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**HOUSE BILL 1723**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Representatives Duerr, Taylor, Morgan, Gregerson, Ramel, Reed, Santos, Pollet, and Macri

Read first time 02/02/23. Referred to Committee on Local Government.

1 AN ACT Relating to equity and environmental justice in the growth  
2 management act; amending RCW 36.70A.020, 36.70A.030, and 36.70A.140;  
3 and reenacting and amending RCW 36.70A.070 and 36.70A.130.

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

5 **Sec. 1.** RCW 36.70A.020 and 2021 c 254 s 1 are each amended to  
6 read as follows:

7 The following goals are adopted to guide the development and  
8 adoption of comprehensive plans and development regulations of those  
9 counties and cities that are required or choose to plan under RCW  
10 36.70A.040. The following goals are not listed in order of priority  
11 and shall be used exclusively for the purpose of guiding the  
12 development of comprehensive plans and development regulations:

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

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

18 (3) Transportation. Encourage efficient multimodal transportation  
19 systems that are based on regional priorities and coordinated with  
20 county and city comprehensive plans.

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

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

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

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

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

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

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

33 (11) Citizen participation and coordination. Encourage the  
34 involvement of citizens in the planning process and ensure  
35 coordination between communities and jurisdictions to reconcile  
36 conflicts. Specific effort should be made to involve and collaborate  
37 with vulnerable populations and overburdened communities.

38 (12) Public facilities and services. Ensure that those public  
39 facilities and services necessary to support development shall be  
40 adequate to serve the development at the time the development is

1 available for occupancy and use without decreasing current service  
2 levels below locally established minimum standards.

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

6 (14) Environmental justice. Develop and apply fair land use and  
7 environmental policy based on respect and justice for all peoples.  
8 Identify and plan for the reduction and prevention of environmental  
9 and health disparities and work towards eliminating disparate harms  
10 and disproportionate environmental and health impacts by prioritizing  
11 vulnerable populations and overburdened communities and the equitable  
12 distribution of resources and benefits.

13 **Sec. 2.** RCW 36.70A.030 and 2021 c 254 s 6 are each amended to  
14 read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 (17) "Minerals" include gravel, sand, and valuable metallic  
4 substances.

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

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

27 (20) "Public facilities" include streets, roads, highways,  
28 sidewalks, street and road lighting systems, traffic signals,  
29 domestic water systems, storm and sanitary sewer systems, parks and  
30 recreational facilities, and schools.

31 (21) "Public services" include fire protection and suppression,  
32 law enforcement, public health, education, recreation, environmental  
33 protection, and other governmental services.

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

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

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

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

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

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

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

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

16 (g) That are consistent with the protection of natural surface  
17 water flows and groundwater and surface water recharge and discharge  
18 areas.

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

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

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

38 (27) "Urban governmental services" or "urban services" include  
39 those public services and public facilities at an intensity  
40 historically and typically provided in cities, specifically including

1 storm and sanitary sewer systems, domestic water systems, street  
2 cleaning services, fire and police protection services, public  
3 transit services, and other public utilities associated with urban  
4 areas and normally not associated with rural areas.

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

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

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

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



1 (32) "Environmental benefits" means activities that:

2 (a) Prevent or reduce existing environmental harms or associated  
3 risks that contribute significantly to cumulative environmental  
4 health impacts; or

5 (b) Prevent or mitigate impacts to overburdened communities or  
6 vulnerable populations from, or support community response to, the  
7 impacts of environmental harm.

8 (33) "Environmental harm" has the same meaning as in RCW  
9 70A.02.010.

10 (34) "Environmental justice" has the same meaning as in RCW  
11 70A.02.010.

12 (35) "Equitable distribution" has the same meaning as in RCW  
13 70A.02.010.

14 (36) "Overburdened community" has the same meaning as in RCW  
15 70A.02.010.

16 (37) "Vulnerable populations" has the same meaning as in RCW  
17 70A.02.010.

