
SUBSTITUTE SENATE BILL 5203

State of Washington

68th Legislature

2023 Regular Session

By Senate Local Government, Land Use & Tribal Affairs (originally sponsored by Senators Lovelett, Llias, Frame, Hasegawa, Hunt, Keiser, Nguyen, Nobles, Pedersen, Rolfes, Salomon, Stanford, Valdez, and C. Wilson; by request of Office of the Governor)

READ FIRST TIME 02/10/23.

1 AN ACT Relating to improving the state's climate response through
2 updates to the state's planning framework; amending 36.70A.020,
3 36.70A.480, 36.70A.280, 36.70A.320, 36.70A.190, 86.12.200,
4 36.70A.030, and 70A.125.180; reenacting and amending RCW 36.70A.070
5 and 36.70A.130; adding new sections to chapter 36.70A RCW; adding a
6 new section to chapter 70A.45 RCW; adding a new section to chapter
7 47.80 RCW; adding a new section to chapter 90.58 RCW; adding a new
8 section to chapter 43.21C RCW; adding a new section to chapter 43.20
9 RCW; and providing an expiration date.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 under chapter 90.58 RCW, including use regulations, shall be
2 considered a part of the county or city's development regulations.

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

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

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

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

39 (ii) For purposes of this subsection (3)(c), an agricultural
40 activity that does not expand the area being used for the

1 agricultural activity is not a redevelopment or modification.
2 "Agricultural activity," as used in this subsection (3)(c), has the
3 same meaning as defined in RCW 90.58.065.

4 (d) Upon department of ecology approval of a shoreline master
5 program or critical area segment of a shoreline master program,
6 critical areas within shorelines of the state are protected under
7 chapter 90.58 RCW and are not subject to the procedural and
8 substantive requirements of this chapter, except as provided in
9 subsection (6) of this section. Nothing in chapter 321, Laws of 2003
10 or chapter 107, Laws of 2010 is intended to affect whether or to what
11 extent agricultural activities, as defined in RCW 90.58.065, are
12 subject to chapter 36.70A RCW.

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

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

26 (5) Shorelines of the state shall not be considered critical
27 areas under this chapter except to the extent that specific areas
28 located within shorelines of the state qualify for critical area
29 designation based on the definition of critical areas provided by RCW
30 36.70A.030(~~((5))~~) (6) and have been designated as such by a local
31 government pursuant to RCW 36.70A.060(2).

32 (6) If a local jurisdiction's master program does not include
33 land necessary for buffers for critical areas that occur within
34 shorelines of the state, as authorized by RCW 90.58.030(2)(~~((f))~~)
35 (d), then the local jurisdiction shall continue to regulate those
36 critical areas and their required buffers pursuant to RCW
37 36.70A.060(2).

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

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

10 (1) A land use element designating the proposed general
11 distribution and general location and extent of the uses of land,
12 where appropriate, for agriculture, timber production, housing,
13 commerce, industry, recreation, open spaces and green spaces, general
14 aviation airports, public utilities, public facilities, and other
15 land uses. The land use element shall include population densities,
16 building intensities, and estimates of future population growth. The
17 land use element shall provide for protection of the quality and
18 quantity of groundwater used for public water supplies. The land use
19 element must give special consideration to achieving environmental
20 justice in its goals and policies, including efforts to avoid
21 creating or worsening environmental health disparities. Wherever
22 possible, the land use element should consider utilizing urban
23 planning approaches that promote physical activity and reduce per
24 capita vehicle miles traveled within the jurisdiction, but without
25 increasing greenhouse gas emissions elsewhere in the state. Where
26 applicable, the land use element shall review drainage, flooding, and
27 stormwater runoff in the area and nearby jurisdictions and provide
28 guidance for corrective actions to mitigate or cleanse those
29 discharges that pollute waters of the state, including Puget Sound or
30 waters entering Puget Sound. The land use element must reduce and
31 mitigate the risk to lives and property posed by wildfires by using
32 land use planning tools, which may include, but are not limited to,
33 reducing wildfire risks to residential development in high-risk areas
34 and the wildland urban interface area, separating human development
35 from wildfire prone landscapes, and protecting existing residential
36 development and infrastructure through community wildfire
37 preparedness and fire adaptation measures.

