
SENATE BILL 5203

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By Senators Lovelett, Lillas, Frame, Hasegawa, Hunt, Keiser, Nguyen, Nobles, Pedersen, Rolfes, Salomon, Stanford, Valdez, and C. Wilson; by request of Office of the Governor

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

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

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

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

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

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

6 (3) Transportation. Encourage efficient multimodal transportation
7 systems that 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 **Sec. 2.** RCW 36.70A.480 and 2010 c 107 s 2 are each amended to
27 read as follows:

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

38 (2) The shoreline master program shall be adopted pursuant to the
39 procedures of chapter 90.58 RCW rather than the goals, policies, and

1 procedures set forth in this chapter for the adoption of a
2 comprehensive plan or development regulations.

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

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

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

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

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

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

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

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

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

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

37 The comprehensive plan of a county or city that is required or
38 chooses to plan under RCW 36.70A.040 shall consist of a map or maps,
39 and descriptive text covering objectives, principles, and standards

1 used to develop the comprehensive plan. The plan shall be an
2 internally consistent document and all elements shall be consistent
3 with the future land use map. A comprehensive plan shall be adopted
4 and amended with public participation as provided in RCW 36.70A.140.
5 Each comprehensive plan shall include a plan, scheme, or design for
6 each of the following:

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

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

37 (a) Includes an inventory and analysis of existing and projected
38 housing needs that identifies the number of housing units necessary
39 to manage projected growth, as provided by the department of
40 commerce, including:

1 (i) Units for moderate, low, very low, and extremely low-income
2 households; and

3 (ii) Emergency housing, emergency shelters, and permanent
4 supportive housing;

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

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

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

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

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

25 (iii) Consideration of housing locations in relation to
26 employment location; and

27 (iv) Consideration of the role of accessory dwelling units in
28 meeting housing needs;

29 (e) Identifies local policies and regulations that result in
30 racially disparate impacts, displacement, and exclusion in housing,
31 including:

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

33 (ii) Disinvestment; and

34 (iii) Infrastructure availability;

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

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

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

8 In counties and cities subject to the review and evaluation
9 requirements of RCW 36.70A.215, any revision to the housing element
10 shall include consideration of prior review and evaluation reports
11 and any reasonable measures identified. The housing element should
12 link jurisdictional goals with overall county goals to ensure that
13 the housing element goals are met.

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

24 (3) A capital facilities plan element consisting of: (a) An
25 inventory of existing capital facilities owned by public entities,
26 including green infrastructure, showing the locations and capacities
27 of the capital facilities; (b) a forecast of the future needs for
28 such capital facilities; (c) the proposed locations and capacities of
29 expanded or new capital facilities; (d) at least a six-year plan that
30 will finance such capital facilities within projected funding
31 capacities and clearly identifies sources of public money for such
32 purposes; and (e) a requirement to reassess the land use element if
33 probable funding falls short of meeting existing needs and to ensure
34 that the land use element, capital facilities plan element, and
35 financing plan within the capital facilities plan element are
36 coordinated and consistent. Park and recreation facilities shall be
37 included in the capital facilities plan element.

38 (4) A utilities element consisting of the general location,
39 proposed location, and capacity of all existing and proposed
40 utilities, including, but not limited to, components of drinking

1 water, stormwater, wastewater, electrical (~~(lines)~~),
2 (~~(telecommunication lines)~~), telecommunications and natural gas
3 (~~(lines)~~) systems.

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

8 (a) Growth management act goals and local circumstances. Because
9 circumstances vary from county to county, in establishing patterns of
10 rural densities and uses, a county may consider local circumstances,
11 but shall develop a written record explaining how the rural element
12 harmonizes the planning goals in RCW 36.70A.020 and meets the
13 requirements of this chapter.

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

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

27 (i) Containing or otherwise controlling rural development;

28 (ii) Assuring visual compatibility of rural development with the
29 surrounding rural area;

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

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

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

36 (d) Limited areas of more intensive rural development. Subject to
37 the requirements of this subsection and except as otherwise
38 specifically provided in this subsection (5)(d), the rural element
39 may allow for limited areas of more intensive rural development,

1 including necessary public facilities and public services to serve
2 the limited area as follows:

3 (i) Rural development consisting of the infill, development, or
4 redevelopment of existing commercial, industrial, residential, or
5 mixed-use areas, whether characterized as shoreline development,
6 villages, hamlets, rural activity centers, or crossroads
7 developments.

