
HOUSE BILL 1695

State of Washington

69th Legislature

2025 Regular Session

By Representatives Engell, Klicker, and Schmidt

Read first time 01/29/25. Referred to Committee on Local Government.

1 AN ACT Relating to unincorporated villages in the growth
2 management act; and amending RCW 36.70A.070 and 36.70A.110.

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

4 **Sec. 1.** RCW 36.70A.070 and 2024 c 135 s 1 are each amended to
5 read as follows:

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

15 (1) A land use element designating the proposed general
16 distribution and general location and extent of the uses of land,
17 where appropriate, for agriculture, timber production, housing,
18 commerce, industry, recreation, open spaces and green spaces, urban
19 and community forests within the urban growth area, general aviation
20 airports, public utilities, public facilities, and other land uses.
21 The land use element shall include population densities, building

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

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

28 (a) Includes an inventory and analysis of existing and projected
29 housing needs that identifies the number of housing units necessary
30 to manage projected growth, as provided by the department of
31 commerce, including:

32 (i) Units for moderate, low, very low, and extremely low-income
33 households; and

34 (ii) Emergency housing, emergency shelters, and permanent
35 supportive housing;

36 (b) Includes a statement of goals, policies, objectives, and
37 mandatory provisions for the preservation, improvement, and
38 development of housing, including single-family residences, and
39 within an urban growth area boundary, moderate density housing

1 options including, but not limited to, duplexes, triplexes, and
2 townhomes;

3 (c) Identifies sufficient capacity of land for housing including,
4 but not limited to, government-assisted housing, housing for
5 moderate, low, very low, and extremely low-income households,
6 manufactured housing, multifamily housing, group homes, foster care
7 facilities, emergency housing, emergency shelters, permanent
8 supportive housing, and within an urban growth area boundary,
9 consideration of duplexes, triplexes, and townhomes;

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

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

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

17 (iii) Consideration of housing locations in relation to
18 employment location; and

19 (iv) Consideration of the role of accessory dwelling units in
20 meeting housing needs;

21 (e) Identifies local policies and regulations that result in
22 racially disparate impacts, displacement, and exclusion in housing,
23 including:

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

25 (ii) Disinvestment; and

26 (iii) Infrastructure availability;

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

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

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

1 In counties and cities subject to the review and evaluation
2 requirements of RCW 36.70A.215, any revision to the housing element
3 shall include consideration of prior review and evaluation reports
4 and any reasonable measures identified. The housing element should
5 link jurisdictional goals with overall county goals to ensure that
6 the housing element goals are met.

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

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

31 The county or city shall identify all public entities that own
32 capital facilities and endeavor in good faith to work with other
33 public entities, such as special purpose districts, to gather and
34 include within its capital facilities element the information
35 required by this subsection. If, after a good faith effort, the
36 county or city is unable to gather the information required by this
37 subsection from the other public entities, the failure to include
38 such information in its capital facilities element cannot be grounds
39 for a finding of noncompliance or invalidity under chapter 228, Laws
40 of 2023. A good faith effort must, at a minimum, include consulting

1 the public entity's capital facility or system plans and emailing and
2 calling the staff of the public entity.

3 (4) (a) A utilities element consisting of the general location,
4 proposed location, and capacity of all existing and proposed
5 utilities including, but not limited to, electrical,
6 telecommunications, and natural gas systems.

7 (b) The county or city shall identify all public entities that
8 own utility systems and endeavor in good faith to work with other
9 public entities, such as special purpose districts, to gather and
10 include within its utilities element the information required in (a)
11 of this subsection. However, if, after a good faith effort, the
12 county or city is unable to gather the information required in (a) of
13 this subsection from the other public entities, the failure to
14 include such information in the utilities element shall not be
15 grounds for a finding of noncompliance or invalidity under chapter
16 228, Laws of 2023. A good faith effort must, at a minimum, include
17 consulting the public entity's capital facility or system plans, and
18 emailing and calling the staff of the public entity.