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

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

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

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

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

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

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

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

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

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

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

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

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

37 (ii) Disinvestment; and

38 (iii) Infrastructure availability;

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

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

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

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

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

30 (3) A capital facilities plan element consisting of: (a) An
31 inventory of existing capital facilities owned by public entities,
32 including green infrastructure, showing the locations and capacities
33 of the capital facilities; (b) a forecast of the future needs for
34 such capital facilities; (c) the proposed locations and capacities of
35 expanded or new capital facilities; (d) at least a six-year plan that
36 will finance such capital facilities within projected funding
37 capacities and clearly identifies sources of public money for such
38 purposes; and (e) a requirement to reassess the land use element if
39 probable funding falls short of meeting existing needs and to ensure
40 that the land use element, capital facilities plan element, and

1 financing plan within the capital facilities plan element are
2 coordinated and consistent. Park and recreation facilities shall be
3 included in the capital facilities plan element.

4 (4) (a) A utilities element consisting of the general location,
5 proposed location, and capacity of all existing and proposed
6 utilities, including, but not limited to, components of drinking
7 water, stormwater, wastewater, electrical (~~(lines)~~),
8 (~~(telecommunication lines)~~), telecommunications and natural gas
9 (~~(lines)~~) systems.

10 (b) The county or city shall identify all public entities that
11 own utility systems and endeavor in good faith to work with other
12 public entities, such as special purpose districts, to gather and
13 include within its utilities element the information required in (a)
14 of this subsection. However, if, after a good faith effort, the
15 county or city is unable to gather the information required in (a) of
16 this subsection from the other public entities, the failure to
17 include such information in the utilities element shall not be
18 grounds for a finding of noncompliance or invalidity under this act.

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

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

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

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

4 (i) Containing or otherwise controlling rural development;

5 (ii) Assuring visual compatibility of rural development with the
6 surrounding rural area;

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

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

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

13 (d) Limited areas of more intensive rural development. Subject to
14 the requirements of this subsection and except as otherwise
15 specifically provided in this subsection (5)(d), the rural element
16 may allow for limited areas of more intensive rural development,
17 including necessary public facilities and public services to serve
18 the limited area as follows:

19 (i) Rural development consisting of the infill, development, or
20 redevelopment of existing commercial, industrial, residential, or
21 mixed-use areas, whether characterized as shoreline development,
22 villages, hamlets, rural activity centers, or crossroads
23 developments.

24 (A) A commercial, industrial, residential, shoreline, or mixed-
25 use area are subject to the requirements of (d)(iv) of this
26 subsection, but are not subject to the requirements of (c)(ii) and
27 (iii) of this subsection.

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

32 (C) Any development or redevelopment in terms of building size,
33 scale, use, or intensity may be permitted subject to confirmation
34 from all existing providers of public facilities and public services
35 of sufficient capacity of existing public facilities and public
36 services to serve any new or additional demand from the new
37 development or redevelopment. Development and redevelopment may
38 include changes in use from vacant land or a previously existing use
39 so long as the new use conforms to the requirements of this
40 subsection (5) and is consistent with the local character. Any

1 commercial development or redevelopment within a mixed-use area must
2 be principally designed to serve the existing and projected rural
3 population and must meet the following requirements:

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

7 (II) Any included retail or food service space must not exceed
8 2,500 square feet for a new use;

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

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

35 (iv) A county shall adopt measures to minimize and contain the
36 existing areas of more intensive rural development, as appropriate,
37 authorized under this subsection. Lands included in such existing
38 areas shall not extend beyond the logical outer boundary of the
39 existing area, thereby allowing a new pattern of low-density sprawl.
40 Existing areas are those that are clearly identifiable and contained

1 and where there is a logical boundary delineated predominately by the
2 built environment, but that may also include undeveloped lands if
3 limited as provided in this subsection. The county shall establish
4 the logical outer boundary of an area of more intensive rural
5 development. In establishing the logical outer boundary, the county
6 shall address (A) the need to preserve the character of existing
7 natural neighborhoods and communities, (B) physical boundaries, such
8 as bodies of water, streets and highways, and land forms and
9 contours, (C) the prevention of abnormally irregular boundaries, and
10 (D) the ability to provide public facilities and public services in a
11 manner that does not permit low-density sprawl;

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

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

16 (B) On the date the county adopted a resolution under RCW
17 36.70A.040(2), in a county that is planning under all of the
18 provisions of this chapter under RCW 36.70A.040(2); or

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

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

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

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

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

32 (ii) Estimated (~~traffic~~) multimodal level of service impacts to
33 state-owned transportation facilities resulting from land use
34 assumptions to assist (~~the department of transportation~~) in
35 monitoring the performance of state facilities, to plan improvements
36 for the facilities, and to assess the impact of land-use decisions on
37 state-owned transportation facilities;

