

E2SHB 1181 - S AMD 333
By Senator Lovelett

ADOPTED AS AMENDED 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, reducing wildfire risks to
14 residential development in high risk areas and the wildland urban
15 interface area, separating human development from wildfire prone
16 landscapes, and protecting existing residential development and
17 infrastructure through community wildfire preparedness and fire
18 adaptation measures.

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

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

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

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

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

35 (c) Identifies sufficient capacity of land for housing including,
36 but not limited to, government-assisted housing, housing for
37 moderate, low, very low, and extremely low-income households,
38 manufactured housing, multifamily housing, group homes, foster care
39 facilities, emergency housing, emergency shelters, permanent

1 supportive housing, and within an urban growth area boundary,
2 consideration of duplexes, triplexes, and townhomes;

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

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

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

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

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

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

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

18 (ii) Disinvestment; and

19 (iii) Infrastructure availability;

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

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

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

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

39 The adoption of ordinances, development regulations and
40 amendments to such regulations, and other nonproject actions taken by

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

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

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

35 (4) (a) A utilities element consisting of the general location,
36 proposed location, and capacity of all existing and proposed
37 utilities ~~((r))~~ including, but not limited to, electrical ~~((lines))~~,
38 ~~((telecommunication—lines))~~ telecommunications, and natural gas
39 ~~((lines))~~ systems.

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

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

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

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

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

36 (i) Containing or otherwise controlling rural development;

37 (ii) Assuring visual compatibility of rural development with the
38 surrounding rural area;

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

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

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

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

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

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

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

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

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

39 (II) Any included retail or food service space must not exceed
40 2,500 square feet for a new use;

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

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

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

1 contours, (C) the prevention of abnormally irregular boundaries, and
2 (D) the ability to provide public facilities and public services in a
3 manner that does not permit low-density sprawl;

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

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

8 (B) On the date the county adopted a resolution under RCW
9 36.70A.040(2), in a county that is planning under all of the
10 provisions of this chapter under RCW 36.70A.040(2); or

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

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

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

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

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

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

30 (iii) Facilities and services needs, including:

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

38 (B) (~~Level~~) Multimodal level of service standards for all
39 locally owned arterials (~~and~~), locally and regionally operated
40 transit routes that serve urban growth areas, state-owned or operated

1 transit routes that serve urban areas if the department of
2 transportation has prepared such standards, and active transportation
3 facilities to serve as a gauge to judge performance of the system and
4 success in helping to achieve the goals of this chapter consistent
5 with environmental justice. These standards should be regionally
6 coordinated;

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

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

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

38 (F) Identification of state and local system needs to equitably
39 meet current and future demands. Identified needs on state-owned
40 transportation facilities must be consistent with the statewide

1 multimodal transportation plan required under chapter 47.06 RCW.
2 Local system needs should reflect the regional transportation system
3 and local goals, and strive to equitably implement the multimodal
4 network;

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

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

16 (II) Describe the methods to be used to make the facilities
17 accessible;

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

19 (IV) Identify the public officials responsible for implementation
20 of the transition plan;

21 (iv) Finance, including:

22 (A) An analysis of funding capability to judge needs against
23 probable funding resources;

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

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

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

40 (vi) Demand-management strategies;

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

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

33 (c) The transportation element described in this subsection (6),
34 the six-year plans required by RCW 35.77.010 for cities, RCW
35 36.81.121 for counties, and RCW 35.58.2795 for public transportation
36 systems, and the ten-year investment program required by RCW
37 47.05.030 for the state, must be consistent.

38 (7) An economic development element establishing local goals,
39 policies, objectives, and provisions for economic growth and vitality
40 and a high quality of life. A city that has chosen to be a

1 residential community is exempt from the economic development element
2 requirement of this subsection.

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

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

18 (b) The climate change and resiliency element shall include the
19 following subelements:

20 (i) A greenhouse gas emissions reduction subelement;

21 (ii) A resiliency subelement.