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

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

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

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

4 (i) Containing or otherwise controlling rural development;

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

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

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

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

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

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

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

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

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

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

4 (I) Any included retail or food service space must not exceed the
5 footprint of previously occupied space or 5,000 square feet,
6 whichever is greater, for the same or similar use, unless the retail
7 space is for an essential rural retail service and the designated
8 limited area is located at least 10 miles from an existing urban
9 growth area, then the retail space must not exceed the footprint of
10 the previously occupied space or 10,000 square feet, whichever is
11 greater; and

12 (II) Any included retail or food service space must not exceed
13 2,500 square feet for a new use, unless the new retail space is for
14 an essential rural retail service and the designated limited area is
15 located at least 10 miles from an existing urban growth area, then
16 the new retail space must not exceed 10,000 square feet;

17 For the purposes of this subsection (5)(d), "essential rural
18 retail services" means services including grocery, pharmacy,
19 hardware, automotive parts, and similar uses that sell or provide
20 products necessary for health and safety, such as food, medication,
21 sanitation supplies, and products to maintain habitability and
22 mobility;

23 (D) An existing area which has been previously characterized as a
24 town, village, or hamlet, but which was never incorporated, is not
25 subject to (d)(i)(C) of this subsection if the county completes all
26 of the following:

27 (I) Adopts a subarea plan that is not larger than the adopted
28 logical outer boundary pursuant to (c)(iv) and (v) of this
29 subsection, including undeveloped platted lots, sewer district
30 boundaries, and water system boundaries; and

31 (II) Allocates a portion of the rural 20-year population and
32 housing to the subarea; and

33 (III) Amends the capital facilities plan to demonstrate adequate
34 public facilities and services to serve the anticipated population
35 over the planning period; and

36 (IV) Complies with the countywide planning policies;

37 (ii) The intensification of development on lots containing, or
38 new development of, small-scale recreational or tourist uses,
39 including commercial facilities to serve those recreational or
40 tourist uses, that rely on a rural location and setting, but that do

1 not include new residential development. A small-scale recreation or
2 tourist use is not required to be principally designed to serve the
3 existing and projected rural population. Public services and public
4 facilities shall be limited to those necessary to serve the
5 recreation or tourist use and shall be provided in a manner that does
6 not permit low-density sprawl;

7 (iii) The intensification of development on lots containing
8 isolated nonresidential uses or new development of isolated cottage
9 industries and isolated small-scale businesses that are not
10 principally designed to serve the existing and projected rural
11 population and nonresidential uses, but do provide job opportunities
12 for rural residents. Rural counties may allow the expansion of small-
13 scale businesses as long as those small-scale businesses conform with
14 the rural character of the area as defined by the local government
15 according to RCW 36.70A.030(35). Rural counties may also allow new
16 small-scale businesses to utilize a site previously occupied by an
17 existing business as long as the new small-scale business conforms to
18 the rural character of the area as defined by the local government
19 according to RCW 36.70A.030(35). Public services and public
20 facilities shall be limited to those necessary to serve the isolated
21 nonresidential use and shall be provided in a manner that does not
22 permit low-density sprawl;

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

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

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

5 (B) On the date the county adopted a resolution under RCW
6 36.70A.040(2), in a county that is planning under all of the
7 provisions of this chapter under RCW 36.70A.040(2); or

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

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

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

18 (a) The transportation element shall include the following
19 subelements:

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

21 (ii) Estimated multimodal level of service impacts to state-owned
22 transportation facilities resulting from land use assumptions to
23 assist in monitoring the performance of state facilities, to plan
24 improvements for the facilities, and to assess the impact of land-use
25 decisions on state-owned transportation facilities;

26 (iii) Facilities and services needs, including:

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

34 (B) Multimodal level of service standards for all locally owned
35 arterials, locally and regionally operated transit routes that serve
36 urban growth areas, state-owned or operated transit routes that serve
37 urban areas if the department of transportation has prepared such
38 standards, and active transportation facilities to serve as a gauge
39 to judge performance of the system and success in helping to achieve

1 the goals of this chapter consistent with environmental justice.
2 These standards should be regionally coordinated;

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

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

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

32 (F) Identification of state and local system needs to equitably
33 meet current and future demands. Identified needs on state-owned
34 transportation facilities must be consistent with the statewide
35 multimodal transportation plan required under chapter 47.06 RCW.
36 Local system needs should reflect the regional transportation system
37 and local goals, and strive to equitably implement the multimodal
38 network;