38 (iii) Facilities and services needs, including:

39 (A) An inventory of air, water, and ground transportation
40 facilities and services, including transit alignments, active

1 transportation facilities, and general aviation airport facilities,
2 to define existing capital facilities and travel levels (~~(as a basis~~
3 ~~for)~~) to inform future planning. This inventory must include state-
4 owned transportation facilities within the city or county's
5 jurisdictional boundaries;

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

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

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

33 (E) Forecasts of (~~traffic~~) multimodal transportation demand and
34 needs within cities and urban growth areas, and forecasts of
35 multimodal transportation demand and needs outside of cities and
36 urban growth areas, for at least ten years based on the adopted land
37 use plan to (~~provide information on the location, timing, and~~
38 ~~capacity needs of future growth~~) inform the development of a
39 transportation element that balances transportation system safety and
40 convenience to accommodate all users of the transportation system to

1 safely, reliably, and efficiently provide access and mobility to
2 people and goods. Priority must be given to inclusion of
3 transportation facilities and services providing the greatest
4 multimodal safety benefit to the highest number of roadway users;

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

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

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

23 (II) Describe the methods to be used to make the facilities
24 accessible;

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

26 (IV) Identify the public officials responsible for implementation
27 of the transition plan;

28 (iv) Finance, including:

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

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

39 (C) If probable funding falls short of meeting the identified
40 needs of the transportation system, including state transportation

1 facilities, a discussion of how additional funding will be raised, or
2 how land use assumptions will be reassessed to ensure that level of
3 service standards will be met;

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

7 (vi) Demand-management strategies;

8 (vii) (~~(Pedestrian and bicycle)~~) Active transportation component
9 to include collaborative efforts to identify and designate planned
10 improvements for (~~(pedestrian and bicycle)~~) active transportation
11 facilities and corridors that address and encourage enhanced
12 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 or locally or regionally operated transportation
18 facility to decline below the standards adopted in the transportation
19 element of the comprehensive plan, unless transportation improvements
20 or strategies to accommodate the impacts of development are made
21 concurrent with the development. These strategies may include
22 (~~(increased)~~) active transportation facility improvements, increased
23 or enhanced public transportation service, ride-sharing programs,
24 demand management, and other transportation systems management
25 strategies. For the purposes of this subsection (6), "concurrent with
26 the development" means that improvements or strategies are in place
27 at the time of development, or that a financial commitment is in
28 place to complete the improvements or strategies within six years. If
29 the collection of impact fees is delayed under RCW 82.02.050(3), the
30 six-year period required by this subsection (6)(b) must begin after
31 full payment of all impact fees is due to the county or city. A
32 development proposal may not be denied for causing the level of
33 service on a locally owned or locally or regionally operated
34 transportation facility to decline below the standards adopted in the
35 transportation element of the comprehensive plan where such impacts
36 could be adequately mitigated through active transportation facility
37 improvements, increased or enhanced public transportation service,
38 ride-sharing programs, demand management, or other transportation
39 systems management strategies funded by the development.

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

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

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

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

25 (b) The climate change and resiliency element shall include the
26 following subelements:

27 (i) A greenhouse gas emissions reduction subelement;

28 (ii) A resiliency subelement.

29 (c) The greenhouse gas emissions reduction subelement of the
30 climate change and resiliency element is mandatory for the
31 jurisdictions specified in section 4(1) of this act and is encouraged
32 for all other jurisdictions, including those planning under RCW
33 36.70A.040 and those planning under chapter 36.70 RCW. The resiliency
34 subelement of the climate change and resiliency element is mandatory
35 for all jurisdictions planning under RCW 36.70A.040 and is encouraged
36 for those jurisdictions planning under chapter 36.70 RCW.

37 (d)(i) The greenhouse gas emissions reduction subelement of the
38 comprehensive plan, and its related development regulations, must
39 identify the actions the jurisdiction will take during the planning

1 cycle consistent with the guidelines published by the department
2 pursuant to section 5 of this act that will:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

37 (C) Extension requests after July 1, 2027, may be granted if
38 requirements for the resiliency subelement are amended or added by
39 the legislature or if the department finds other circumstances that
40 may result in a potential finding of noncompliance with a

1 jurisdiction's existing and approved federal emergency management
2 agency natural hazard mitigation plan.