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, general aviation  
33 airports, public utilities, public facilities, and other land uses.  
34 The land use element shall include population densities, building  
35 intensities, and estimates of future population growth. The land use  
36 element shall provide for protection of the quality and quantity of  
37 groundwater used for public water supplies. Wherever possible, the  
38 land use element should consider utilizing urban planning approaches  
39 that promote physical activity. Where applicable, the land use

1 element shall review drainage, flooding, and stormwater runoff in the  
2 area and nearby jurisdictions and provide guidance for corrective  
3 actions to mitigate or cleanse those discharges that pollute waters  
4 of the state, including Puget Sound or waters entering Puget Sound.

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

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

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

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

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

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

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

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

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

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

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

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

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

5 (ii) Disinvestment; and

6 (iii) Infrastructure availability;

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

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

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

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

26 The adoption of ordinances, development regulations and  
27 amendments to such regulations, and other nonproject actions taken by  
28 a city that is required or chooses to plan under RCW 36.70A.040 that  
29 increase housing capacity, increase housing affordability, and  
30 mitigate displacement as required under this subsection (2) and that  
31 apply outside of critical areas are not subject to administrative or  
32 judicial appeal under chapter 43.21C RCW unless the adoption of such  
33 ordinances, development regulations and amendments to such  
34 regulations, or other nonproject actions has a probable significant  
35 adverse impact on fish habitat.

36 (3) A capital facilities plan element consisting of: (a) An  
37 inventory of existing capital facilities owned by public entities,  
38 showing the locations and capacities of the capital facilities; (b) a  
39 forecast of the future needs for such capital facilities; (c) the  
40 proposed locations and capacities of expanded or new capital

1 facilities; (d) at least a six-year plan that will finance such  
2 capital facilities within projected funding capacities and clearly  
3 identifies sources of public money for such purposes; and (e) a  
4 requirement to reassess the land use element if probable funding  
5 falls short of meeting existing needs and to ensure that the land use  
6 element, capital facilities plan element, and financing plan within  
7 the capital facilities plan element are coordinated and consistent.  
8 Park and recreation facilities shall be included in the capital  
9 facilities plan element.

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

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

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

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

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

37 (i) Containing or otherwise controlling rural development;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

32 (iii) Facilities and services needs, including:

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

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

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

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

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

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

29 (iv) Finance, including:

30 (A) An analysis of funding capability to judge needs against  
31 probable funding resources;

32 (B) A multiyear financing plan based on the needs identified in  
33 the comprehensive plan, the appropriate parts of which shall serve as  
34 the basis for the six-year street, road, or transit program required  
35 by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW  
36 35.58.2795 for public transportation systems. The multiyear financing  
37 plan should be coordinated with the ten-year investment program  
38 developed by the office of financial management as required by RCW  
39 47.05.030;



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

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

8 (vi) Demand-management strategies;

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

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

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

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

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

8 (9)(a) An environmental justice element that includes goals,  
9 objectives, timelines, policies, and measures, and their application  
10 in appropriate elements that reduce environmental harms, that create  
11 environmental benefits, that work toward eliminating environmental  
12 health disparities, and that promote public participation in decision  
13 making by vulnerable populations and overburdened communities.

14 (b) The environmental justice element must identify overburdened  
15 communities and vulnerable populations within the planning area using  
16 guidance developed by the department.

17 (c) The environmental justice element must address how each  
18 mandatory element under this section individually, and how the  
19 entirety of the comprehensive plan collectively, reflects  
20 considerations of environmental justice, addresses any cumulative  
21 environmental health impacts faced by vulnerable populations or  
22 overburdened communities, and how the elements and overall plan  
23 advance the equitable distribution of environmental benefits.

24 (d) The environmental justice element may address subjects  
25 including, but not limited to, regulations, decisions on siting and  
26 permitting, resource allocations, enforcement, and the monitoring and  
27 reporting of exposures to environmental health hazards.

28 (10) It is the intent that new or amended elements required after  
29 January 1, 2002, be adopted concurrent with the scheduled update  
30 provided in RCW 36.70A.130, unless another time of adoption is  
31 specified in RCW 36.70A.130(10). Requirements to incorporate any such  
32 new or amended elements shall be null and void until funds sufficient  
33 to cover applicable local government costs are appropriated and  
34 distributed by the state at least two years before local government  
35 must update comprehensive plans as required in RCW 36.70A.130 or at  
36 least two years prior to the time for adoption of new or amended  
37 elements specified in RCW 36.70A.130(10).