8 (A) A commercial, industrial, residential, shoreline, or mixed-
9 use area are subject to the requirements of (d)(iv) of this
10 subsection, but are not subject to the requirements of (c)(ii) and
11 (iii) of this subsection.

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

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

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

31 (II) Any included retail or food service space must not exceed
32 2,500 square feet for a new use;

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

1 recreation or tourist use and shall be provided in a manner that does
2 not permit low-density sprawl;

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

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

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

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

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

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

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

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

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

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

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

23 (iii) Facilities and services needs, including:

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

31 (B) Level of service standards for all locally owned arterials
32 (~~and~~), locally and regionally operated transit routes that serve
33 urban growth areas, state-owned or operated transit routes that serve
34 urban areas if the department of transportation has prepared such
35 standards, and active transportation facilities to serve as a gauge
36 to judge performance of the system and success in helping to achieve
37 the goals of this chapter consistent with environmental justice.
38 These standards should be regionally coordinated;

39 (C) For state-owned transportation facilities, level of service
40 standards for highways, as prescribed in chapters 47.06 and 47.80

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

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

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

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

33 (iv) Finance, including:

34 (A) An analysis of funding capability to judge needs against
35 probable funding resources;

36 (B) A multiyear financing plan based on the needs identified in
37 the comprehensive plan, the appropriate parts of which shall serve as
38 the basis for the six-year street, road, or transit program required
39 by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW
40 35.58.2795 for public transportation systems. The multiyear financing

1 plan should be coordinated with the ten-year investment program
2 developed by the office of financial management as required by RCW
3 47.05.030;

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

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

12 (vi) Demand-management strategies;

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

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

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

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

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

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

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

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

28 (i) A greenhouse gas emissions reduction subelement;

29 (ii) A resiliency subelement.

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

38 (d) (i) The greenhouse gas emissions reduction subelement of the
39 comprehensive plan, and its related development regulations, must
40 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 in overburdened communities in order to
10 maximize the cobenefits of reduced air pollution and environmental
11 justice consistent with chapter 70A.02 RCW.

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 in overburdened
34 communities as defined in chapter 70A.02 RCW that will
35 disproportionately suffer from compounding environmental impacts and
36 will be most impacted by natural hazards due to climate change.
37 Specific goals, policies, and programs of the resiliency subelement
38 must include, but are not 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 factors, that support adaptation to climate impacts consistent with
7 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 in
14 overburdened communities as defined in RCW 70A.02.010, and that
15 complies with the applicable requirements of this chapter, including
16 the requirements set forth in this subsection (9)(e), may be adopted
17 by reference to satisfy these requirements, except that to the extent
18 any of the substantive requirements of this subsection (9)(e) are not
19 addressed, or are inadequately addressed, in the referenced natural
20 hazard mitigation plan, a county or city must supplement the natural
21 hazard mitigation plan accordingly so that the adopted resiliency
22 subelement complies fully with the substantive requirements of this
23 subsection (9)(e).

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

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

38 (C) Extension requests after July 1, 2027, may be granted if
39 requirements for the resiliency subelement are amended or added by
40 the legislature or if the department finds other circumstances that

1 may result in a potential finding of noncompliance with a
2 jurisdiction's existing and approved federal emergency management
3 agency natural hazard mitigation plan.

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

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

14 (f) For the jurisdictions set forth in section 4 of this act,
15 updates to comprehensive plans and related development regulations
16 made during the update cycle that begins in 2024 must adopt measures
17 identified by the department pursuant to section 5 of this act that
18 are likely to result in reductions of greenhouse gas emissions and
19 per capita vehicle miles traveled.

20 (g) The adoption of ordinances, amendments to comprehensive
21 plans, amendments to development regulations, and other nonproject
22 actions taken by a county or city pursuant to (d) or (f) of this
23 subsection in order to implement measures specified by the department
24 pursuant to section 5 of this act are not subject to administrative
25 or judicial appeal under chapter 43.21C RCW.