39 (G) A transition plan for transportation as required in Title II
40 of the Americans with disabilities act of 1990 (ADA). As a necessary

1 step to a program access plan to provide accessibility under the ADA,
2 state and local government, public entities, and public agencies are
3 required to perform self-evaluations of their current facilities,
4 relative to accessibility requirements of the ADA. The agencies are
5 then required to develop a program access plan, which can be called a
6 transition plan, to address any deficiencies. The plan is intended to
7 achieve the following:

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

10 (II) Describe the methods to be used to make the facilities
11 accessible;

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

13 (IV) Identify the public officials responsible for implementation
14 of the transition plan;

15 (iv) Finance, including:

16 (A) An analysis of funding capability to judge needs against
17 probable funding resources;

18 (B) A multiyear financing plan based on the needs identified in
19 the comprehensive plan, the appropriate parts of which shall serve as
20 the basis for the six-year street, road, or transit program required
21 by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW
22 35.58.2795 for public transportation systems. The multiyear financing
23 plan should be coordinated with the ten-year investment program
24 developed by the office of financial management as required by RCW
25 47.05.030;

26 (C) If probable funding falls short of meeting the identified
27 needs of the transportation system, including state transportation
28 facilities, a discussion of how additional funding will be raised, or
29 how land use assumptions will be reassessed to ensure that level of
30 service standards will be met;

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

34 (vi) Demand-management strategies;

35 (vii) Active transportation component to include collaborative
36 efforts to identify and designate planned improvements for active
37 transportation facilities and corridors that address and encourage
38 enhanced community access and promote healthy lifestyles.

39 (b) After adoption of the comprehensive plan by jurisdictions
40 required to plan or who choose to plan under RCW 36.70A.040, local

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

26 (c) The transportation element described in this subsection (6),
27 the six-year plans required by RCW 35.77.010 for cities, RCW
28 36.81.121 for counties, and RCW 35.58.2795 for public transportation
29 systems, and the ten-year investment program required by RCW
30 47.05.030 for the state, must be consistent.

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

36 (8) A park and recreation element that implements, and is
37 consistent with, the capital facilities plan element as it relates to
38 park and recreation facilities. The element shall include: (a)
39 Estimates of park and recreation demand for at least a ten-year
40 period; (b) an evaluation of facilities and service needs; (c) an

1 evaluation of tree canopy coverage within the urban growth area; and
2 (d) an evaluation of intergovernmental coordination opportunities to
3 provide regional approaches for meeting park and recreational demand.

4 (9) (a) A climate change and resiliency element that is designed
5 to result in reductions in overall greenhouse gas emissions and that
6 must enhance resiliency to and avoid the adverse impacts of climate
7 change, which must include efforts to reduce localized greenhouse gas
8 emissions and avoid creating or worsening localized climate impacts
9 to vulnerable populations and overburdened communities.

10 (b) The climate change and resiliency element shall include the
11 following subelements:

12 (i) A greenhouse gas emissions reduction subelement;

13 (ii) A resiliency subelement.

14 (c) The greenhouse gas emissions reduction subelement of the
15 climate change and resiliency element is mandatory for the
16 jurisdictions specified in RCW 36.70A.095 and is encouraged for all
17 other jurisdictions, including those planning under RCW 36.70A.040
18 and those planning under chapter 36.70 RCW. The resiliency subelement
19 of the climate change and resiliency element is mandatory for all
20 jurisdictions planning under RCW 36.70A.040 and is encouraged for
21 those jurisdictions planning under chapter 36.70 RCW.

22 (d) (i) The greenhouse gas emissions reduction subelement of the
23 comprehensive plan, and its related development regulations, must
24 identify the actions the jurisdiction will take during the planning
25 cycle consistent with the guidelines published by the department
26 pursuant to RCW 70A.45.120 that will:

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

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

33 (C) Prioritize reductions that benefit overburdened communities
34 in order to maximize the cobenefits of reduced air pollution and
35 environmental justice.

