the
39 footprint of previously occupied space or 5,000 square feet,
40 whichever is greater, for the same or similar use; and

1 (II) Any included retail or food service space must not exceed
2 2,500 square feet for a new use;

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

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

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

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

6 (v) For purposes of this subsection (5)(d), an existing area or
7 existing use is one that was in existence:

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

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

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

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

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

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

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

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

32 (iii) Facilities and services needs, including:

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

1 (B) (~~Level~~) Multimodal level of service standards for all
2 locally owned arterials (~~and~~), locally and regionally operated
3 transit routes that serve urban growth areas, state-owned or operated
4 transit routes that serve urban areas if the department of
5 transportation has prepared such standards, and active transportation
6 facilities to serve as a gauge to judge performance of the system and
7 success in helping to achieve the goals of this chapter consistent
8 with environmental justice. These standards should be regionally
9 coordinated;

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

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

28 (E) Forecasts of (~~traffic~~) multimodal transportation demand and
29 needs within cities and urban growth areas, and forecasts of
30 multimodal transportation demand and needs outside of cities and
31 urban growth areas, for at least ten years based on the adopted land
32 use plan to (~~provide information on the location, timing, and~~
33 ~~capacity needs of future growth~~) inform the development of a
34 transportation element that balances transportation system safety and
35 convenience to accommodate all users of the transportation system to
36 safely, reliably, and efficiently provide access and mobility to
37 people and goods. Priority must be given to inclusion of
38 transportation facilities and services providing the greatest
39 multimodal safety benefit to each category of roadway users for the
40 context and speed of the facility;

1 (F) Identification of state and local system needs to equitably
2 meet current and future demands. Identified needs on state-owned
3 transportation facilities must be consistent with the statewide
4 multimodal transportation plan required under chapter 47.06 RCW.
5 Local system needs should reflect the regional transportation system
6 and local goals, and strive to equitably implement the multimodal
7 network;

8 (G) A transition plan for transportation as required in Title II
9 of the Americans with disabilities act of 1990 (ADA). As a necessary
10 step to a program access plan to provide accessibility under the ADA,
11 state and local government, public entities, and public agencies are
12 required to perform self-evaluations of their current facilities,
13 relative to accessibility requirements of the ADA. The agencies are
14 then required to develop a program access plan, which can be called a
15 transition plan, to address any deficiencies. The plan is intended to
16 achieve the following:

17 (I) Identify physical obstacles that limit the accessibility of
18 facilities to individuals with disabilities;

19 (II) Describe the methods to be used to make the facilities
20 accessible;

21 (III) Provide a schedule for making the access modifications; and

22 (IV) Identify the public officials responsible for implementation
23 of the transition plan;

24 (iv) Finance, including:

25 (A) An analysis of funding capability to judge needs against
26 probable funding resources;

27 (B) A multiyear financing plan based on the needs identified in
28 the comprehensive plan, the appropriate parts of which shall serve as
29 the basis for the six-year street, road, or transit program required
30 by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW
31 35.58.2795 for public transportation systems. The multiyear financing
32 plan should be coordinated with the ten-year investment program
33 developed by the office of financial management as required by RCW
34 47.05.030;

35 (C) If probable funding falls short of meeting the identified
36 needs of the transportation system, including state transportation
37 facilities, a discussion of how additional funding will be raised, or
38 how land use assumptions will be reassessed to ensure that level of
39 service standards will be met;

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

4 (vi) Demand-management strategies;

5 (vii) (~~(Pedestrian and bicycle)~~) Active transportation component
6 to include collaborative efforts to identify and designate planned
7 improvements for (~~(pedestrian and bicycle)~~) active transportation
8 facilities and corridors that address and encourage enhanced
9 community access and promote healthy lifestyles.

10 (b) After adoption of the comprehensive plan by jurisdictions
11 required to plan or who choose to plan under RCW 36.70A.040, local
12 jurisdictions must adopt and enforce ordinances which prohibit
13 development approval if the development causes the level of service
14 on a locally owned or locally or regionally operated transportation
15 facility to decline below the standards adopted in the transportation
16 element of the comprehensive plan, unless transportation improvements
17 or strategies to accommodate the impacts of development are made
18 concurrent with the development. These strategies may include
19 (~~(increased)~~) active transportation facility improvements, increased
20 or enhanced public transportation service, ride-sharing programs,
21 demand management, and other transportation systems management
22 strategies. For the purposes of this subsection (6), "concurrent with
23 the development" means that improvements or strategies are in place
24 at the time of development, or that a financial commitment is in
25 place to complete the improvements or strategies within six years. If
26 the collection of impact fees is delayed under RCW 82.02.050(3), the
27 six-year period required by this subsection (6)(b) must begin after
28 full payment of all impact fees is due to the county or city. A
29 development proposal may not be denied for causing the level of
30 service on a locally owned or locally or regionally operated
31 transportation facility to decline below the standards adopted in the
32 transportation element of the comprehensive plan where such impacts
33 could be adequately mitigated through active transportation facility
34 improvements, increased or enhanced public transportation service,
35 ride-sharing programs, demand management, or other transportation
36 systems management strategies funded by the development.

37 (c) The transportation element described in this subsection (6),
38 the six-year plans required by RCW 35.77.010 for cities, RCW
39 36.81.121 for counties, and RCW 35.58.2795 for public transportation

1 systems, and the ten-year investment program required by RCW
2 47.05.030 for the state, must be consistent.

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

8 (8) A park and recreation element that implements, and is
9 consistent with, the capital facilities plan element as it relates to
10 park and recreation facilities. The element shall include: (a)
11 Estimates of park and recreation demand for at least a ten-year
12 period; (b) an evaluation of facilities and service needs; (c) an
13 evaluation of tree canopy coverage within the urban growth area; and
14 ~~((e))~~ (d) an evaluation of intergovernmental coordination
15 opportunities to provide regional approaches for meeting park and
16 recreational demand.

17 (9)(a) A climate change and resiliency element that is designed
18 to result in reductions in overall greenhouse gas emissions and that
19 must enhance resiliency to and avoid the adverse impacts of climate
20 change, which must include efforts to reduce localized greenhouse gas
21 emissions and avoid creating or worsening localized climate impacts
22 to vulnerable populations and overburdened communities.

23 (b) The climate change and resiliency element shall include the
24 following subelements:

25 (i) A greenhouse gas emissions reduction subelement;

26 (ii) A resiliency subelement.

27 (c) The greenhouse gas emissions reduction subelement of the
28 climate change and resiliency element is mandatory for the
29 jurisdictions specified in section 4(1) 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 (d)(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 transportation and land use within the jurisdiction but
3 without increasing greenhouse gas emissions elsewhere in the state;

4 (B) Result in reductions in per capita vehicle miles traveled
5 within the jurisdiction but without increasing greenhouse gas
6 emissions elsewhere in the state; and

7 (C) Prioritize reductions that benefit overburdened communities
8 in order to maximize the cobenefits of reduced air pollution and
9 environmental justice.