22 (c) The greenhouse gas emissions reduction subelement of the
23 climate change and resiliency element is mandatory for the
24 jurisdictions specified in section 4(1) of this act and is encouraged
25 for all other jurisdictions, including those planning under RCW
26 36.70A.040 and those planning under chapter 36.70 RCW. The resiliency
27 subelement of the climate change and resiliency element is mandatory
28 for all jurisdictions planning under RCW 36.70A.040 and is encouraged
29 for those jurisdictions planning under chapter 36.70 RCW.

30 (d) (i) The greenhouse gas emissions reduction subelement of the
31 comprehensive plan, and its related development regulations, must
32 identify the actions the jurisdiction will take during the planning
33 cycle consistent with the guidelines published by the department
34 pursuant to section 5 of this act that will:

35 (A) Result in reductions in overall greenhouse gas emissions
36 generated by transportation and land use within the jurisdiction but
37 without increasing greenhouse gas emissions elsewhere in the state;

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

1 (C) Prioritize reductions that benefit overburdened communities
2 in order to maximize the cobenefits of reduced air pollution and
3 environmental justice.

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

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

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

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

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

31 (A) Identify, protect, and enhance natural areas to foster
32 resiliency to climate impacts, as well as areas of vital habitat for
33 safe passage and species migration;

34 (B) Identify, protect, and enhance community resiliency to
35 climate change impacts, including social, economic, and built
36 environment factors, that support adaptation to climate impacts
37 consistent with environmental justice; and

38 (C) Address natural hazards created or aggravated by climate
39 change, including sea level rise, landslides, flooding, drought,

1 heat, smoke, wildfire, and other effects of changes to temperature
2 and precipitation patterns.

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

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

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

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

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

38 (E) Upon the submission of such a request to the department, the
39 city or county may have an additional 48 months from the date
40 provided in RCW 36.70A.130 in which to either adopt by reference an

1 updated federal emergency management agency natural hazard mitigation
2 plan or adopt its own natural hazard mitigation plan, and to then
3 submit that plan to the department.

4 (F) The adoption of ordinances, amendments to comprehensive
5 plans, amendments to development regulations, and other nonproject
6 actions taken by a county or city pursuant to (d) of this subsection
7 in order to implement measures specified by the department pursuant
8 to section 5 of this act are not subject to administrative or
9 judicial appeal under chapter 43.21C RCW.

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

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

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

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

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

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

33 (2) The requirements of the amendments to the transportation
34 element of RCW 36.70A.070 set forth in this act apply only to: (a)
35 Counties and cities that meet the population criteria set forth in
36 subsection (1) of this section; and (b) cities with populations of
37 6,000 or greater as of April 1, 2021, that are located in a county
38 that is required or that chooses to plan under RCW 36.70A.040.

1 (3) The requirements of the amendments to the land use element of
2 RCW 36.70A.070 set forth in this act apply only to: (a) Counties and
3 cities that meet the population criteria set forth in subsection (1)
4 or (2) of this section; and (b) counties that have a population of
5 20,000 or greater as of April 1, 2021, and that are required or that
6 choose to plan under RCW 36.70A.040.

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

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

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

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

27 (1) The department of commerce, in consultation with the
28 department of ecology, the department of health, and the department
29 of transportation, shall publish guidelines that specify a set of
30 measures counties and cities may implement via updates to their
31 comprehensive plans and development regulations that have a
32 demonstrated ability to increase housing capacity within urban growth
33 areas or reduce greenhouse gas emissions, allowing for consideration
34 of the emissions reductions achieved through the adoption of
35 statewide programs. The guidelines must prioritize measures that
36 benefit overburdened communities, including communities that have
37 experienced disproportionate harm due to air pollution and may draw
38 upon the most recent health disparities data from the department of
39 health to identify high pollution areas and disproportionately

1 burdened communities. These guidelines must be developed consistent
2 with an environmental justice assessment pursuant to RCW 70A.02.060
3 and the guidelines must include environmental justice assessment
4 processes. The guidelines must be based on:

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

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

10 (c) The locations of major employment centers and transit
11 corridors, for the purpose of increasing housing supply in these
12 areas; and

13 (d) Available environmental justice data and data regarding
14 access to public transportation for people with disabilities and for
15 vulnerable populations.