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

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

35 (1) The requirements of the greenhouse gas emissions reduction
36 subelement of the climate change and resiliency element set forth in
37 RCW 36.70A.070 apply only to those counties that are required or that
38 choose to plan under RCW 36.70A.040 and that also meet either of the
39 criteria set forth in (a) or (b) of this subsection on or after April

1 1, 2021, and the cities with populations greater than 6,000 as of
2 April 1, 2021, within those counties:

3 (a) A county with a population of at least 100,000; or

4 (b) A county with a population density of at least 75 people per
5 square mile and an annual growth rate of at least 1.75 percent.

6 (2) The requirements of the amendments to the transportation
7 element of RCW 36.70A.070 set forth in this act apply only to: (a)
8 Counties and cities that meet the population criteria set forth in
9 subsection (1) of this section; and (b) cities with populations of
10 6,000 or greater as of April 1, 2021, that are located in a county
11 that is required or that chooses to plan under RCW 36.70A.040.

12 (3) The requirements of the amendments to the land use element of
13 RCW 36.70A.070 set forth in this act apply only to: (a) Counties and
14 cities that meet the population criteria set forth in subsection (1)
15 or (2) of this section; and (b) counties that have a population of
16 20,000 or greater as of April 1, 2021, and that are required or that
17 choose to plan under RCW 36.70A.040.

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

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

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

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

1 NEW SECTION. **Sec. 5.** A new section is added to chapter 70A.45

2 RCW to read as follows:

3 (1) The department of commerce, in consultation with the
4 department of ecology, the department of health, and the department
5 of transportation, shall publish guidelines that specify a set of
6 measures counties and cities have available to them to take through
7 updates to their comprehensive plans and development regulations that
8 have a demonstrated ability to increase housing capacity within urban
9 growth areas or reduce greenhouse gas emissions, allowing for
10 consideration of the emissions reductions achieved through the
11 adoption of statewide programs. The guidelines must prioritize
12 reductions in overburdened communities as defined in RCW 70A.02.010,
13 including communities that have experienced disproportionate harm due
14 to air pollution and may draw upon the most recent health disparities
15 data from the department of health to identify high pollution areas
16 and disproportionately burdened communities. These guidelines must be
17 developed using an environmental justice assessment pursuant to RCW
18 70A.02.060 and the guidelines must include environmental justice
19 assessment processes. The guidelines must be based on:

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

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

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

28 (d) Available environmental justice data and data regarding
29 access to public transportation for people with disabilities and for
30 vulnerable populations as defined in RCW 70A.02.010.

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

39 (b) The guidelines must be based on:

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

4 (ii) The most recent city and county population estimates
5 prepared by the office of financial management pursuant to RCW
6 43.62.035; and

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

9 (3) The department of commerce shall first publish the full set
10 of guidelines described in subsections (1) and (2) of this section no
11 later than December 31, 2025. The department of commerce shall update
12 these guidelines at least every four years thereafter based on the
13 most recently available data, and shall provide for a process for
14 local governments and other parties to submit alternative actions for
15 consideration for inclusion into the guidelines at least once per
16 year. The department of commerce shall publish an intermediate set of
17 guidelines no later than December 31, 2022, in order to be available
18 for use by jurisdictions whose periodic updates are required by RCW
19 36.70A.130(5) to occur prior to December 31, 2025.

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

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

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

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

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

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

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

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

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

23 (2) The department shall strive to achieve final action on a
24 submitted greenhouse gas emissions reduction subelement within 180
25 days of receipt and shall post an annual assessment related to this
26 performance benchmark on the agency website.