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

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

17 (B) They are supported by scientifically credible projections and
18 scenarios that indicate their adoption is likely to result in
19 reductions of greenhouse gas emissions or per capita vehicle miles
20 traveled.

21 (iii) A jurisdiction may not restrict population growth or limit
22 population allocation in order to achieve the requirements set forth
23 in this subsection (9) (d).

24 (e) (i) The resiliency subelement must equitably enhance
25 resiliency to, and avoid or substantially reduce the adverse impacts
26 of, climate change in human communities and ecological systems
27 through goals, policies, and programs consistent with the best
28 available science and scientifically credible climate projections and
29 impact scenarios that moderate or avoid harm, enhance the resiliency
30 of natural and human systems, and enhance beneficial opportunities.
31 The resiliency subelement must prioritize actions that benefit
32 overburdened communities that will disproportionately suffer from
33 compounding environmental impacts and will be most impacted by
34 natural hazards due to climate change. Specific goals, policies, and
35 programs of the resiliency subelement must include, but are not
36 limited to, those designed to:

37 (A) 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;

1 (B) Identify, protect, and enhance community resiliency to
2 climate change impacts, including social, economic, and built
3 environment factors, that support adaptation to climate impacts
4 consistent with environmental justice; and

5 (C) Address natural hazards created or aggravated by climate
6 change, including sea level rise, landslides, flooding, drought,
7 heat, smoke, wildfire, and other effects of changes to temperature
8 and precipitation patterns.

9 (ii) A natural hazard mitigation plan or similar plan that is
10 guided by RCW 36.70A.020(14), that prioritizes actions that benefit
11 overburdened communities, and that complies with the applicable
12 requirements of this chapter, including the requirements set forth in
13 this subsection (9)(e), may be adopted by reference to satisfy these
14 requirements, except that to the extent any of the substantive
15 requirements of this subsection (9)(e) are not addressed, or are
16 inadequately addressed, in the referenced natural hazard mitigation
17 plan, a county or city must supplement the natural hazard mitigation
18 plan accordingly so that the adopted resiliency subelement complies
19 fully with the substantive requirements of this subsection (9)(e).

20 (A) If a county or city intends to adopt by reference a federal
21 emergency management agency natural hazard mitigation plan in order
22 to meet all or part of the substantive requirements set forth in this
23 subsection (9)(e), and the most recently adopted federal emergency
24 management agency natural hazard mitigation plan does not comply with
25 the requirements of this subsection (9)(e), the department may grant
26 the county or city an extension of time in which to submit a natural
27 hazard mitigation plan.

28 (B) Eligibility for an extension under this subsection prior to
29 July 1, 2027, is limited to a city or county required to review and,
30 if needed, revise its comprehensive plan on or before June 30, 2025,
31 as provided in RCW 36.70A.130, or for a city or county with an
32 existing, unexpired federal emergency management agency natural
33 hazard mitigation plan scheduled to expire before December 31, 2024.

34 (C) Extension requests after July 1, 2027, may be granted if
35 requirements for the resiliency subelement are amended or added by
36 the legislature or if the department finds other circumstances that
37 may result in a potential finding of noncompliance with a
38 jurisdiction's existing and approved federal emergency management
39 agency natural hazard mitigation plan.

1 (D) A city or county that wishes to request an extension of time
2 must submit a request in writing to the department no later than the
3 date on which the city or county is required to review and, if
4 needed, revise its comprehensive plan as provided in RCW 36.70A.130.

5 (E) Upon the submission of such a request to the department, the
6 city or county may have an additional 48 months from the date
7 provided in RCW 36.70A.130 in which to either adopt by reference an
8 updated federal emergency management agency natural hazard mitigation
9 plan or adopt its own natural hazard mitigation plan, and to then
10 submit that plan to the department.

11 (F) 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 (d) of this subsection
14 in order to implement measures specified by the department pursuant
15 to section 5 of this act are not subject to administrative or
16 judicial appeal under chapter 43.21C RCW.

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

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

26 (1) The requirements of the greenhouse gas emissions reduction
27 subelement of the climate change and resiliency element set forth in
28 RCW 36.70A.070 apply only to those counties that are required or that
29 choose to plan under RCW 36.70A.040 and that also meet either of the
30 criteria set forth in (a), (b), or (c) of this subsection on or after
31 April 1, 2021, and the cities with populations greater than 6,000 as
32 of April 1, 2021, within those counties:

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

35 (b) A county bordering on the Columbia and Snake rivers with a
36 population density of at least 75 people per square mile and an
37 annual growth rate of at least 1.65 percent; or

38 (c) A county located to the west of the crest of the Cascade
39 mountains with a population of at least 130,000.

1 (2) The requirements of the amendments to the transportation
2 element of RCW 36.70A.070 set forth in this act apply only to: (a)
3 Counties and cities that meet the population criteria set forth in
4 subsection (1) of this section; and (b) cities with populations of
5 6,000 or greater as of April 1, 2021, that are located in a county
6 that is required or that chooses to plan under RCW 36.70A.040.

7 (3) The requirements of the amendments to the land use element of
8 RCW 36.70A.070 set forth in this act apply only to: (a) Counties and
9 cities that meet the population criteria set forth in subsection (1)
10 or (2) of this section; and (b) counties that have a population of
11 20,000 or greater as of April 1, 2021, and that are required or that
12 choose to plan under RCW 36.70A.040.

13 (4) Once a county meets either of the sets of criteria set forth
14 in subsection (1) of this section, the requirement to conform with
15 the greenhouse gas emissions reduction subelement of the climate
16 change and resiliency element set forth in RCW 36.70A.070 remains in
17 effect, even if the county no longer meets one of these sets of
18 criteria.

19 (5) If the population of a county that previously had not been
20 required to conform with the greenhouse gas emissions reduction
21 subelement of the climate change and resiliency element set forth in
22 RCW 36.70A.070 changes sufficiently to meet either of the sets of
23 criteria set forth in subsection (1) of this section, the county, and
24 the cities with populations greater than 6,000 as of April 1, 2021,
25 within that county, shall adopt a greenhouse gas emissions reduction
26 subelement of the climate change and resiliency element set forth in
27 RCW 36.70A.070 at the next scheduled update of the comprehensive plan
28 as set forth in RCW 36.70A.130.

29 (6) The population criteria used in this section must be based on
30 population data as determined by the office of financial management.

31 NEW SECTION. **Sec. 5.** A new section is added to chapter 70A.45
32 RCW to read as follows:

33 (1) The department of commerce, in consultation with the
34 department of ecology, the department of health, and the department
35 of transportation, shall publish guidelines that specify a set of
36 measures counties and cities may implement via updates to their
37 comprehensive plans and development regulations that have a
38 demonstrated ability to increase housing capacity within urban growth
39 areas or reduce greenhouse gas emissions, allowing for consideration

1 of the emissions reductions achieved through the adoption of
2 statewide programs. The guidelines must prioritize measures that
3 benefit overburdened communities, including communities that have
4 experienced disproportionate harm due to air pollution and may draw
5 upon the most recent health disparities data from the department of
6 health to identify high pollution areas and disproportionately
7 burdened communities. These guidelines must be developed consistent
8 with an environmental justice assessment pursuant to RCW 70A.02.060
9 and the guidelines must include environmental justice assessment
10 processes. The guidelines must be based on:

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

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

16 (c) The locations of major employment centers and transit
17 corridors, for the purpose of increasing housing supply in these
18 areas; and

19 (d) Available environmental justice data and data regarding
20 access to public transportation for people with disabilities and for
21 vulnerable populations.