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

24 (b) The guidelines must be based on:

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

28 (ii) The most recent city and county population estimates
29 prepared by the office of financial management pursuant to RCW
30 43.62.035; and

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

33 (3) The department of commerce shall first publish the full set
34 of guidelines described in subsections (1) and (2) of this section no
35 later than December 31, 2025. The department of commerce shall update
36 these guidelines at least every five years thereafter based on the
37 most recently available data, and shall provide for a process for
38 local governments and other parties to submit alternative actions for
39 consideration for inclusion into the guidelines at least once per
40 year. The department of commerce shall publish an intermediate set of

1 guidelines no later than December 31, 2023, in order to be available
2 for use by jurisdictions whose periodic updates are required by RCW
3 36.70A.130(5) to occur prior to December 31, 2025. Jurisdictions
4 whose periodic updates are required by RCW 36.70A.130(5)(b) may
5 utilize the intermediate set of guidelines published by the
6 department of commerce to meet the requirements of RCW 36.70A.070(9).

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

14 (b) The updates must also include an estimate of the impacts that
15 locally adopted climate change and resiliency elements will have on
16 achieving local greenhouse gas emissions and per capita vehicle miles
17 traveled reduction goals. The evaluation must also include an
18 estimate of the impact that locally adopted greenhouse gas emissions
19 reduction subelements will have on meeting local housing goals and
20 targets.

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

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

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

32 (7) The department of commerce, in the course of implementing
33 this section, shall provide and prioritize options that support
34 increased housing supply and diversity of housing types that assist
35 counties and cities in meeting greenhouse gas emissions reduction,
36 housing supply, and other requirements established under this
37 chapter.

38 (8) The provisions of this section as applied to the department
39 of transportation are subject to the availability of amounts
40 appropriated for this specific purpose.

1 (9) For purposes of this section, "overburdened communities" and
2 "vulnerable populations" means the same as provided in RCW
3 36.70A.030.

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

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

14 (2) Notice of intent to apply for approval. (a) Not less than 120
15 days prior to applying for approval of a subelement, the county or
16 city must notify the department in writing that it intends to apply
17 for approval. The department shall review proposed subelements prior
18 to final adoption and advise the county or city of the actions
19 necessary to receive approval.

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

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

26 (3) Procedures for an application for approval. (a) After taking
27 final action to adopt a greenhouse gas emissions reduction
28 subelement, a city or county may apply to the department for approval
29 of the subelement. A city or county must submit its application to
30 the department within 10 days of taking final action.

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

33 (i) A cover letter from the legislative authority requesting
34 approval;

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

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

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

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

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

9 (b) The department must issue its decision in the form of a
10 written statement, including findings of fact and conclusions, and
11 noting the date of the issuance of its decision. The department's
12 issued decision must conspicuously and plainly state that it is the
13 department's final decision and that there will be no further
14 modifications to the proposed greenhouse gas emissions reduction
15 subelement.

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

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

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

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

21 (iv) Notify other relevant state agencies regarding the approval
22 decision.

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

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

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

37 (b) A decision of the growth management hearings board concerning
38 an appeal of the department's final decision to approve or reject a
39 proposed greenhouse gas emissions reduction subelement or amendment
40 must be based solely on whether or not the adopted or amended

1 greenhouse gas emissions reduction subelement, any adopted amendments
2 to other elements of the comprehensive plan necessary to carry out
3 the subelement, and any adopted or amended development regulations
4 necessary to implement the subelement, comply with the goal set forth
5 in RCW 36.70A.020(14) as it applies to greenhouse gas emissions
6 reductions, RCW 36.70A.070(9) excluding RCW 36.70A.070(9)(e), the
7 guidelines adopted under section 5 of this act applicable to the
8 greenhouse gas emissions reduction subelement, or chapter 43.21C RCW.