38 **Sec. 4.** RCW 36.70A.130 and 2022 c 287 s 1 and 2022 c 192 s 1 are  
39 each reenacted and amended to read as follows:

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

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

20 (c) The review and evaluation required by this subsection shall  
21 include, but is not limited to, consideration of critical area  
22 ordinances and, if planning under RCW 36.70A.040, an analysis of the  
23 population allocated to a city or county from the most recent (~~ten~~)  
24 10-year population forecast by the office of financial management.

25 (d) Any amendment of or revision to a comprehensive land use plan  
26 shall conform to this chapter. Any amendment of or revision to  
27 development regulations shall be consistent with and implement the  
28 comprehensive plan.

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

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

7 (ii) The development of an initial subarea plan for economic  
8 development located outside of the (~~one hundred~~) 100-year  
9 floodplain in a county that has completed a state-funded pilot  
10 project that is based on watershed characterization and local habitat  
11 assessment;

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

14 (iv) The amendment of the capital facilities element of a  
15 comprehensive plan that occurs concurrently with the adoption or  
16 amendment of a county or city budget; or

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

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

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

1 occurring within the county has located within each city and the  
2 unincorporated portions of the urban growth areas.

3 (b) The county comprehensive plan designating urban growth areas,  
4 and the densities permitted in the urban growth areas by the  
5 comprehensive plans of the county and each city located within the  
6 urban growth areas, shall be revised to accommodate the urban growth  
7 projected to occur in the county for the succeeding (~~twenty~~) 20-  
8 year period. The review required by this subsection may be combined  
9 with the review and evaluation required by RCW 36.70A.215.

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

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

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

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

26 (iv) The areas added to the urban growth areas are suitable for  
27 urban growth;

28 (v) The transportation element and capital facility plan element  
29 have identified the transportation facilities, and public facilities  
30 and services needed to serve the urban growth area and the funding to  
31 provide the transportation facilities and public facilities and  
32 services;

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

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

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

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

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

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

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

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

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

25 (a) On or before December 31, 2024, with the following review  
26 and, if needed, revision on or before June 30, 2034, and then every  
27 (~~(ten)~~) 10 years thereafter, for King, Kitsap, Pierce, and Snohomish  
28 counties and the cities within those counties;

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

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

37 (d) On or before June 30, 2027, and every (~~(ten)~~) 10 years  
38 thereafter, for Adams, Asotin, Columbia, Ferry, Garfield, Grant,  
39 Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille,

1 Stevens, Wahkiakum, and Whitman counties and the cities within those  
2 counties.

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

9 (b) A county that is subject to a deadline established in  
10 subsection (5) (b) through (d) of this section and meets the following  
11 criteria may comply with the requirements of this section at any time  
12 within the (~~(twenty-four)~~) 24 months following the deadline  
13 established in subsection (5) of this section: The county has a  
14 population of less than (~~(fifty-thousand)~~) 50,000 and has had its  
15 population increase by no more than (~~(seventeen)~~) 17 percent in the  
16 (~~(ten)~~) 10 years preceding the deadline established in subsection (5)  
17 of this section as of that date.

18 (c) A city that is subject to a deadline established in  
19 subsection (5) (b) through (d) of this section and meets the following  
20 criteria may comply with the requirements of this section at any time  
21 within the (~~(twenty-four)~~) 24 months following the deadline  
22 established in subsection (5) of this section: The city has a  
23 population of no more than (~~(five-thousand)~~) 5,000 and has had its  
24 population increase by the greater of either no more than (~~(one~~  
25 ~~hundred)~~) 100 persons or no more than (~~(seventeen)~~) 17 percent in the  
26 (~~(ten)~~) 10 years preceding the deadline established in subsection (5)  
27 of this section as of that date.

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

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

- 36 (i) Complying with the deadlines in this section; or  
37 (ii) Demonstrating substantial progress towards compliance with  
38 the schedules in this section for development regulations that  
39 protect critical areas.