22 (2)(a) The department of commerce, in consultation with the
23 department of transportation, shall publish guidelines that specify a
24 set of measures counties and cities may have available to them to
25 take through updates to their comprehensive plans and development
26 regulations that have a demonstrated ability to reduce per capita
27 vehicle miles traveled, including measures that are designed to be
28 achievable throughout the state, including in small cities and rural
29 cities.

30 (b) The guidelines must be based on:

31 (i) The most recent greenhouse gas emissions report prepared by
32 the department of ecology and the department of commerce pursuant to
33 RCW 70A.45.020(2);

34 (ii) The most recent city and county population estimates
35 prepared by the office of financial management pursuant to RCW
36 43.62.035; and

37 (iii) The most recent summary of per capita vehicle miles
38 traveled as compiled by the department of transportation.

39 (3) The department of commerce shall first publish the full set
40 of guidelines described in subsections (1) and (2) of this section no

1 later than December 31, 2025. The department of commerce shall update
2 these guidelines at least every five years thereafter based on the
3 most recently available data, and shall provide for a process for
4 local governments and other parties to submit alternative actions for
5 consideration for inclusion into the guidelines at least once per
6 year. The department of commerce shall publish an intermediate set of
7 guidelines no later than December 31, 2023, in order to be available
8 for use by jurisdictions whose periodic updates are required by RCW
9 36.70A.130(5) to occur prior to December 31, 2025. Jurisdictions
10 whose periodic updates are required by RCW 36.70A.130(5)(b) may
11 utilize the intermediate set of guidelines published by the
12 department of commerce to meet the requirements of RCW 36.70A.070(9).

13 (4) (a) In any updates to the guidelines published after 2025, the
14 department of commerce shall include an evaluation of the impact that
15 locally adopted climate change and resiliency elements have had on
16 local greenhouse gas emissions and per capita vehicle miles traveled
17 reduction goals. The evaluation must also address the impact that
18 locally adopted greenhouse gas emissions reduction subelements have
19 had on meeting local housing goals and targets.

20 (b) The updates must also include an estimate of the impacts that
21 locally adopted climate change and resiliency elements will have on
22 achieving local greenhouse gas emissions and per capita vehicle miles
23 traveled reduction goals. The evaluation must also include an
24 estimate of the impact that locally adopted greenhouse gas emissions
25 reduction subelements will have on meeting local housing goals and
26 targets.

27 (c) The department may include in the specified guidelines what
28 additional measures cities and counties should take to make
29 additional progress on local reduction goals, including any measures
30 that increase housing capacity within urban growth areas.

31 (5) The department of commerce may not propose or adopt any
32 guidelines that would include any form of a road usage charge or any
33 fees or surcharges related to vehicle miles traveled.

34 (6) The department of commerce may not propose or adopt any
35 guidelines that would direct or require local governments to regulate
36 or tax, in any form, transportation service providers, delivery
37 vehicles, or passenger vehicles.

38 (7) The department of commerce, in the course of implementing
39 this section, shall provide and prioritize options that support
40 increased housing supply and diversity of housing types that assist

1 counties and cities in meeting greenhouse gas emissions reduction,
2 housing supply, and other requirements established under this
3 chapter.

4 (8) The provisions of this section as applied to the department
5 of transportation are subject to the availability of amounts
6 appropriated for this specific purpose.

7 (9) For purposes of this section, "overburdened communities" and
8 "vulnerable populations" means the same as provided in RCW
9 36.70A.030.

10 NEW SECTION. **Sec. 6.** A new section is added to chapter 36.70A
11 RCW to read as follows:

12 (1) A county or city required to complete a greenhouse gas
13 emissions reduction subelement may submit the subelement to the
14 department for approval. When submitted to the department for
15 approval, the subelement becomes effective when approved by the
16 department as provided in this section. If a county or city does not
17 seek department approval of the subelement, the effective date of the
18 subelement is the date on which the comprehensive plan is adopted by
19 the county or city.

20 (2) Notice of intent to apply for approval. (a) Not less than 120
21 days prior to applying for approval of a subelement, the county or
22 city must notify the department in writing that it intends to apply
23 for approval. The department shall review proposed subelements prior
24 to final adoption and advise the county or city of the actions
25 necessary to receive approval.

26 (b) The department may consult with other relevant state agencies
27 in making its determination.

28 (c) The department shall publish notice in the Washington State
29 Register that a city or county has notified the department of its
30 intent to apply for approval and the department shall post a copy of
31 the notice on the department website.

32 (3) Procedures for an application for approval. (a) After taking
33 final action to adopt a greenhouse gas emissions reduction
34 subelement, a city or county may apply to the department for approval
35 of the subelement. A city or county must submit its application to
36 the department within 10 days of taking final action.

37 (b) An application for approval must include, at a minimum, the
38 following:

1 (i) A cover letter from the legislative authority requesting
2 approval;

3 (ii) A copy of the adopted ordinance or resolution taking the
4 legislative action or actions required to adopt the greenhouse gas
5 emissions reduction subelement;

6 (iii) A statement explaining how the adopted subelement complies
7 with the provisions of this chapter; and

8 (iv) A copy of the record developed by the city or county at any
9 public meetings or public hearings at which action was taken on the
10 greenhouse gas emissions reduction subelement.

11 (c) For purposes of this subsection, the terms "action" and
12 "meeting" have the same definition as in RCW 42.30.020.

13 (4) Approval procedures. (a) The department shall strive to
14 achieve final action to approve or deny an application within 180
15 days of the date of receipt of the application.

16 (b) The department must issue its decision in the form of a
17 written statement, including findings of fact and conclusions, and
18 noting the date of the issuance of its decision. The department's
19 issued decision must conspicuously and plainly state that it is the
20 department's final decision and that there will be no further
21 modifications to the proposed greenhouse gas emissions reduction
22 subelement.

23 (c) The department will promptly publish its decision on the
24 application for approval as follows:

25 (i) Notify the city or county in writing of its determination;

26 (ii) Publish a notice of action in the Washington State Register;

27 (iii) Post a notice of its decision on the agency website; and

28 (iv) Notify other relevant state agencies regarding the approval
29 decision.

30 (5) The department shall approve a proposed greenhouse gas
31 emissions reduction subelement unless it determines that the proposed
32 greenhouse gas emissions reduction subelement is not consistent with
33 the policy of RCW 36.70A.070 and, after they are adopted, the
34 applicable guidelines.

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

39 (a) The department's final decision to approve or reject a
40 proposed greenhouse gas emissions reduction subelement or amendment

1 by a local government planning under RCW 36.70A.040 may be appealed
2 to the growth management hearings board by filing a petition as
3 provided in RCW 36.70A.290.