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

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

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

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

24 (c) That the approval of a work plan adopted under RCW
25 36.70A.735(1)(a) is not in compliance with the requirements of the
26 program established under RCW 36.70A.710;

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

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

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

37 (2) A petition may be filed only by: (a) The state, or a county
38 or city that plans under this chapter; (b) a person who has
39 participated orally or in writing before the county or city regarding

1 the matter on which a review is being requested; (c) a person who is
2 certified by the governor within (~~sixty~~) 60 days of filing the
3 request with the board; or (d) a person qualified pursuant to RCW
4 34.05.530.

5 (3) For purposes of this section "person" means any individual,
6 partnership, corporation, association, state agency, governmental
7 subdivision or unit thereof, or public or private organization or
8 entity of any character.

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

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

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

20 If adjusted by the board, a county growth management planning
21 population projection shall only be used for the planning purposes
22 set forth in this chapter and shall be known as the "board adjusted
23 population projection." None of these changes shall affect the
24 official state and county population forecasts prepared by the office
25 of financial management, which shall continue to be used for state
26 budget and planning purposes.

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

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

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

37 (3) In any petition under this chapter, the board, after full
38 consideration of the petition, shall determine whether there is
39 compliance with the requirements of this chapter. In making its

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

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

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

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

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

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

24 (2) The department shall develop a priority list and establish
25 funding levels for planning and technical assistance grants both for
26 counties and cities that plan under RCW 36.70A.040. Priority for
27 assistance shall be based on a county's or city's population growth
28 rates, commercial and industrial development rates, the existence and
29 quality of a comprehensive plan and development regulations, the
30 presence of overburdened communities, and other relevant factors. The
31 department shall establish funding levels for grants to community-
32 based organizations for the specific purpose of advancing
33 participation of vulnerable populations and overburdened communities
34 in the planning process.

35 (3) The department shall develop and administer a grant program
36 to provide direct financial assistance to counties and cities for the
37 preparation of comprehensive plans under this chapter. The department
38 may establish provisions for county and city matching funds to
39 conduct activities under this subsection. Grants may be expended for

1 any purpose directly related to the preparation of a county or city
2 comprehensive plan as the county or city and the department may
3 agree, including, without limitation, the conducting of surveys,
4 inventories and other data gathering and management activities, the
5 retention of planning consultants, contracts with regional councils
6 for planning and related services, and other related purposes.

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

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

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

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

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

28 (a) A federally recognized Indian tribe may request the
29 department to provide facilitation services to resolve issues of
30 concern with a proposed comprehensive plan and its development
31 regulations, or any amendment to the comprehensive plan and its
32 development regulations.

33 (b) Upon receipt of a request from a tribe, the department shall
34 notify the city or county of the request and offer to assist in
35 providing facilitation services to encourage resolution before
36 adoption of the proposed comprehensive plan. Upon receipt of the
37 notice from the department, the city or county must delay any final
38 action to adopt any comprehensive plan or any amendment or its
39 development regulations for at least 60 days. The tribe and the city
40 or county may jointly agree to extend this period by notifying the

1 department. A county or city must not be penalized for noncompliance
2 under this chapter due to any delays associated with this process.

3 (c) Upon receipt of a request, the department shall provide
4 comments to the county or city including a summary and supporting
5 materials regarding the tribe's concerns. The county or city may
6 either agree to amend the comprehensive plan as requested consistent
7 with the comments from the department, or enter into a facilitated
8 process with the tribe, which must be arranged by the department
9 using a suitable expert to be paid by the department. This
10 facilitated process may also extend the 60-day delay of adoption,
11 upon agreement of the tribe and the city or county.

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

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

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

31 (a) The model element must establish minimum requirements, and
32 may include model options or voluntary cross-jurisdictional
33 strategies, or both, for fulfilling the requirements of RCW
34 36.70A.070(9);

35 (b) The model element should provide guidance on identifying,
36 designing, and investing in infrastructure that supports community
37 resilience to climate impacts, including the protection, restoration,
38 and enhancement of natural infrastructure as well as traditional
39 infrastructure and protecting and enhancing natural areas to foster

1 resiliency to climate impacts, as well as areas of vital habitat for
2 safe passage and species migration;

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

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

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

14 The department shall compile, maintain, and publish a summary of
15 the per capita vehicle miles traveled annually in each city in the
16 state, and in the unincorporated portions of each county in the
17 state.