27 (3) Upon receipt of a proposed greenhouse gas emissions reduction
28 subelement, the department shall:

29 (a) Provide notice to and opportunity for written comment by all
30 interested parties of record as a part of the local government review
31 process for the proposal and to all persons, groups, and agencies
32 that have requested in writing notice of proposed greenhouse gas
33 emissions reduction subelements. The comment period shall be at least
34 30 days, unless the department determines that the level of
35 complexity or controversy involved supports a shorter period;

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

1 (c) Within 15 days after the close of public comment, request the
2 local government: (i) Review the issues identified by the public,
3 interested parties, groups, and agencies; and (ii) provide a written
4 response as to how the proposal addresses the identified issues;

5 (d) Within 30 days after receipt of the local government response
6 pursuant to (c) of this subsection, make written findings and
7 conclusions regarding the consistency of the proposal with the policy
8 of RCW 36.70A.070 and, after they are adopted, the applicable
9 guidelines adopted by the department pursuant to section 5 of this
10 act and any reduction allocations made pursuant to RCW 36.70A.100,
11 provide a response to the issues identified in (c) of this
12 subsection, and either approve the greenhouse gas emissions reduction
13 subelement as submitted, recommend specific changes necessary to make
14 the greenhouse gas emissions reduction subelement approvable, or deny
15 approval of the greenhouse gas emissions reduction subelement in
16 those instances where no alteration of the greenhouse gas emissions
17 reduction subelement appears likely to be consistent with the policy
18 of RCW 36.70A.070 and the applicable guidelines. The written findings
19 and conclusions shall be provided to the local government, and made
20 available to all interested persons, parties, groups, and agencies of
21 record on the proposal;

22 (e) If the department recommends changes to the proposed
23 greenhouse gas emissions reduction subelement, within 90 days after
24 the department mails the written findings and conclusions to the
25 local government, require the local government to:

26 (i) Agree to the proposed changes by written notice to the
27 department; or

28 (ii) Submit an alternative greenhouse gas emissions reduction
29 subelement. If, in the opinion of the department, the alternative is
30 consistent with the purpose and intent of the changes originally
31 submitted by the department and with this chapter, it shall approve
32 the changes and provide notice to all recipients of the written
33 findings and conclusions. If the department determines the proposed
34 greenhouse gas emissions reduction subelement is not consistent with
35 the purpose and intent of the changes proposed by the department, the
36 department may resubmit the proposed greenhouse gas emissions
37 reduction subelement for public and agency review pursuant to this
38 section or reject the proposed greenhouse gas emissions reduction
39 subelement.

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

6 (5) A greenhouse gas emissions reduction subelement takes effect
7 when and in such form as approved or adopted by the department. The
8 effective date is 14 days from the date of the department's written
9 notice of final action to the local government stating the department
10 has approved or rejected the proposed greenhouse gas emissions
11 reduction subelement. The department's written notice to the local
12 government must conspicuously and plainly state that it is the
13 department's final decision and that there will be no further
14 modifications to the proposed greenhouse gas emissions reduction
15 subelement. The department shall maintain a record of each greenhouse
16 gas emissions reduction subelement, the action taken on any proposed
17 greenhouse gas emissions reduction subelement, and any appeal of the
18 department's action. The department's approved document of record
19 constitutes the official greenhouse gas emissions reduction
20 subelement.

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

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

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

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

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

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

10 (1) Except as provided in (~~subsection~~) subsections (5) and (6)
11 of this section, comprehensive plans and development regulations, and
12 amendments thereto, adopted under this chapter are presumed valid
13 upon adoption.

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

18 (3) In any petition under this chapter, the board, after full
19 consideration of the petition, shall determine whether there is
20 compliance with the requirements of this chapter. In making its
21 determination, the board shall consider the criteria adopted by the
22 department under RCW 36.70A.190(4). The board shall find compliance
23 unless it determines that the action by the state agency, county, or
24 city is clearly erroneous in view of the entire record before the
25 board and in light of the goals and requirements of this chapter.

26 (4) A county or city subject to a determination of invalidity
27 made under RCW 36.70A.300 or 36.70A.302 has the burden of
28 demonstrating that the ordinance or resolution it has enacted in
29 response to the determination of invalidity will no longer
30 substantially interfere with the fulfillment of the goals of this
31 chapter under the standard in RCW 36.70A.302(1).

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

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

1 **Sec. 8.** RCW 36.70A.190 and 2022 c 252 s 5 are each amended to
2 read as follows:

3 (1) The department shall establish a program of technical and
4 financial assistance and incentives to counties and cities to
5 encourage and facilitate the adoption and implementation of
6 comprehensive plans and development regulations throughout the state.