4 (b) A decision of the growth management hearings board concerning
5 an appeal of the department's final decision to approve or reject a
6 proposed greenhouse gas emissions reduction subelement or amendment
7 must be based solely on whether or not the adopted or amended
8 greenhouse gas emissions reduction subelement, any adopted amendments
9 to other elements of the comprehensive plan necessary to carry out
10 the subelement, and any adopted or amended development regulations
11 necessary to implement the subelement, comply with the goal set forth
12 in RCW 36.70A.020(14) as it applies to greenhouse gas emissions
13 reductions, RCW 36.70A.070(9) excluding RCW 36.70A.070(9)(e), the
14 guidelines adopted under section 5 of this act applicable to the
15 greenhouse gas emissions reduction subelement, or chapter 43.21C RCW.

16 **Sec. 7.** RCW 36.70A.280 and 2011 c 360 s 17 are each amended to
17 read as follows:

18 (1) The growth management hearings board shall hear and determine
19 only those petitions alleging either:

20 (a) That, except as provided otherwise by this subsection, a
21 state agency, county, or city planning under this chapter is not in
22 compliance with the requirements of this chapter, chapter 90.58 RCW
23 as it relates to the adoption of shoreline master programs or
24 amendments thereto, or chapter 43.21C RCW as it relates to plans,
25 development regulations, or amendments, adopted under RCW 36.70A.040
26 or chapter 90.58 RCW. Nothing in this subsection authorizes the board
27 to hear petitions alleging noncompliance with RCW 36.70A.5801;

28 (b) That the (~~twenty~~) 20-year growth management planning
29 population projections adopted by the office of financial management
30 pursuant to RCW 43.62.035 should be adjusted;

31 (c) That the approval of a work plan adopted under RCW
32 36.70A.735(1)(a) is not in compliance with the requirements of the
33 program established under RCW 36.70A.710;

34 (d) That regulations adopted under RCW 36.70A.735(1)(b) are not
35 regionally applicable and cannot be adopted, wholly or partially, by
36 another jurisdiction; (~~or~~)

37 (e) That a department certification under RCW 36.70A.735(1)(c) is
38 erroneous; or

1 (f) That the department's final decision to approve or reject a
2 proposed greenhouse gas emissions reduction subelement or amendments
3 by a local government planning under RCW 36.70A.040 was not in
4 compliance with the joint guidance issued by the department pursuant
5 to section 5 of this act.

6 (2) A petition may be filed only by: (a) The state, or a county
7 or city that plans under this chapter; (b) a person who has
8 participated orally or in writing before the county or city regarding
9 the matter on which a review is being requested; (c) a person who is
10 certified by the governor within (~~sixty~~) 60 days of filing the
11 request with the board; or (d) a person qualified pursuant to RCW
12 34.05.530.

13 (3) For purposes of this section "person" means any individual,
14 partnership, corporation, association, state agency, governmental
15 subdivision or unit thereof, or public or private organization or
16 entity of any character.

17 (4) To establish participation standing under subsection (2)(b)
18 of this section, a person must show that his or her participation
19 before the county or city was reasonably related to the person's
20 issue as presented to the board.

21 (5) When considering a possible adjustment to a growth management
22 planning population projection prepared by the office of financial
23 management, the board shall consider the implications of any such
24 adjustment to the population forecast for the entire state.

25 The rationale for any adjustment that is adopted by the board
26 must be documented and filed with the office of financial management
27 within ten working days after adoption.

28 If adjusted by the board, a county growth management planning
29 population projection shall only be used for the planning purposes
30 set forth in this chapter and shall be known as the "board adjusted
31 population projection." None of these changes shall affect the
32 official state and county population forecasts prepared by the office
33 of financial management, which shall continue to be used for state
34 budget and planning purposes.

35 **Sec. 8.** RCW 36.70A.320 and 1997 c 429 s 20 are each amended to
36 read as follows:

37 (1) Except as provided in subsections (5) and (6) of this
38 section, comprehensive plans and development regulations, and

1 amendments thereto, adopted under this chapter are presumed valid
2 upon adoption.

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

7 (3) In any petition under this chapter, the board, after full
8 consideration of the petition, shall determine whether there is
9 compliance with the requirements of this chapter. In making its
10 determination, the board shall consider the criteria adopted by the
11 department under RCW 36.70A.190(4). The board shall find compliance
12 unless it determines that the action by the state agency, county, or
13 city is clearly erroneous in view of the entire record before the
14 board and in light of the goals and requirements of this chapter.

15 (4) A county or city subject to a determination of invalidity
16 made under RCW 36.70A.300 or 36.70A.302 has the burden of
17 demonstrating that the ordinance or resolution it has enacted in
18 response to the determination of invalidity will no longer
19 substantially interfere with the fulfillment of the goals of this
20 chapter under the standard in RCW 36.70A.302(1).

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

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

27 **Sec. 9.** RCW 36.70A.190 and 2022 c 252 s 5 are each amended to
28 read as follows:

29 (1) The department shall establish a program of technical and
30 financial assistance and incentives to counties and cities to
31 encourage and facilitate the adoption and implementation of
32 comprehensive plans and development regulations throughout the state.

33 (2) The department shall develop a priority list and establish
34 funding levels for planning and technical assistance grants both for
35 counties and cities that plan under RCW 36.70A.040. Priority for
36 assistance shall be based on a county's or city's population growth
37 rates, commercial and industrial development rates, the existence and
38 quality of a comprehensive plan and development regulations, the
39 presence of overburdened communities, and other relevant factors. The

1 department shall establish funding levels for grants to community-
2 based organizations for the specific purpose of advancing
3 participation of vulnerable populations and overburdened communities
4 in the planning process.

5 (3) The department shall develop and administer a grant program
6 to provide direct financial assistance to counties and cities for the
7 preparation of comprehensive plans under this chapter. The department
8 may establish provisions for county and city matching funds to
9 conduct activities under this subsection. Grants may be expended for
10 any purpose directly related to the preparation of a county or city
11 comprehensive plan as the county or city and the department may
12 agree, including, without limitation, the conducting of surveys,
13 inventories and other data gathering and management activities, the
14 retention of planning consultants, contracts with regional councils
15 for planning and related services, and other related purposes.

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

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

24 (b) Adopting by rule procedural criteria to assist counties and
25 cities in adopting comprehensive plans and development regulations
26 that meet the goals and requirements of this chapter. These criteria
27 shall reflect regional and local variations and the diversity that
28 exists among different counties and cities that plan under this
29 chapter.

30 (5) The department shall provide mediation services to resolve
31 disputes between counties and cities regarding, among other things,
32 coordination of regional issues and designation of urban growth
33 areas.

34 (6) The department shall provide services to facilitate the
35 timely resolution of disputes between a federally recognized Indian
36 tribe and a city or county.

37 (a) A federally recognized Indian tribe may request the
38 department to provide facilitation services to resolve issues of
39 concern with a proposed comprehensive plan and its development

1 regulations, or any amendment to the comprehensive plan and its
2 development regulations.