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

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

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

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

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

28 (1) The requirements of the greenhouse gas emissions reduction
29 subelement of the climate change and resiliency element set forth in
30 RCW 36.70A.070 apply only to those counties that are required or that
31 choose to plan under RCW 36.70A.040 and that also meet either of the
32 criteria set forth in (a) or (b) of this subsection on or after April
33 1, 2021, and the cities with populations greater than 6,000 as of
34 April 1, 2021, within those counties:

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

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

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

3 (2) The requirements of the amendments to the transportation
4 element of RCW 36.70A.070 set forth in this act apply only to: (a)
5 Counties and cities that meet the population criteria set forth in
6 subsection (1) of this section; and (b) cities with populations of
7 6,000 or greater as of April 1, 2021, that are located in a county
8 that is required or that chooses to plan under RCW 36.70A.040.

9 (3) The requirements of the amendments to the land use element of
10 RCW 36.70A.070 set forth in this act apply only to: (a) Counties and
11 cities that meet the population criteria set forth in subsection (1)
12 or (2) of this section; and (b) counties that have a population of
13 20,000 or greater as of April 1, 2021, and that are required or that
14 choose to plan under RCW 36.70A.040.

15 (4) The requirements of the amendments to the rural element of
16 RCW 36.70A.070 set forth in this act apply only to counties that are
17 required or that choose to plan under RCW 36.70A.040 and that have a
18 population of 20,000 or greater as of April 1, 2021.

19 (5) Once a county meets either of the sets of criteria set forth
20 in subsection (1) of this section, the requirement to conform with
21 the greenhouse gas emissions reduction subelement of the climate
22 change and resiliency element set forth in RCW 36.70A.070 remains in
23 effect, even if the county no longer meets one of these sets of
24 criteria.

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

35 (7) The population criteria used in this section must be based on
36 population data as determined by the office of financial management.

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

1 (1) The department of commerce, in consultation with the
2 department of ecology, the department of health, and the department
3 of transportation, shall publish guidelines that specify a set of
4 measures counties and cities may implement via updates to their
5 comprehensive plans and development regulations that have a
6 demonstrated ability to increase housing capacity within urban growth
7 areas or reduce greenhouse gas emissions, allowing for consideration
8 of the emissions reductions achieved through the adoption of
9 statewide programs. The guidelines must prioritize measures that
10 benefit overburdened communities, including communities that have
11 experienced disproportionate harm due to air pollution and may draw
12 upon the most recent health disparities data from the department of
13 health to identify high pollution areas and disproportionately
14 burdened communities. These guidelines must be developed consistent
15 with an environmental justice assessment pursuant to RCW 70A.02.060
16 and the guidelines must include environmental justice assessment
17 processes. The guidelines must be based on:

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

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

23 (c) The locations of major employment centers and transit
24 corridors, for the purpose of increasing housing supply in these
25 areas; and

26 (d) Available environmental justice data and data regarding
27 access to public transportation for people with disabilities and for
28 vulnerable populations.

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

37 (b) The guidelines must be based on:

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

1 (ii) The most recent city and county population estimates
2 prepared by the office of financial management pursuant to RCW
3 43.62.035; and

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

6 (3) The department of commerce shall first publish the full set
7 of guidelines described in subsections (1) and (2) of this section no
8 later than December 31, 2025. The department of commerce shall update
9 these guidelines at least every five years thereafter based on the
10 most recently available data, and shall provide for a process for
11 local governments and other parties to submit alternative actions for
12 consideration for inclusion into the guidelines at least once per
13 year. The department of commerce shall publish an intermediate set of
14 guidelines no later than December 31, 2023, in order to be available
15 for use by jurisdictions whose periodic updates are required by RCW
16 36.70A.130(5) to occur prior to December 31, 2025.

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

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

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

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

38 (6) The department of commerce may not propose or adopt any
39 guidelines that would direct or require local governments to regulate

1 or tax, in any form, transportation service providers, delivery
2 vehicles, or passenger vehicles.

3 (7) The department of commerce, in the course of implementing
4 this section, shall provide and prioritize options that support
5 increased housing supply and diversity of housing types that assist
6 counties and cities in meeting greenhouse gas emissions reduction,
7 housing supply, and other requirements established under this
8 chapter.

9 (8) The provisions of this section as applied to the department
10 of transportation are subject to the availability of amounts
11 appropriated for this specific purpose.

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

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

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

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

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

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

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

3 (i) A cover letter from the legislative authority requesting
4 approval;

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

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

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

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

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

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

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

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

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

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

30 (iv) Notify other relevant state agencies regarding the approval
31 decision.