7 (2) The department shall develop a priority list and establish
8 funding levels for planning and technical assistance grants both for
9 counties and cities that plan under RCW 36.70A.040. Priority for
10 assistance shall be based on a county's or city's population growth
11 rates, commercial and industrial development rates, the existence and
12 quality of a comprehensive plan and development regulations, the
13 presence of overburdened communities, and other relevant factors. The
14 department shall establish funding levels for grants to community-
15 based organizations for the specific purpose of advancing
16 participation of vulnerable populations and overburdened communities
17 in the planning process.

18 (3) The department shall develop and administer a grant program
19 to provide direct financial assistance to counties and cities for the
20 preparation of comprehensive plans under this chapter. The department
21 may establish provisions for county and city matching funds to
22 conduct activities under this subsection. Grants may be expended for
23 any purpose directly related to the preparation of a county or city
24 comprehensive plan as the county or city and the department may
25 agree, including, without limitation, the conducting of surveys,
26 inventories and other data gathering and management activities, the
27 retention of planning consultants, contracts with regional councils
28 for planning and related services, and other related purposes.

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

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

37 (b) Adopting by rule procedural criteria to assist counties and
38 cities in adopting comprehensive plans and development regulations
39 that meet the goals and requirements of this chapter. These criteria
40 shall reflect regional and local variations and the diversity that

1 exists among different counties and cities that plan under this
2 chapter.

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

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

10 (a) A federally recognized Indian tribe may request the
11 department to provide facilitation services to resolve issues of
12 concern with a proposed comprehensive plan and its development
13 regulations, or any amendment to the comprehensive plan and its
14 development regulations.

15 (b) Upon receipt of a request from a tribe, the department shall
16 notify the city or county of the request and offer to assist in
17 providing facilitation services to encourage resolution before
18 adoption of the proposed comprehensive plan. Upon receipt of the
19 notice from the department, the city or county must delay any final
20 action to adopt any comprehensive plan or any amendment or its
21 development regulations for at least 60 days. The tribe and the city
22 or county may jointly agree to extend this period by notifying the
23 department. A county or city must not be penalized for noncompliance
24 under this chapter due to any delays associated with this process.

25 (c) Upon receipt of a request, the department shall provide
26 comments to the county or city including a summary and supporting
27 materials regarding the tribe's concerns. The county or city may
28 either agree to amend the comprehensive plan as requested consistent
29 with the comments from the department, or enter into a facilitated
30 process with the tribe, which must be arranged by the department
31 using a suitable expert to be paid by the department. This
32 facilitated process may also extend the 60-day delay of adoption,
33 upon agreement of the tribe and the city or county.

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

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

3 (8) The department shall develop, in collaboration with the
4 department of ecology, the department of fish and wildlife, the
5 department of natural resources, the department of health, the
6 emergency management division of the military department, as well as
7 any federally recognized tribe who chooses to voluntarily
8 participate, and adopt by rule guidance that creates a model climate
9 change and resiliency element that may be used by counties, cities,
10 and multiple-county planning regions for developing and implementing
11 climate change and resiliency plans and policies required by RCW
12 36.70A.070(9), subject to the following provisions:

13 (a) The model element must establish minimum requirements, and
14 may include model options or voluntary cross-jurisdictional
15 strategies, or both, for fulfilling the requirements of RCW
16 36.70A.070(9);

17 (b) The model element should provide guidance on identifying,
18 designing, and investing in infrastructure that supports community
19 resilience to climate impacts, including the protection, restoration,
20 and enhancement of natural infrastructure as well as traditional
21 infrastructure and protecting and enhancing natural areas to foster
22 resiliency to climate impacts, as well as areas of vital habitat for
23 safe passage and species migration;

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

29 (d) The rule must recognize and promote as many cobenefits of
30 climate resilience as possible such as climate change mitigation,
31 salmon recovery, forest health, ecosystem services, and socioeconomic
32 health and resilience.

33 NEW SECTION. Sec. 9. A new section is added to chapter 47.80
34 RCW to read as follows:

35 The department shall compile, maintain, and publish a summary of
36 the per capita vehicle miles traveled annually in each city in the
37 state, and in the unincorporated portions of each county in the
38 state.