3 (b) Upon receipt of a request from a tribe, the department shall
4 notify the city or county of the request and offer to assist in
5 providing facilitation services to encourage resolution before
6 adoption of the proposed comprehensive plan. Upon receipt of the
7 notice from the department, the city or county must delay any final
8 action to adopt any comprehensive plan or any amendment or its
9 development regulations for at least 60 days. The tribe and the city
10 or county may jointly agree to extend this period by notifying the
11 department. A county or city must not be penalized for noncompliance
12 under this chapter due to any delays associated with this process.

13 (c) Upon receipt of a request, the department shall provide
14 comments to the county or city including a summary and supporting
15 materials regarding the tribe's concerns. The county or city may
16 either agree to amend the comprehensive plan as requested consistent
17 with the comments from the department, or enter into a facilitated
18 process with the tribe, which must be arranged by the department
19 using a suitable expert to be paid by the department. This
20 facilitated process may also extend the 60-day delay of adoption,
21 upon agreement of the tribe and the city or county.

22 (d) At the end of the 60-day period, unless by agreement there is
23 an extension of the 60-day period, the city or county may proceed
24 with adoption of the proposed comprehensive plan and development
25 regulations. The facilitator shall write a report of findings
26 describing the basis for agreements or disagreements that occurred
27 during the process that are allowed to be disclosed by the parties
28 and the resulting agreed-upon elements of the plan to be amended.

29 (7) The department shall provide planning grants to enhance
30 citizen participation under RCW 36.70A.140.

31 (8) The department shall develop, in collaboration with the
32 department of ecology, the department of fish and wildlife, the
33 department of natural resources, the department of health, the
34 emergency management division of the military department, as well as
35 any federally recognized tribe who chooses to voluntarily
36 participate, and adopt by rule guidance that creates a model climate
37 change and resiliency element that may be used by counties, cities,
38 and multiple-county planning regions for developing and implementing
39 climate change and resiliency plans and policies required by RCW
40 36.70A.070(9), subject to the following provisions:

1 (a) The model element must establish minimum requirements, and
2 may include model options or voluntary cross-jurisdictional
3 strategies, or both, for fulfilling the requirements of RCW
4 36.70A.070(9);

5 (b) The model element should provide guidance on identifying,
6 designing, and investing in infrastructure that supports community
7 resilience to climate impacts, including the protection, restoration,
8 and enhancement of natural infrastructure as well as traditional
9 infrastructure and protecting and enhancing natural areas to foster
10 resiliency to climate impacts, as well as areas of vital habitat for
11 safe passage and species migration;

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

17 (d) The rule must recognize and promote as many cobenefits of
18 climate resilience as possible such as climate change mitigation,
19 salmon recovery, forest health, ecosystem services, and socioeconomic
20 health and resilience.

21 NEW SECTION. Sec. 10. A new section is added to chapter 47.80
22 RCW to read as follows:

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

27 NEW SECTION. Sec. 11. A new section is added to chapter 90.58
28 RCW to read as follows:

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

33 **Sec. 12.** RCW 86.12.200 and 1991 c 322 s 3 are each amended to
34 read as follows:

35 The county legislative authority of any county may adopt a
36 comprehensive flood control management plan for any drainage basin
37 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. 13.** 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) (d) or (e) 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 **Sec. 14.** RCW 36.70A.030 and 2021 c 254 s 6 are each amended to
17 read as follows:

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

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

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

27 (a) For rental housing, (~~sixty~~) 60 percent of the median
28 household income adjusted for household size, for the county where
29 the household is located, as reported by the United States department
30 of housing and urban development; or

31 (b) For owner-occupied housing, (~~eighty~~) 80 percent of the
32 median household income adjusted for household size, for the county
33 where the household is located, as reported by the United States
34 department of housing and urban development.

35 (3) "Agricultural land" means land primarily devoted to the
36 commercial production of horticultural, viticultural, floricultural,
37 dairy, apiary, vegetable, or animal products or of berries, grain,
38 hay, straw, turf, seed, Christmas trees not subject to the excise tax

1 imposed by RCW 84.33.100 through 84.33.140, finfish in upland
2 hatcheries, or livestock, and that has long-term commercial
3 significance for agricultural production.

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

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

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

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

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

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

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

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

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

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

22 (13) "Freight rail dependent uses" means buildings and other
23 infrastructure that are used in the fabrication, processing, storage,
24 and transport of goods where the use is dependent on and makes use of
25 an adjacent short line railroad. Such facilities are both urban and
26 rural development for purposes of this chapter. "Freight rail
27 dependent uses" does not include buildings and other infrastructure
28 that are used in the fabrication, processing, storage, and transport
29 of coal, liquefied natural gas, or "crude oil" as defined in RCW
30 90.56.010.

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

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

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

7 (17) "Minerals" include gravel, sand, and valuable metallic
8 substances.

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

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

31 (20) "Public facilities" include streets, roads, highways,
32 sidewalks, street and road lighting systems, traffic signals,
33 domestic water systems, storm and sanitary sewer systems, parks and
34 recreational facilities, and schools.

35 (21) "Public services" include fire protection and suppression,
36 law enforcement, public health, education, recreation, environmental
37 protection, and other governmental services.

38 (22) "Recreational land" means land so designated under RCW
39 36.70A.1701 and that, immediately prior to this designation, was
40 designated as agricultural land of long-term commercial significance

1 under RCW 36.70A.170. Recreational land must have playing fields and
2 supporting facilities existing before July 1, 2004, for sports played
3 on grass playing fields.

4 (23) "Rural character" refers to the patterns of land use and
5 development established by a county in the rural element of its
6 comprehensive plan:

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

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

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

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

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

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

19 (g) That are consistent with the protection of natural surface
20 water flows and groundwater and surface water recharge and discharge
21 areas.

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

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

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

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

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

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

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

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

1 highway. Wetlands may include those artificial wetlands intentionally
2 created from nonwetland areas created to mitigate conversion of
3 wetlands.

4 (32) "Per capita vehicle miles traveled" means the number of
5 miles traveled using cars and light trucks in a calendar year divided
6 by the number of residents in Washington. The calculation of this
7 value excludes vehicle miles driven conveying freight.

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

17 (34) "Transportation system" means all infrastructure and
18 services for all forms of transportation within a geographical area,
19 irrespective of the responsible jurisdiction or transportation
20 provider.

21 (35) "Environmental justice" means the fair treatment and
22 meaningful involvement of all people regardless of race, color,
23 national origin, or income with respect to development,
24 implementation, and enforcement of environmental laws, regulations,
25 and policies. Environmental justice includes addressing
26 disproportionate environmental and health impacts in all laws, rules,
27 and policies with environmental impacts by prioritizing vulnerable
28 populations and overburdened communities and the equitable
29 distribution of resources and benefits.

30 (36) "Active transportation facilities" means facilities provided
31 for the safety and mobility of active transportation users including,
32 but not limited to, trails, as defined in RCW 47.30.005, sidewalks,
33 bike lanes, shared-use paths, and other facilities in the public
34 right-of-way.