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

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

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

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

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

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

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

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

33 (c) That the approval of a work plan adopted under RCW
34 36.70A.735(1)(a) is not in compliance with the requirements of the
35 program established under RCW 36.70A.710;

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

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

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

8 (2) A petition may be filed only by: (a) The state, or a county
9 or city that plans under this chapter; (b) a person who has
10 participated orally or in writing before the county or city regarding
11 the matter on which a review is being requested; (c) a person who is
12 certified by the governor within (~~sixty~~) 60 days of filing the
13 request with the board; or (d) a person qualified pursuant to RCW
14 34.05.530.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 quality of a comprehensive plan and development regulations, the
2 presence of overburdened communities, and other relevant factors. The
3 department shall establish funding levels for grants to community-
4 based organizations for the specific purpose of advancing
5 participation of vulnerable populations and overburdened communities
6 in the planning process.

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

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

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

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

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

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

39 (a) A federally recognized Indian tribe may request the
40 department to provide facilitation services to resolve issues of

1 concern with a proposed comprehensive plan and its development
2 regulations, or any amendment to the comprehensive plan and its
3 development regulations.

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

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

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

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

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

1 climate change and resiliency plans and policies required by RCW
2 36.70A.070(9), subject to the following provisions:

3 (a) The model element must establish minimum requirements, and
4 may include model options or voluntary cross-jurisdictional
5 strategies, or both, for fulfilling the requirements of RCW
6 36.70A.070(9);

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

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

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

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

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

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

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

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

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

4 A comprehensive flood control management plan shall include the
5 following elements:

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

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

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

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

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

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

1 A comprehensive flood control management plan shall be subject to
2 the minimum requirements for participation in the national flood
3 insurance program, requirements exceeding the minimum national flood
4 insurance program that have been adopted by the department of ecology
5 for a specific floodplain pursuant to RCW 86.16.031, and rules
6 adopted by the department of ecology pursuant to RCW 86.26.050
7 relating to floodplain management activities. When a county plans
8 under chapter 36.70A RCW, it may incorporate the portion of its
9 comprehensive flood control management plan relating to land use
10 restrictions in its comprehensive plan and development regulations
11 adopted pursuant to chapter 36.70A RCW.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

39 (10) "Emergency shelter" means a facility that provides a
40 temporary shelter for individuals or families who are currently

1 homeless. Emergency shelter may not require occupants to enter into a
2 lease or an occupancy agreement. Emergency shelter facilities may
3 include day and warming centers that do not provide overnight
4 accommodations.

5 (11) "Extremely low-income household" means a single person,
6 family, or unrelated persons living together whose adjusted income is
7 at or below thirty percent of the median household income adjusted
8 for 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 (12) "Forestland" means land primarily devoted to growing trees
12 for long-term commercial timber production on land that can be
13 economically and practically managed for such production, including
14 Christmas trees subject to the excise tax imposed under RCW 84.33.100
15 through 84.33.140, and that has long-term commercial significance. In
16 determining whether forestland is primarily devoted to growing trees
17 for long-term commercial timber production on land that can be
18 economically and practically managed for such production, the
19 following factors shall be considered: (a) The proximity of the land
20 to urban, suburban, and rural settlements; (b) surrounding parcel
21 size and the compatibility and intensity of adjacent and nearby land
22 uses; (c) long-term local economic conditions that affect the ability
23 to manage for timber production; and (d) the availability of public
24 facilities and services conducive to conversion of forestland to
25 other uses.

26 (13) "Freight rail dependent uses" means buildings and other
27 infrastructure that are used in the fabrication, processing, storage,
28 and transport of goods where the use is dependent on and makes use of
29 an adjacent short line railroad. Such facilities are both urban and
30 rural development for purposes of this chapter. "Freight rail
31 dependent uses" does not include buildings and other infrastructure
32 that are used in the fabrication, processing, storage, and transport
33 of coal, liquefied natural gas, or "crude oil" as defined in RCW
34 90.56.010.

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

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

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

12 (17) "Minerals" include gravel, sand, and valuable metallic
13 substances.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 (a) Is accessible to the public;

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

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

8 (d) Promotes recreational and aesthetic values;

9 (e) Protects streams or water supply; or

10 (f) Preserves visual quality along highway, road, or street
11 corridors.

12 (38) "Green infrastructure" means a wide array of natural assets,
13 built structures, and management practices at multiple scales that
14 manage wet weather and that maintain and restore natural hydrology by
15 storing, infiltrating, evapotranspiring, and harvesting and using
16 stormwater.