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

20 The department shall update its shoreline master program
21 guidelines to require shoreline master programs to address the impact
22 of sea level rise and increased storm severity on people, property,
23 and shoreline natural resources and the environment.

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

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

29 A comprehensive flood control management plan shall include the
30 following elements:

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

34 (2) Establishment of a comprehensive scheme of flood control
35 protection and improvements for the areas that are subject to such
36 periodic flooding, that includes: (a) Determining the need for, and
37 desirable location of, flood control improvements to protect or

1 preclude flood damage to structures, works, and improvements, based
2 upon a cost/benefit ratio between the expense of providing and
3 maintaining these improvements and the benefits arising from these
4 improvements; (b) establishing the level of flood protection that
5 each portion of the system of flood control improvements will be
6 permitted; (c) identifying alternatives to in-stream flood control
7 work; (d) identifying areas where flood waters could be directed
8 during a flood to avoid damage to buildings and other structures; and
9 (e) identifying sources of revenue that will be sufficient to finance
10 the comprehensive scheme of flood control protection and
11 improvements;

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

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

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

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

28 A comprehensive flood control management plan shall be subject to
29 the minimum requirements for participation in the national flood
30 insurance program, requirements exceeding the minimum national flood
31 insurance program that have been adopted by the department of ecology
32 for a specific floodplain pursuant to RCW 86.16.031, and rules
33 adopted by the department of ecology pursuant to RCW 86.26.050
34 relating to floodplain management activities. When a county plans
35 under chapter 36.70A RCW, it may incorporate the portion of its
36 comprehensive flood control management plan relating to land use
37 restrictions in its comprehensive plan and development regulations
38 adopted pursuant to chapter 36.70A RCW.

1 NEW SECTION. **Sec. 13.** A new section is added to chapter 43.21C
2 RCW to read as follows:

3 The adoption of ordinances, amendments to comprehensive plans,
4 amendments to development regulations, and other nonproject actions
5 taken by a county or city pursuant to RCW 36.70A.070(9) (d) or (e) in
6 order to implement measures specified by the department of commerce
7 pursuant to section 5 of this act are not subject to administrative
8 or judicial appeals under this chapter.

9 **Sec. 14.** RCW 36.70A.030 and 2021 c 254 s 6 are each amended to
10 read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

39 (12) "Forestland" means land primarily devoted to growing trees
40 for long-term commercial timber production on land that can be

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

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

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

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

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

39 (17) "Minerals" include gravel, sand, and valuable metallic
40 substances.

1 (18) "Moderate-income household" means a single person, family,
2 or unrelated persons living together whose adjusted income is at or
3 below 120 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 (19) "Permanent supportive housing" is subsidized, leased housing
8 with no limit on length of stay that prioritizes people who need
9 comprehensive support services to retain tenancy and utilizes
10 admissions practices designed to use lower barriers to entry than
11 would be typical for other subsidized or unsubsidized rental housing,
12 especially related to rental history, criminal history, and personal
13 behaviors. Permanent supportive housing is paired with on-site or
14 off-site voluntary services designed to support a person living with
15 a complex and disabling behavioral health or physical health
16 condition who was experiencing homelessness or was at imminent risk
17 of homelessness prior to moving into housing to retain their housing
18 and be a successful tenant in a housing arrangement, improve the
19 resident's health status, and connect the resident of the housing
20 with community-based health care, treatment, or employment services.
21 Permanent supportive housing is subject to all of the rights and
22 responsibilities defined in chapter 59.18 RCW.

23 (20) "Public facilities" include streets, roads, highways,
24 sidewalks, street and road lighting systems, traffic signals,
25 domestic water systems, storm and sanitary sewer systems, parks and
26 recreational facilities, and schools.