35 (37) "Green space" means an area of land, vegetated by natural
36 features such as grass, trees, or shrubs, within an urban context and
37 less than one acre in size that creates public value through one or
38 more of the following attributes:

39 (a) Is accessible to the public;

40 (b) Promotes physical and mental health of residents;

- 1 (c) Provides relief from the urban heat island effects;
2 (d) Promotes recreational and aesthetic values;
3 (e) Protects streams or water supply; or
4 (f) Preserves visual quality along highway, road, or street
5 corridors.

6 (38) "Green infrastructure" means a wide array of natural assets
7 and built structures within an urban growth area boundary, including
8 parks and other areas with protected tree canopy, and management
9 practices at multiple scales that manage wet weather and that
10 maintain and restore natural hydrology by storing, infiltrating,
11 evapotranspiring, and harvesting and using stormwater.

12 (39) "Wildland urban interface" means the geographical area where
13 structures and other human development meets or intermingles with
14 wildland vegetative fuels.

15 (40) "Overburdened community" means a geographic area where
16 vulnerable populations face combined, multiple environmental harms
17 and health impacts, and includes, but is not limited to, highly
18 impacted communities as defined in RCW 19.405.020.

19 (41)(a) "Vulnerable populations" means population groups that are
20 more likely to be at higher risk for poor health outcomes in response
21 to environmental harms, due to: (i) Adverse socioeconomic factors,
22 such as unemployment, high housing and transportation costs relative
23 to income, limited access to nutritious food and adequate health
24 care, linguistic isolation, and other factors that negatively affect
25 health outcomes and increase vulnerability to the effects of
26 environmental harms; and (ii) sensitivity factors, such as low birth
27 weight and higher rates of hospitalization.

28 (b) "Vulnerable populations" includes, but is not limited to:

29 (i) Racial or ethnic minorities;

30 (ii) Low-income populations; and

31 (iii) Populations disproportionately impacted by environmental
32 harms.

33 **Sec. 15.** RCW 36.70A.130 and 2022 c 287 s 1 and 2022 c 192 s 1
34 are each reenacted and amended to read as follows:

35 (1)(a) Each comprehensive land use plan and development
36 regulations shall be subject to continuing review and evaluation by
37 the county or city that adopted them. Except as otherwise provided, a
38 county or city shall take legislative action to review and, if
39 needed, revise its comprehensive land use plan and development

1 regulations to ensure the plan and regulations comply with the
2 requirements of this chapter according to the deadlines in
3 subsections (4) and (5) of this section.

4 (b) Except as otherwise provided, a county or city not planning
5 under RCW 36.70A.040 shall take action to review and, if needed,
6 revise its policies and development regulations regarding critical
7 areas and natural resource lands adopted according to this chapter to
8 ensure these policies and regulations comply with the requirements of
9 this chapter according to the deadlines in subsections (4) and (5) of
10 this section. Legislative action means the adoption of a resolution
11 or ordinance following notice and a public hearing indicating at a
12 minimum, a finding that a review and evaluation has occurred and
13 identifying the revisions made, or that a revision was not needed and
14 the reasons therefor.

15 (c) The review and evaluation required by this subsection shall
16 include, but is not limited to, consideration of critical area
17 ordinances and, if planning under RCW 36.70A.040, an analysis of the
18 population allocated to a city or county from the most recent (~~ten~~)
19 10-year population forecast by the office of financial management.

20 (d) Any amendment of or revision to a comprehensive land use plan
21 shall conform to this chapter. Any amendment of or revision to
22 development regulations shall be consistent with and implement the
23 comprehensive plan.

24 (2)(a) Each county and city shall establish and broadly
25 disseminate to the public a public participation program consistent
26 with RCW 36.70A.035 and 36.70A.140 that identifies procedures and
27 schedules whereby updates, proposed amendments, or revisions of the
28 comprehensive plan are considered by the governing body of the county
29 or city no more frequently than once every year. "Updates" means to
30 review and revise, if needed, according to subsection (1) of this
31 section, and the deadlines in subsections (4) and (5) of this section
32 or in accordance with the provisions of subsection (6) of this
33 section. Amendments may be considered more frequently than once per
34 year under the following circumstances:

35 (i) The initial adoption of a subarea plan. Subarea plans adopted
36 under this subsection (2)(a)(i) must clarify, supplement, or
37 implement jurisdiction-wide comprehensive plan policies, and may only
38 be adopted if the cumulative impacts of the proposed plan are
39 addressed by appropriate environmental review under chapter 43.21C
40 RCW;

1 (ii) The development of an initial subarea plan for economic
2 development located outside of the one hundred year floodplain in a
3 county that has completed a state-funded pilot project that is based
4 on watershed characterization and local habitat assessment;

5 (iii) The adoption or amendment of a shoreline master program
6 under the procedures set forth in chapter 90.58 RCW;

7 (iv) The amendment of the capital facilities element of a
8 comprehensive plan that occurs concurrently with the adoption or
9 amendment of a county or city budget; or

10 (v) The adoption of comprehensive plan amendments necessary to
11 enact a planned action under RCW 43.21C.440, provided that amendments
12 are considered in accordance with the public participation program
13 established by the county or city under this subsection (2)(a) and
14 all persons who have requested notice of a comprehensive plan update
15 are given notice of the amendments and an opportunity to comment.

16 (b) Except as otherwise provided in (a) of this subsection, all
17 proposals shall be considered by the governing body concurrently so
18 the cumulative effect of the various proposals can be ascertained.
19 However, after appropriate public participation a county or city may
20 adopt amendments or revisions to its comprehensive plan that conform
21 with this chapter whenever an emergency exists or to resolve an
22 appeal of a comprehensive plan filed with the growth management
23 hearings board or with the court.

24 (3)(a) Each county that designates urban growth areas under RCW
25 36.70A.110 shall review, according to the schedules established in
26 subsections (4) and (5) of this section, its designated urban growth
27 area or areas, patterns of development occurring within the urban
28 growth area or areas, and the densities permitted within both the
29 incorporated and unincorporated portions of each urban growth area.
30 In conjunction with this review by the county, each city located
31 within an urban growth area shall review the densities permitted
32 within its boundaries, and the extent to which the urban growth
33 occurring within the county has located within each city and the
34 unincorporated portions of the urban growth areas.

35 (b) The county comprehensive plan designating urban growth areas,
36 and the densities permitted in the urban growth areas by the
37 comprehensive plans of the county and each city located within the
38 urban growth areas, shall be revised to accommodate the urban growth
39 projected to occur in the county for the succeeding (~~twenty~~) 20-

1 year period. The review required by this subsection may be combined
2 with the review and evaluation required by RCW 36.70A.215.