1 NEW SECTION. **Sec. 10.** A new section is added to chapter 90.58
2 RCW to read as follows:

3 The department shall update its shoreline master program
4 guidelines to require shoreline master programs to address the impact
5 of sea level rise and increased storm severity on people, property,
6 and shoreline natural resources and the environment.

7 **Sec. 11.** RCW 86.12.200 and 1991 c 322 s 3 are each amended to
8 read as follows:

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

12 A comprehensive flood control management plan shall include the
13 following elements:

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

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

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

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

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

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

9 A comprehensive flood control management plan shall be subject to
10 the minimum requirements for participation in the national flood
11 insurance program, requirements exceeding the minimum national flood
12 insurance program that have been adopted by the department of ecology
13 for a specific floodplain pursuant to RCW 86.16.031, and rules
14 adopted by the department of ecology pursuant to RCW 86.26.050
15 relating to floodplain management activities. When a county plans
16 under chapter 36.70A RCW, it may incorporate the portion of its
17 comprehensive flood control management plan relating to land use
18 restrictions in its comprehensive plan and development regulations
19 adopted pursuant to chapter 36.70A RCW.

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

22 The adoption of ordinances, amendments to comprehensive plans,
23 amendments to development regulations, and other nonproject actions
24 taken by a county or city pursuant to RCW 36.70A.070(9) (d) or (f) in
25 order to implement measures specified by the department of commerce
26 pursuant to section 5 of this act are not subject to administrative
27 or judicial appeals under this chapter.

28 NEW SECTION. Sec. 13. (1) The obligation of local governments
29 to comply with the requirements established in: (a) The amendments to
30 RCW 36.70A.070 set forth in this act; and (b) the updated shoreline
31 master program guidelines adopted pursuant to section 10 of this act,
32 is contingent on the provision of state funding to local governments
33 for the specific purpose of complying with these requirements.

34 (2) The obligation of local governments to comply with the
35 requirements established in: (a) The amendments to RCW 36.70A.070 set
36 forth in this act; and (b) the updated shoreline master program
37 guidelines adopted pursuant to section 10 of this act, takes effect
38 two years after the date the legislature appropriates state funding

1 to provide to local governments for the purpose of complying with
2 these requirements.

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

5 Unless the context clearly requires otherwise, the definitions in
6 this section apply throughout this chapter.

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

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

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

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

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

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

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

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

35 (a) Wetlands; (b) areas with a critical recharging effect on aquifers
36 used for potable water; (c) fish and wildlife habitat conservation
37 areas; (d) frequently flooded areas; and (e) geologically hazardous
38 areas. "Fish and wildlife habitat conservation areas" does not
39 include such artificial features or constructs as irrigation delivery

1 systems, irrigation infrastructure, irrigation canals, or drainage
2 ditches that lie within the boundaries of and are maintained by a
3 port district or an irrigation district or company.

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

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

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

21 (10) "Emergency shelter" means a facility that provides a
22 temporary shelter for individuals or families who are currently
23 homeless. Emergency shelter may not require occupants to enter into a
24 lease or an occupancy agreement. Emergency shelter facilities may
25 include day and warming centers that do not provide overnight
26 accommodations.

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

33 (12) "Forestland" means land primarily devoted to growing trees
34 for long-term commercial timber production on land that can be
35 economically and practically managed for such production, including
36 Christmas trees subject to the excise tax imposed under RCW 84.33.100
37 through 84.33.140, and that has long-term commercial significance. In
38 determining whether forestland is primarily devoted to growing trees
39 for long-term commercial timber production on land that can be
40 economically and practically managed for such production, the

1 following factors shall be considered: (a) The proximity of the land
2 to urban, suburban, and rural settlements; (b) surrounding parcel
3 size and the compatibility and intensity of adjacent and nearby land
4 uses; (c) long-term local economic conditions that affect the ability
5 to manage for timber production; and (d) the availability of public
6 facilities and services conducive to conversion of forestland to
7 other uses.