27 (21) "Public services" include fire protection and suppression,
28 law enforcement, public health, education, recreation, environmental
29 protection, and other governmental services.

30 (22) "Recreational land" means land so designated under RCW
31 36.70A.1701 and that, immediately prior to this designation, was
32 designated as agricultural land of long-term commercial significance
33 under RCW 36.70A.170. Recreational land must have playing fields and
34 supporting facilities existing before July 1, 2004, for sports played
35 on grass playing fields.

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

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

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

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

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

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

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

11 (g) That are consistent with the protection of natural surface
12 water flows and groundwater and surface water recharge and discharge
13 areas.

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

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

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

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

1 (28) "Urban growth" refers to growth that makes intensive use of
2 land for the location of buildings, structures, and impermeable
3 surfaces to such a degree as to be incompatible with the primary use
4 of land for the production of food, other agricultural products, or
5 fiber, or the extraction of mineral resources, rural uses, rural
6 development, and natural resource lands designated pursuant to RCW
7 36.70A.170. A pattern of more intensive rural development, as
8 provided in RCW 36.70A.070(5)(d), is not urban growth. When allowed
9 to spread over wide areas, urban growth typically requires urban
10 governmental services. "Characterized by urban growth" refers to land
11 having urban growth located on it, or to land located in relationship
12 to an area with urban growth on it as to be appropriate for urban
13 growth.

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

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

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

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

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

10 (34) "Transportation system" means all infrastructure and
11 services for all forms of transportation within a geographical area,
12 irrespective of the responsible jurisdiction or transportation
13 provider.

14 (35) "Environmental justice" means the fair treatment and
15 meaningful involvement of all people regardless of race, color,
16 national origin, or income with respect to development,
17 implementation, and enforcement of environmental laws, regulations,
18 and policies. Environmental justice includes addressing
19 disproportionate environmental and health impacts in all laws, rules,
20 and policies with environmental impacts by prioritizing vulnerable
21 populations and overburdened communities and the equitable
22 distribution of resources and benefits.

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

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

32 (a) Is accessible to the public;

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

34 (c) Provides relief from the urban heat island effects;

35 (d) Promotes recreational and aesthetic values;

36 (e) Protects streams or water supply; or

37 (f) Preserves visual quality along highway, road, or street
38 corridors.

39 (38) "Green infrastructure" means a wide array of natural assets
40 and built structures within an urban growth area boundary, including

1 parks and other areas with protected tree canopy, and management
2 practices at multiple scales that manage wet weather and that
3 maintain and restore natural hydrology by storing, infiltrating,
4 evapotranspiring, and harvesting and using stormwater.

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

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

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

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

22 (i) Racial or ethnic minorities;

23 (ii) Low-income populations; and

24 (iii) Populations disproportionately impacted by environmental
25 harms.

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

28 (1)(a) Each comprehensive land use plan and development
29 regulations shall be subject to continuing review and evaluation by
30 the county or city that adopted them. Except as otherwise provided, a
31 county or city shall take legislative action to review and, if
32 needed, revise its comprehensive land use plan and development
33 regulations to ensure the plan and regulations comply with the
34 requirements of this chapter according to the deadlines in
35 subsections (4) and (5) of this section.

36 (b) Except as otherwise provided, a county or city not planning
37 under RCW 36.70A.040 shall take action to review and, if needed,
38 revise its policies and development regulations regarding critical
39 areas and natural resource lands adopted according to this chapter to

1 ensure these policies and regulations comply with the requirements of
2 this chapter according to the deadlines in subsections (4) and (5) of
3 this section. Legislative action means the adoption of a resolution
4 or ordinance following notice and a public hearing indicating at a
5 minimum, a finding that a review and evaluation has occurred and
6 identifying the revisions made, or that a revision was not needed and
7 the reasons therefor.