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

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

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

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

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

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

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

27 (v) Three or more years have elapsed since the receipt of  
28 funding.

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

38 (9) (a) Counties subject to planning deadlines established in  
39 subsection (5) of this section that are required or that choose to  
40 plan under RCW 36.70A.040 and that meet either criteria of (a)(i) or



1 (ii) of this subsection, and cities with a population of more than  
2 6,000 as of April 1, 2021, within those counties, must provide to the  
3 department an implementation progress report detailing the progress  
4 they have achieved in implementing their comprehensive plan five  
5 years after the review and revision of their comprehensive plan. Once  
6 a county meets the criteria in (a)(i) or (ii) of this subsection, the  
7 implementation progress report requirements remain in effect  
8 thereafter for that county and the cities therein with populations  
9 greater than 6,000 as of April 1, 2021, even if the county later no  
10 longer meets either or both criteria. A county is subject to the  
11 implementation progress report requirement if it meets either of the  
12 following criteria on or after April 1, 2021:

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

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

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

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

24 (ii) Permit processing timelines; and

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

29 (c) If a city or county required to provide an implementation  
30 progress report under this subsection (9) has not implemented any  
31 specifically identified regulations, zoning and land use changes, or  
32 taken other legislative or administrative action necessary to  
33 implement any changes in the most recent periodic update in their  
34 comprehensive plan by the due date for the implementation progress  
35 report, the city or county must identify the need for such action in  
36 the implementation progress report. Cities and counties must adopt a  
37 work plan to implement any necessary regulations, zoning and land use  
38 changes, or take other legislative or administrative action  
39 identified in the implementation progress report and complete all

1 work necessary for implementation within two years of submission of  
2 the implementation progress report.

3 (10) Any county or city that is required to include in its  
4 comprehensive plan an environmental justice element and that is also  
5 required by subsection (5)(a) of this section to review and, if  
6 necessary, revise its comprehensive plan on or before June 30, 2025,  
7 must incorporate an environmental justice element into its  
8 comprehensive plan as part of the first implementation progress  
9 report required by subsection (9) of this section.

10 **Sec. 5.** RCW 36.70A.140 and 1995 c 347 s 107 are each amended to  
11 read as follows:

12 (1) Each county and city that is required or chooses to plan  
13 under RCW 36.70A.040 shall establish and broadly disseminate to the  
14 public a public participation program identifying procedures  
15 providing for early and continuous public participation in the  
16 development and amendment of comprehensive land use plans and  
17 development regulations implementing such plans. The procedures shall  
18 provide for broad dissemination of proposals and alternatives,  
19 opportunity for written comments, public meetings after effective  
20 notice, provision for open discussion, communication programs,  
21 information services, and consideration of and response to public  
22 comments. In enacting legislation in response to the board's decision  
23 pursuant to RCW 36.70A.300 declaring part or all of a comprehensive  
24 plan or development regulation invalid, the county or city shall  
25 provide for public participation that is appropriate and effective  
26 under the circumstances presented by the board's order. Errors in  
27 exact compliance with the established program and procedures shall  
28 not render the comprehensive land use plan or development regulations  
29 invalid if the spirit of the program and procedures is observed.

30 (2)(a) The department must prepare and disseminate to counties  
31 and cities that are required or choose to plan under RCW 36.70A.040  
32 best practices to achieve equitable and inclusive public  
33 participation in order to engage those members of the public and  
34 populations who have historically been underserved and  
35 underrepresented in the formation of public policy.

36 (b) Best practices must emphasize and provide resources to  
37 support the participation of overburdened communities and vulnerable  
38 populations, including community-based organizations, and with  
39 special consideration for people with limited English proficiency,

1 low incomes, and other barriers to participation. Procedures should  
2 also support the voluntary collaboration and coordination with any  
3 federally recognized Indian tribe that has entered into a memorandum  
4 of agreement pursuant to RCW 36.70A.040 and whose reservation or  
5 ceded lands lie within the county or city.

6 (c) By no later than June 30, 2024, counties and cities must  
7 determine which of these practices to incorporate in updated public  
8 participation programs.

--- END ---