36 (ii) Actions not specifically identified in the guidelines
37 developed by the department pursuant to RCW 70A.45.120 may be
38 considered consistent with these guidelines only if:

39 (A) They are projected to achieve greenhouse gas emissions
40 reductions or per capita vehicle miles traveled reductions equivalent

1 to what would be required of the jurisdiction under the guidelines
2 adopted by the department; and

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

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

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

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

26 (B) Identify, protect, and enhance community resiliency to
27 climate change impacts, including social, economic, and built
28 environment factors, that support adaptation to climate impacts
29 consistent with environmental justice; and

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

34 (ii) A natural hazard mitigation plan or similar plan that is
35 guided by RCW 36.70A.020(14), that prioritizes actions that benefit
36 overburdened communities, and that complies with the applicable
37 requirements of this chapter, including the requirements set forth in
38 this subsection (9) (e), may be adopted by reference to satisfy these
39 requirements, except that to the extent any of the substantive
40 requirements of this subsection (9) (e) are not addressed, or are

1 inadequately addressed, in the referenced natural hazard mitigation
2 plan, a county or city must supplement the natural hazard mitigation
3 plan accordingly so that the adopted resiliency subelement complies
4 fully with the substantive requirements of this subsection (9)(e).

5 (A) If a county or city intends to adopt by reference a federal
6 emergency management agency natural hazard mitigation plan in order
7 to meet all or part of the substantive requirements set forth in this
8 subsection (9)(e), and the most recently adopted federal emergency
9 management agency natural hazard mitigation plan does not comply with
10 the requirements of this subsection (9)(e), the department may grant
11 the county or city an extension of time in which to submit a natural
12 hazard mitigation plan.

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

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

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

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

35 (F) The adoption of ordinances, amendments to comprehensive
36 plans, amendments to development regulations, and other nonproject
37 actions taken by a county or city pursuant to (d) of this subsection
38 in order to implement measures specified by the department pursuant
39 to RCW 70A.45.120 are not subject to administrative or judicial
40 appeal under chapter 43.21C RCW.

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

8 **Sec. 2.** RCW 36.70A.110 and 2024 c 26 s 1 are each amended to
9 read as follows:

10 (1) Each county that is required or chooses to plan under RCW
11 36.70A.040 shall designate an urban growth area or areas within which
12 urban growth shall be encouraged and outside of which growth can
13 occur only if it is not urban in nature. Each city that is located in
14 such a county shall be included within an urban growth area. An urban
15 growth area may include more than a single city. An urban growth area
16 may include territory that is located outside of a city only if such
17 territory already is characterized by urban growth whether or not the
18 urban growth area includes a city, or is adjacent to territory
19 already characterized by urban growth, or is a designated new fully
20 contained community as defined by RCW 36.70A.350. When a federally
21 recognized Indian tribe whose reservation or ceded lands lie within
22 the county or city has voluntarily chosen to participate in the
23 planning process pursuant to RCW 36.70A.040, the county or city and
24 the tribe shall coordinate their planning efforts for any areas
25 planned for urban growth consistent with the terms outlined in the
26 memorandum of agreement provided for in RCW 36.70A.040(8).

27 (2) Based upon the growth management population projection made
28 for the county by the office of financial management, the county and
29 each city within the county shall include areas and densities
30 sufficient to permit the urban growth that is projected to occur in
31 the county or city for the succeeding twenty-year period, except for
32 those urban growth areas contained totally within a national
33 historical reserve. As part of this planning process, each city
34 within the county must include areas sufficient to accommodate the
35 broad range of needs and uses that will accompany the projected urban
36 growth including, as appropriate, medical, governmental,
37 institutional, commercial, service, retail, and other nonresidential
38 uses.

1 Each urban growth area shall permit urban densities and shall
2 include greenbelt and open space areas. In the case of urban growth
3 areas contained totally within a national historical reserve, the
4 city may restrict densities, intensities, and forms of urban growth
5 as determined to be necessary and appropriate to protect the
6 physical, cultural, or historic integrity of the reserve. An urban
7 growth area determination may include a reasonable land market supply
8 factor and shall permit a range of urban densities and uses. In
9 determining this market factor, cities and counties may consider
10 local circumstances. Cities and counties have discretion in their
11 comprehensive plans to make many choices about accommodating growth.