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

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

27 (i) Racial or ethnic minorities;

28 (ii) Low-income populations; and

29 (iii) Populations disproportionately impacted by environmental
30 harms.

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

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

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

1 county or city shall take legislative action to review and, if
2 needed, revise its comprehensive land use plan and development
3 regulations to ensure the plan and regulations comply with the
4 requirements of this chapter according to the deadlines in
5 subsections (4) and (5) of this section.

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

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

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

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

37 (i) The initial adoption of a subarea plan. Subarea plans adopted
38 under this subsection (2)(a)(i) must clarify, supplement, or
39 implement jurisdiction-wide comprehensive plan policies, and may only
40 be adopted if the cumulative impacts of the proposed plan are

1 addressed by appropriate environmental review under chapter 43.21C
2 RCW;

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

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

10 (iv) The amendment of the capital facilities element of a
11 comprehensive plan that occurs concurrently with the adoption or
12 amendment of a county or city budget; or

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

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

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

38 (b) The county comprehensive plan designating urban growth areas,
39 and the densities permitted in the urban growth areas by the
40 comprehensive plans of the county and each city located within the

1 urban growth areas, shall be revised to accommodate the urban growth
2 projected to occur in the county for the succeeding (~~twenty~~) 20-
3 year period. The review required by this subsection may be combined
4 with the review and evaluation required by RCW 36.70A.215.

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

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

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

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

21 (iv) The areas added to the urban growth areas are suitable for
22 urban growth;

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

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

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

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

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

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

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

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

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

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

20 (a) ~~((10))~~ Except as provided in subsection (10) of this section,
21 on or before December 31, 2024, with the following review and, if
22 needed, revision on or before June 30, 2034, and then every ~~((ten))~~
23 10 years thereafter, for King, Kitsap, Pierce, and Snohomish counties
24 and the cities within those counties;

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

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

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

38 (6)(a) Nothing in this section precludes a county or city from
39 conducting the review and evaluation required by this section before
40 the deadlines established in subsections (4) and (5) of this section.

1 Counties and cities may begin this process early and may be eligible
2 for grants from the department, subject to available funding, if they
3 elect to do so.

4 (b) A county 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 county has a population of less
9 than fifty thousand and has had its population increase by no more
10 than seventeen percent in the ten years preceding the deadline
11 established in subsection (5) of this section as of that date.

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

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

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

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

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

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

39 (8)(a) Except as otherwise provided in (c) of this subsection, if
40 a participating watershed is achieving benchmarks and goals for the

1 protection of critical areas functions and values, the county is not
2 required to update development regulations to protect critical areas
3 as they specifically apply to agricultural activities in that
4 watershed.

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

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

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

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

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

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

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

30 (9)(a) Counties subject to planning deadlines established in
31 subsection (5) of this section that are required or that choose to
32 plan under RCW 36.70A.040 and that meet either criteria of (a)(i) or
33 (ii) of this subsection, and cities with a population of more than
34 6,000 as of April 1, 2021, within those counties, must provide to the
35 department an implementation progress report detailing the progress
36 they have achieved in implementing their comprehensive plan five
37 years after the review and revision of their comprehensive plan. Once
38 a county meets the criteria in (a)(i) or (ii) of this subsection, the
39 implementation progress report requirements remain in effect
40 thereafter for that county and the cities therein with populations

1 greater than 6,000 as of April 1, 2021, even if the county later no
2 longer meets either or both criteria. A county is subject to the
3 implementation progress report requirement if it meets either of the
4 following criteria on or after April 1, 2021:

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

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

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

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

16 (ii) Permit processing timelines; and

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

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

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

1 report required by subsection (9) of this section if funds are
2 appropriated and distributed by December 31, 2027, as required under
3 RCW 36.70A.070(10).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 Subject to the availability of amounts appropriated for this
13 specific purpose, the department shall provide financial assistance
14 through a water system acquisition and rehabilitation program, hereby
15 created. (~~The program shall be jointly administered with the public~~
16 ~~works board and the department of commerce.~~) The ((agencies))
17 department shall adopt guidelines for the program using as a model
18 the procedures and criteria of the drinking water revolving loan
19 program authorized under RCW 70A.125.160. All financing provided
20 through the program must be in the form of grants or loans that
21 partially cover project costs, including projects and planning
22 required under RCW 36.70A.480. The maximum grant or loan to any
23 eligible entity may not exceed (~~twenty-five~~) 25 percent of the
24 funds allocated to the appropriation in any fiscal year.

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