3 (c) If, during the county's review under (a) of this subsection,
4 the county determines revision of the urban growth area is not
5 required to accommodate the urban growth projected to occur in the
6 county for the succeeding 20-year period, but does determine that
7 patterns of development have created pressure in areas that exceed
8 available, developable lands within the urban growth area, the urban
9 growth area or areas may be revised to accommodate identified
10 patterns of development and likely future development pressure for
11 the succeeding 20-year period if the following requirements are met:

12 (i) The revised urban growth area may not result in an increase
13 in the total surface areas of the urban growth area or areas;

14 (ii) The areas added to the urban growth area are not or have not
15 been designated as agricultural, forest, or mineral resource lands of
16 long-term commercial significance;

17 (iii) Less than 15 percent of the areas added to the urban growth
18 area are critical areas;

19 (iv) The areas added to the urban growth areas are suitable for
20 urban growth;

21 (v) The transportation element and capital facility plan element
22 have identified the transportation facilities, and public facilities
23 and services needed to serve the urban growth area and the funding to
24 provide the transportation facilities and public facilities and
25 services;

26 (vi) The urban growth area is not larger than needed to
27 accommodate the growth planned for the succeeding 20-year planning
28 period and a reasonable land market supply factor;

29 (vii) The areas removed from the urban growth area do not include
30 urban growth or urban densities; and

31 (viii) The revised urban growth area is contiguous, does not
32 include holes or gaps, and will not increase pressures to urbanize
33 rural or natural resource lands.

34 (4) Except as otherwise provided in subsections (6) and (8) of
35 this section, counties and cities shall take action to review and, if
36 needed, revise their comprehensive plans and development regulations
37 to ensure the plan and regulations comply with the requirements of
38 this chapter as follows:

39 (a) On or before June 30, 2015, for King, Pierce, and Snohomish
40 counties and the cities within those counties;

1 (b) On or before June 30, 2016, for Clallam, Clark, Island,
2 Jefferson, Kitsap, Mason, San Juan, Skagit, Thurston, and Whatcom
3 counties and the cities within those counties;

4 (c) On or before June 30, 2017, for Benton, Chelan, Cowlitz,
5 Douglas, Kittitas, Lewis, Skamania, Spokane, and Yakima counties and
6 the cities within those counties; and

7 (d) On or before June 30, 2018, for Adams, Asotin, Columbia,
8 Ferry, Franklin, Garfield, Grant, Grays Harbor, Klickitat, Lincoln,
9 Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and
10 Whitman counties and the cities within those counties.

11 (5) Except as otherwise provided in subsections (6) and (8) of
12 this section, following the review of comprehensive plans and
13 development regulations required by subsection (4) of this section,
14 counties and cities shall take action to review and, if needed,
15 revise their comprehensive plans and development regulations to
16 ensure the plan and regulations comply with the requirements of this
17 chapter as follows:

18 (a) ~~((10))~~ Except as provided in subsection (10) of this section,
19 on or before December 31, 2024, with the following review and, if
20 needed, revision on or before June 30, 2034, and then every ~~((ten))~~
21 10 years thereafter, for King, Kitsap, Pierce, and Snohomish counties
22 and the cities within those counties;

23 (b) On or before June 30, 2025, and every ~~((ten))~~ 10 years
24 thereafter, for Clallam, Clark, Island, Jefferson, Lewis, Mason, San
25 Juan, Skagit, Thurston, and Whatcom counties and the cities within
26 those counties;

27 (c) On or before June 30, 2026, and every ~~((ten))~~ 10 years
28 thereafter, for Benton, Chelan, Cowlitz, Douglas, Franklin, Kittitas,
29 Skamania, Spokane, Walla Walla, and Yakima counties and the cities
30 within those counties; and

31 (d) On or before June 30, 2027, and every ~~((ten))~~ 10 years
32 thereafter, for Adams, Asotin, Columbia, Ferry, Garfield, Grant,
33 Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille,
34 Stevens, Wahkiakum, and Whitman counties and the cities within those
35 counties.

36 (6)(a) Nothing in this section precludes a county or city from
37 conducting the review and evaluation required by this section before
38 the deadlines established in subsections (4) and (5) of this section.
39 Counties and cities may begin this process early and may be eligible

1 for grants from the department, subject to available funding, if they
2 elect to do so.

3 (b) A county that is subject to a deadline established in
4 subsection (5)(b) through (d) of this section and meets the following
5 criteria may comply with the requirements of this section at any time
6 within the twenty-four months following the deadline established in
7 subsection (5) of this section: The county has a population of less
8 than fifty thousand and has had its population increase by no more
9 than seventeen percent in the ten years preceding the deadline
10 established in subsection (5) of this section as of that date.

11 (c) A city that is subject to a deadline established in
12 subsection (5)(b) through (d) of this section and meets the following
13 criteria may comply with the requirements of this section at any time
14 within the twenty-four months following the deadline established in
15 subsection (5) of this section: The city has a population of no more
16 than five thousand and has had its population increase by the greater
17 of either no more than one hundred persons or no more than seventeen
18 percent in the ten years preceding the deadline established in
19 subsection (5) of this section as of that date.

20 (d) State agencies are encouraged to provide technical assistance
21 to the counties and cities in the review of critical area ordinances,
22 comprehensive plans, and development regulations.

23 (7)(a) The requirements imposed on counties and cities under this
24 section shall be considered "requirements of this chapter" under the
25 terms of RCW 36.70A.040(1). Only those counties and cities that meet
26 the following criteria may receive grants, loans, pledges, or
27 financial guarantees under chapter 43.155 or 70A.135 RCW:

28 (i) Complying with the deadlines in this section; or

29 (ii) Demonstrating substantial progress towards compliance with
30 the schedules in this section for development regulations that
31 protect critical areas.

32 (b) A county or city that is fewer than (~~twelve~~) 12 months out
33 of compliance with the schedules in this section for development
34 regulations that protect critical areas is making substantial
35 progress towards compliance. Only those counties and cities in
36 compliance with the schedules in this section may receive preference
37 for grants or loans subject to the provisions of RCW 43.17.250.

38 (8)(a) Except as otherwise provided in (c) of this subsection, if
39 a participating watershed is achieving benchmarks and goals for the
40 protection of critical areas functions and values, the county is not

1 required to update development regulations to protect critical areas
2 as they specifically apply to agricultural activities in that
3 watershed.

4 (b) A county that has made the election under RCW 36.70A.710(1)
5 may only adopt or amend development regulations to protect critical
6 areas as they specifically apply to agricultural activities in a
7 participating watershed if:

8 (i) A work plan has been approved for that watershed in
9 accordance with RCW 36.70A.725;

10 (ii) The local watershed group for that watershed has requested
11 the county to adopt or amend development regulations as part of a
12 work plan developed under RCW 36.70A.720;

13 (iii) The adoption or amendment of the development regulations is
14 necessary to enable the county to respond to an order of the growth
15 management hearings board or court;

16 (iv) The adoption or amendment of development regulations is
17 necessary to address a threat to human health or safety; or

18 (v) Three or more years have elapsed since the receipt of
19 funding.