12 Within one year of July 1, 1990, each county that as of June 1,
13 1991, was required or chose to plan under RCW 36.70A.040, shall begin
14 consulting with each city located within its boundaries and each city
15 shall propose the location of an urban growth area. Within sixty days
16 of the date the county legislative authority of a county adopts its
17 resolution of intention or of certification by the office of
18 financial management, all other counties that are required or choose
19 to plan under RCW 36.70A.040 shall begin this consultation with each
20 city located within its boundaries. The county shall attempt to reach
21 agreement with each city on the location of an urban growth area
22 within which the city is located. If such an agreement is not reached
23 with each city located within the urban growth area, the county shall
24 justify in writing why it so designated the area an urban growth
25 area. A city may object formally with the department over the
26 designation of the urban growth area within which it is located.
27 Where appropriate, the department shall attempt to resolve the
28 conflicts, including the use of mediation services.

29 (3) Urban growth should be located first in areas already
30 characterized by urban growth that have adequate existing public
31 facility and service capacities to serve such development, second in
32 areas already characterized by urban growth that will be served
33 adequately by a combination of both existing public facilities and
34 services and any additional needed public facilities and services
35 that are provided by either public or private sources, and third in
36 the remaining portions of the urban growth areas. Urban growth may
37 also be located in designated new fully contained communities as
38 defined by RCW 36.70A.350.

39 (4) In general, cities are the units of local government most
40 appropriate to provide urban governmental services. In general, it is

1 not appropriate that urban governmental services be extended to or
2 expanded in rural areas except in those limited circumstances shown
3 to be necessary to protect basic public health and safety and the
4 environment, or as provided for by RCW 36.70A.070(5)(d)(i)(D), and
5 when such services are financially supportable at rural densities and
6 do not permit urban development.

7 (5) On or before October 1, 1993, each county that was initially
8 required to plan under RCW 36.70A.040(1) shall adopt development
9 regulations designating interim urban growth areas under this
10 chapter. Within three years and three months of the date the county
11 legislative authority of a county adopts its resolution of intention
12 or of certification by the office of financial management, all other
13 counties that are required or choose to plan under RCW 36.70A.040
14 shall adopt development regulations designating interim urban growth
15 areas under this chapter. Adoption of the interim urban growth areas
16 may only occur after public notice; public hearing; and compliance
17 with the state environmental policy act, chapter 43.21C RCW, and
18 under this section. Such action may be appealed to the growth
19 management hearings board under RCW 36.70A.280. Final urban growth
20 areas shall be adopted at the time of comprehensive plan adoption
21 under this chapter.

22 (6) Each county shall include designations of urban growth areas
23 in its comprehensive plan.

24 (7) An urban growth area designated in accordance with this
25 section may include within its boundaries urban service areas or
26 potential annexation areas designated for specific cities or towns
27 within the county.

28 (8) If, during the county's annual review under RCW
29 36.70A.130(2)(a), the county determines revision of the urban growth
30 area is not required to accommodate the population projection for the
31 county made by the office of financial management for the succeeding
32 20-year period, but does determine that patterns of development have
33 created pressure for development in areas exceeding the amount of
34 available developable lands within the urban growth area, then the
35 county may revise the urban growth area or areas based on identified
36 patterns of development and likely future development pressure if the
37 following requirements are met:

38 (a) The revised urban growth area would not result in a net
39 increase in the total acreage or development capacity of the urban
40 growth area or areas;

1 (b) The areas added to the urban growth area are not designated
2 by the county as agricultural, forest, or mineral resource lands of
3 long-term commercial significance;

4 (c) If the areas added to the urban growth area have previously
5 been designated as agricultural, forest, or mineral resource lands of
6 long-term commercial significance, either an equivalent amount of
7 agricultural, forest, or mineral resource lands of long-term
8 commercial significance must be added to the area outside of the
9 urban growth area, or the county must wait a minimum of two years
10 before another swap may occur;

11 (d) Less than 15 percent of the areas added to the urban growth
12 area are critical areas other than critical aquifer recharge areas.
13 Critical aquifer recharge areas must have been previously designated
14 by the county and be maintained per county development regulations
15 within the expanded urban growth area and the revised urban growth
16 area must not result in a net increase in critical aquifer recharge
17 areas within the urban growth area;

18 (e) The areas added to the urban growth areas are suitable for
19 urban growth;