8 (c) The review and evaluation required by this subsection shall
9 include, but is not limited to, consideration of critical area
10 ordinances and, if planning under RCW 36.70A.040, an analysis of the
11 population allocated to a city or county from the most recent (~~ten~~)
12 10-year population forecast by the office of financial management.

13 (d) Any amendment of or revision to a comprehensive land use plan
14 shall conform to this chapter. Any amendment of or revision to
15 development regulations shall be consistent with and implement the
16 comprehensive plan.

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

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

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

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

1 (iv) The amendment of the capital facilities element of a
2 comprehensive plan that occurs concurrently with the adoption or
3 amendment of a county or city budget; or

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

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

18 (3)(a) Each county that designates urban growth areas under RCW
19 36.70A.110 shall review, according to the schedules established in
20 subsections (4) and (5) of this section, its designated urban growth
21 area or areas, patterns of development occurring within the urban
22 growth area or areas, and the densities permitted within both the
23 incorporated and unincorporated portions of each urban growth area.
24 In conjunction with this review by the county, each city located
25 within an urban growth area shall review the densities permitted
26 within its boundaries, and the extent to which the urban growth
27 occurring within the county has located within each city and the
28 unincorporated portions of the urban growth areas.

29 (b) The county comprehensive plan designating urban growth areas,
30 and the densities permitted in the urban growth areas by the
31 comprehensive plans of the county and each city located within the
32 urban growth areas, shall be revised to accommodate the urban growth
33 projected to occur in the county for the succeeding (~~twenty~~) 20-
34 year period. The review required by this subsection may be combined
35 with the review and evaluation required by RCW 36.70A.215.

36 (c) If, during the county's review under (a) of this subsection,
37 the county determines revision of the urban growth area is not
38 required to accommodate the urban growth projected to occur in the
39 county for the succeeding 20-year period, but does determine that
40 patterns of development have created pressure in areas that exceed

1 available, developable lands within the urban growth area, the urban
2 growth area or areas may be revised to accommodate identified
3 patterns of development and likely future development pressure for
4 the succeeding 20-year period if the following requirements are met:

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

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

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

12 (iv) The areas added to the urban growth areas are suitable for
13 urban growth;

14 (v) The transportation element and capital facility plan element
15 have identified the transportation facilities, and public facilities
16 and services needed to serve the urban growth area and the funding to
17 provide the transportation facilities and public facilities and
18 services;

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

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

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

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

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

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

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

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

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

12 (a) ~~((10))~~ Except as provided in subsection (10) of this section,
13 on or before December 31, 2024, with the following review and, if
14 needed, revision on or before June 30, 2034, and then every ~~((ten))~~
15 10 years thereafter, for King, Kitsap, Pierce, and Snohomish counties
16 and the cities within those counties;

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

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

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

30 (6)(a) Nothing in this section precludes a county or city from
31 conducting the review and evaluation required by this section before
32 the deadlines established in subsections (4) and (5) of this section.
33 Counties and cities may begin this process early and may be eligible
34 for grants from the department, subject to available funding, if they
35 elect to do so.

36 (b) A county that is subject to a deadline established in
37 subsection (5)(b) through (d) of this section and meets the following
38 criteria may comply with the requirements of this section at any time
39 within the twenty-four months following the deadline established in
40 subsection (5) of this section: The county has a population of less

1 than fifty thousand and has had its population increase by no more
2 than seventeen percent in the ten years preceding the deadline
3 established in subsection (5) of this section as of that date.

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

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

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

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

22 (ii) Demonstrating substantial progress towards compliance with
23 the schedules in this section for development regulations that
24 protect critical areas.

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

31 (8)(a) Except as otherwise provided in (c) of this subsection, if
32 a participating watershed is achieving benchmarks and goals for the
33 protection of critical areas functions and values, the county is not
34 required to update development regulations to protect critical areas
35 as they specifically apply to agricultural activities in that
36 watershed.

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

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

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

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

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

11 (v) Three or more years have elapsed since the receipt of
12 funding.