20 (c) Beginning ~~((ten))~~ 10 years from the date of receipt of
21 funding, a county that has made the election under RCW 36.70A.710(1)
22 must review and, if necessary, revise development regulations to
23 protect critical areas as they specifically apply to agricultural
24 activities in a participating watershed in accordance with the review
25 and revision requirements and timeline in subsection (5) of this
26 section. This subsection (8)(c) does not apply to a participating
27 watershed that has determined under RCW 36.70A.720(2)(c)(ii) that the
28 watershed's goals and benchmarks for protection have been met.

29 (9)(a) Counties subject to planning deadlines established in
30 subsection (5) of this section that are required or that choose to
31 plan under RCW 36.70A.040 and that meet either criteria of (a)(i) or
32 (ii) of this subsection, and cities with a population of more than
33 6,000 as of April 1, 2021, within those counties, must provide to the
34 department an implementation progress report detailing the progress
35 they have achieved in implementing their comprehensive plan five
36 years after the review and revision of their comprehensive plan. Once
37 a county meets the criteria in (a)(i) or (ii) of this subsection, the
38 implementation progress report requirements remain in effect
39 thereafter for that county and the cities therein with populations
40 greater than 6,000 as of April 1, 2021, even if the county later no

1 longer meets either or both criteria. A county is subject to the
2 implementation progress report requirement if it meets either of the
3 following criteria on or after April 1, 2021:

4 (i) The county has a population density of at least 100 people
5 per square mile and a population of at least 200,000; or

6 (ii) The county has a population density of at least 75 people
7 per square mile and an annual growth rate of at least 1.75 percent as
8 determined by the office of financial management.

9 (b) The department shall adopt guidelines for indicators,
10 measures, milestones, and criteria for use by counties and cities in
11 the implementation progress report that must cover:

12 (i) The implementation of previously adopted changes to the
13 housing element and any effect those changes have had on housing
14 affordability and availability within the jurisdiction;

15 (ii) Permit processing timelines; and

16 (iii) Progress toward implementing any actions required to
17 achieve reductions to meet greenhouse gas and vehicle miles traveled
18 requirements as provided for in any element of the comprehensive plan
19 under RCW 36.70A.070.

20 (c) If a city or county required to provide an implementation
21 progress report under this subsection (9) has not implemented any
22 specifically identified regulations, zoning and land use changes, or
23 taken other legislative or administrative action necessary to
24 implement any changes in the most recent periodic update in their
25 comprehensive plan by the due date for the implementation progress
26 report, the city or county must identify the need for such action in
27 the implementation progress report. Cities and counties must adopt a
28 work plan to implement any necessary regulations, zoning and land use
29 changes, or take other legislative or administrative action
30 identified in the implementation progress report and complete all
31 work necessary for implementation within two years of submission of
32 the implementation progress report.

33 (10) Any county or city that is required by section 4 of this act
34 to include in its comprehensive plan a climate change and resiliency
35 element and that is also required by subsection (5)(a) of this
36 section to review and, if necessary, revise its comprehensive plan on
37 or before December 31, 2024, must update its transportation element
38 and incorporate a climate change and resiliency element into its
39 comprehensive plan as part of the first implementation progress
40 report required by subsection (9) of this section if funds are

1 appropriated and distributed by December 31, 2027, as required under
2 RCW 36.70A.070(10).

3 NEW SECTION. **Sec. 16.** A new section is added to chapter 36.70A
4 RCW to read as follows:

5 (1) Notwithstanding the requirements of RCW 36.70A.070(10), it is
6 the intent that jurisdictions subject to RCW 36.70A.130(5)(b)
7 implement the requirements of this act on or before June 30, 2025.
8 Any funding provided to cover applicable local government costs
9 related to implementation of this act shall be considered timely.

10 (2) This section expires July 31, 2025.

11 NEW SECTION. **Sec. 17.** A new section is added to chapter 43.20
12 RCW to read as follows:

13 (1)(a) Beginning with water system plans initiated after June 30,
14 2025, the department shall ensure water system plans for group A
15 community public water systems serving 1,000 or more connections
16 include a climate resilience element at the time of approval.

17 (b) The department must update its water system planning
18 guidebook to assist water systems in implementing the climate
19 resilience element, including guidance on any available technical and
20 financial resources.

21 (c) The department shall provide technical assistance to public
22 water systems based on their system size, location, and water source,
23 by providing references to existing state or federal risk management,
24 climate resiliency, or emergency management and response tools that
25 may be used to satisfy the climate resilience element.

26 (d) Subject to the availability of amounts appropriated for this
27 specific purpose, the University of Washington climate impacts group
28 shall assist the department in the development of tools for the
29 technical assistance to be provided in (c) of this subsection.

30 (2) To fulfill the requirements of the climate resilience
31 element, water systems must:

32 (a) Determine which extreme weather events pose significant
33 challenges to their system and build scenarios to identify potential
34 impacts;

35 (b) Assess critical assets and the actions necessary to protect
36 the system from the consequences of extreme weather events on system
37 operations; and

1 (c) Generate reports describing the costs and benefits of the
2 system's risk reduction strategies and capital project needs.

3 (3) Climate readiness projects, including planning to meet the
4 requirements of this section and actions to protect a water system
5 from extreme weather events, including infrastructure and design
6 projects, are eligible for financial assistance under RCW
7 70A.125.180. The department must develop grant and loan eligibility
8 criteria and consider applications from water systems that identify
9 climate readiness projects.

10 **Sec. 18.** RCW 70A.125.180 and 2020 c 20 s 1359 are each amended
11 to read as follows:

12 Subject to the availability of amounts appropriated for this
13 specific purpose, the department shall provide financial assistance
14 through a water system acquisition and rehabilitation program, hereby
15 created. (~~The program shall be jointly administered with the public
16 works board and the department of commerce.~~) The ((agencies))
17 department shall adopt guidelines for the program using as a model
18 the procedures and criteria of the drinking water revolving loan
19 program authorized under RCW 70A.125.160. All financing provided
20 through the program must be in the form of grants or loans that
21 partially cover project costs, including projects and planning
22 required under section 17 of this act. The maximum grant or loan to
23 any eligible entity may not exceed (~~twenty-five~~) 25 percent of the
24 funds allocated to the appropriation in any fiscal year.

25 NEW SECTION. **Sec. 19.** If specific funding for the purposes of
26 this act, referencing this act by bill or chapter number, is not
27 provided by June 30, 2023, in the omnibus appropriations act, this
28 act is null and void."

E2SHB 1181 - S AMD
By Senator

ADOPTED 04/07/2023

29 On page 1, line 2 of the title, after "framework;" strike the
30 remainder of the title and insert "amending RCW 36.70A.020,
31 36.70A.480, 36.70A.280, 36.70A.320, 36.70A.190, 86.12.200,
32 36.70A.030, and 70A.125.180; reenacting and amending RCW 36.70A.070

1 and 36.70A.130; adding new sections to chapter 36.70A RCW; adding a
2 new section to chapter 70A.45 RCW; adding a new section to chapter
3 47.80 RCW; adding a new section to chapter 90.58 RCW; adding a new
4 section to chapter 43.21C RCW; adding a new section to chapter 43.20
5 RCW; creating a new section; and providing an expiration date."

--- **END** ---