20 (f) The transportation element and capital facility plan element
21 of the county's comprehensive plan have identified the transportation
22 facilities and public facilities and services needed to serve the
23 urban growth area and the funding to provide the transportation
24 facilities and public facilities and services;

25 (g) The areas removed from the urban growth area are not
26 characterized by urban growth or urban densities;

27 (h) The revised urban growth area is contiguous, does not include
28 holes or gaps, and will not increase pressures to urbanize rural or
29 natural resource lands;

30 (i) The county's proposed urban growth area revision has been
31 reviewed according to the process and procedure in the countywide
32 planning policies adopted and approved according to RCW 36.70A.210;
33 and

34 (j) The revised urban growth area meets all other requirements of
35 this section.

36 (9) (a) At the earliest possible date prior to the revision of the
37 county's urban growth area authorized under subsection (8) of this
38 section, the county must engage in meaningful consultation with any
39 federally recognized Indian tribe that may be potentially affected by
40 the proposed revision. Meaningful consultation must include

1 discussion of the potential impacts to cultural resources and tribal
2 treaty rights.

3 (b) A county must notify the affected federally recognized Indian
4 tribe of the proposed revision using at least two methods, including
5 by mail. Upon receiving a notice, the federally recognized Indian
6 tribe may request a consultation to determine whether an agreement
7 can be reached related to the revision of the county's urban growth
8 area. If an agreement is not reached, the parties must enter
9 mediation pursuant to RCW 36.70A.040.

10 (10)(a) Except as provided in (b) of this subsection, the
11 expansion of an urban growth area is prohibited into the one hundred
12 year floodplain of any river or river segment that: (i) Is located
13 west of the crest of the Cascade mountains; and (ii) has a mean
14 annual flow of one thousand or more cubic feet per second as
15 determined by the department of ecology.

16 (b) Subsection (10)(a) of this section does not apply to:

17 (i) Urban growth areas that are fully contained within a
18 floodplain and lack adjacent buildable areas outside the floodplain;

19 (ii) Urban growth areas where expansions are precluded outside
20 floodplains because:

21 (A) Urban governmental services cannot be physically provided to
22 serve areas outside the floodplain; or

23 (B) Expansions outside the floodplain would require a river or
24 estuary crossing to access the expansion; or

25 (iii) Urban growth area expansions where:

26 (A) Public facilities already exist within the floodplain and the
27 expansion of an existing public facility is only possible on the land
28 to be included in the urban growth area and located within the
29 floodplain; or

30 (B) Urban development already exists within a floodplain as of
31 July 26, 2009, and is adjacent to, but outside of, the urban growth
32 area, and the expansion of the urban growth area is necessary to
33 include such urban development within the urban growth area; or

34 (C) The land is owned by a jurisdiction planning under this
35 chapter or the rights to the development of the land have been
36 permanently extinguished, and the following criteria are met:

37 (I) The permissible use of the land is limited to one of the
38 following: Outdoor recreation; environmentally beneficial projects,
39 including but not limited to habitat enhancement or environmental

1 restoration; stormwater facilities; flood control facilities; or
2 underground conveyances; and

3 (II) The development and use of such facilities or projects will
4 not decrease flood storage, increase stormwater runoff, discharge
5 pollutants to fresh or salt waters during normal operations or
6 floods, or increase hazards to people and property.

7 (c) For the purposes of this subsection (10), "one hundred year
8 floodplain" means the same as "special flood hazard area" as set
9 forth in WAC 173-158-040 as it exists on July 26, 2009.

10 (11) If a county, city, or utility has adopted a capital facility
11 plan or utilities element to provide sewer service within the urban
12 growth areas during the twenty-year planning period, nothing in this
13 chapter obligates counties, cities, or utilities to install sanitary
14 sewer systems to properties within urban growth areas designated
15 under subsection (2) of this section by the end of the twenty-year
16 planning period when those properties:

17 (a)(i) Have existing, functioning, nonpolluting on-site sewage
18 systems;

19 (ii) Have a periodic inspection program by a public agency to
20 verify the on-site sewage systems function properly and do not
21 pollute surface or groundwater; and

22 (iii) Have no redevelopment capacity; or

23 (b) Do not require sewer service because development densities
24 are limited due to wetlands, floodplains, fish and wildlife habitats,
25 or geological hazards.

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