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

17 (14) "Geologically hazardous areas" means areas that because of
18 their susceptibility to erosion, sliding, earthquake, or other
19 geological events, are not suited to the siting of commercial,
20 residential, or industrial development consistent with public health
21 or safety concerns.

22 (15) "Long-term commercial significance" includes the growing
23 capacity, productivity, and soil composition of the land for long-
24 term commercial production, in consideration with the land's
25 proximity to population areas, and the possibility of more intense
26 uses of the land.

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

33 (17) "Minerals" include gravel, sand, and valuable metallic
34 substances.

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

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

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

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

24 (22) "Recreational land" means land so designated under RCW
25 36.70A.1701 and that, immediately prior to this designation, was
26 designated as agricultural land of long-term commercial significance
27 under RCW 36.70A.170. Recreational land must have playing fields and
28 supporting facilities existing before July 1, 2004, for sports played
29 on grass playing fields.

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

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

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

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

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

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

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

5 (g) That are consistent with the protection of natural surface
6 water flows and groundwater and surface water recharge and discharge
7 areas.

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

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

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

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

34 (28) "Urban growth" refers to growth that makes intensive use of
35 land for the location of buildings, structures, and impermeable
36 surfaces to such a degree as to be incompatible with the primary use
37 of land for the production of food, other agricultural products, or
38 fiber, or the extraction of mineral resources, rural uses, rural
39 development, and natural resource lands designated pursuant to RCW
40 36.70A.170. A pattern of more intensive rural development, as

1 provided in RCW 36.70A.070(5)(d), is not urban growth. When allowed
2 to spread over wide areas, urban growth typically requires urban
3 governmental services. "Characterized by urban growth" refers to land
4 having urban growth located on it, or to land located in relationship
5 to an area with urban growth on it as to be appropriate for urban
6 growth.

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

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

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

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

34 (33) "Active transportation" means forms of pedestrian mobility
35 including walking or running, the use of a mobility assistive device
36 such as a wheelchair, bicycling and cycling irrespective of the
37 number of wheels, and the use of small personal devices such as foot
38 scooters or skateboards. Active transportation includes both
39 traditional and electric assist bicycles and other devices. Planning
40 for active transportation must consider and address accommodation

1 pursuant to the Americans with disabilities act and the distinct
2 needs of each form of active transportation.

3 (34) "Transportation system" means all infrastructure and
4 services for all forms of transportation within a geographical area,
5 irrespective of the responsible jurisdiction or transportation
6 provider.

7 (35) "Environmental justice" means the fair treatment and
8 meaningful involvement of all people regardless of race, color,
9 national origin, or income with respect to development,
10 implementation, and enforcement of environmental laws, regulations,
11 and policies; with a focus on the equitable distribution of
12 resources, benefits, and burdens in a manner that prioritizes
13 communities that experience the greatest inequities, disproportionate
14 impacts, and have the greatest unmet needs.

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

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

24 (a) Is accessible to the public;

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

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

27 (d) Promotes recreational and aesthetic values;

28 (e) Protects streams or water supply; or

29 (f) Preserves visual quality along highway, road, or street
30 corridors.

31 (38) "Green infrastructure" means a wide array of natural assets,
32 built structures, and management practices at multiple scales that
33 manage wet weather and that maintain and restore natural hydrology by
34 storing, infiltrating, evapotranspiring, and harvesting and using
35 stormwater.

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

38 (1) (a) Each comprehensive land use plan and development
39 regulations shall be subject to continuing review and evaluation by

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

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

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

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

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

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

1 be adopted if the cumulative impacts of the proposed plan are
2 addressed by appropriate environmental review under chapter 43.21C
3 RCW;

4 (ii) The development of an initial subarea plan for economic
5 development located outside of the one hundred year floodplain in a
6 county that has completed a state-funded pilot project that is based
7 on watershed characterization and local habitat 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) On or before December 31, 2024, with the following review
21 and, if needed, revision on or before June 30, 2034, and then every
22 (~~ten~~) 10 years thereafter, for King, Kitsap, Pierce, and Snohomish
23 counties and the cities within those counties;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 (ii) Permit processing timelines; and

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

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

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

1 implementation progress report required by subsection (9) of this
2 section.

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