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

22 (9)(a) Counties subject to planning deadlines established in
23 subsection (5) of this section that are required or that choose to
24 plan under RCW 36.70A.040 and that meet either criteria of (a)(i) or
25 (ii) of this subsection, and cities with a population of more than
26 6,000 as of April 1, 2021, within those counties, must provide to the
27 department an implementation progress report detailing the progress
28 they have achieved in implementing their comprehensive plan five
29 years after the review and revision of their comprehensive plan. Once
30 a county meets the criteria in (a)(i) or (ii) of this subsection, the
31 implementation progress report requirements remain in effect
32 thereafter for that county and the cities therein with populations
33 greater than 6,000 as of April 1, 2021, even if the county later no
34 longer meets either or both criteria. A county is subject to the
35 implementation progress report requirement if it meets either of the
36 following criteria on or after April 1, 2021:

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

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

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

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

10 (ii) Permit processing timelines; and

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

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

28 (10) Any county or city that is required by section 4 of this act
29 to include in its comprehensive plan a climate change and resiliency
30 element and that is also required by subsection (5)(a) of this
31 section to review and, if necessary, revise its comprehensive plan on
32 or before December 31, 2024, must update its transportation element
33 and incorporate a climate change and resiliency element into its
34 comprehensive plan as part of the first implementation progress
35 report required by subsection (9) of this section if funds are
36 appropriated and distributed by December 31, 2027, as required under
37 RCW 36.70A.070(10).

38 NEW SECTION. Sec. 16. A new section is added to chapter 36.70A
39 RCW to read as follows:

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

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

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

9 (1)(a) Beginning with water system plans initiated after June 30,
10 2025, the department shall ensure water system plans for group A
11 community public water systems serving 1,000 or more connections
12 include a climate resilience element at the time of approval.

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

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

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

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

28 (a) Determine which extreme weather events pose significant
29 challenges to their system and build scenarios to identify potential
30 impacts;

31 (b) Assess critical assets and the actions necessary to protect
32 the system from the consequences of extreme weather events on system
33 operations; and

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

36 (3) Climate readiness projects, including planning to meet the
37 requirements of this section and actions to protect a water system
38 from extreme weather events, including infrastructure and design
39 projects, are eligible for financial assistance under RCW

1 70A.125.180. The department must develop grant and loan eligibility
2 criteria and consider applications from water systems that identify
3 climate readiness projects.

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

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

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

E2SHB 1181 - S AMD **333**
By Senator Lovelett

ADOPTED AS AMENDED 04/07/2023

23 On page 1, line 2 of the title, after "framework;" strike the
24 remainder of the title and insert "amending RCW 36.70A.020,
25 36.70A.480, 36.70A.280, 36.70A.320, 36.70A.190, 86.12.200,
26 36.70A.030, and 70A.125.180; reenacting and amending RCW 36.70A.070
27 and 36.70A.130; adding new sections to chapter 36.70A RCW; adding a
28 new section to chapter 70A.45 RCW; adding a new section to chapter
29 47.80 RCW; adding a new section to chapter 90.58 RCW; adding a new
30 section to chapter 43.21C RCW; adding a new section to chapter 43.20
31 RCW; creating a new section; and providing an expiration date."

EFFECT: (1) Requires a fully planning city or county to identify all public entities that own capital facilities and endeavor in good faith to gather and include the information required by the capital facilities element in comprehensive plans. If, after good faith effort, the jurisdiction is unable to gather the information required by this element, the failure to include the information cannot be grounds for finding of noncompliance or invalidity under the Growth Management Act;

(2) Amends the utilities element to include the general location, proposed location, and capacity of all existing and proposed utilities, including electrical, telecommunications, and natural gas systems, rather than components of drinking water, stormwater, wastewater, electrical lines, telecommunication lines, and natural gas lines;

(3) Defines good faith effort for purposes of the utilities element;

(4) Provides that jurisdictions whose periodic updates are due on or before June 30, 2025, may utilize the intermediate set of guidelines published by Commerce to meet the requirements of the climate change and resiliency element; and

(5) Makes technical corrections to internal references throughout the bill.

--- END ---