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**SENATE BILL 5613**

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**State of Washington**

**69th Legislature**

**2025 Regular Session**

**By** Senators Salomon, Trudeau, Liiias, and Nobles

Read first time 01/31/25. Referred to Committee on Housing.

1 AN ACT Relating to the development of clear and objective  
2 standards, conditions, and procedures for residential development;  
3 amending RCW 36.70A.030 and 36.70A.190; reenacting and amending RCW  
4 36.70A.280; adding a new section to chapter 36.70A RCW; and creating  
5 a new section.

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

7 NEW SECTION. **Sec. 1.** (1) The department of commerce shall form  
8 a stakeholder work group to analyze development regulations that  
9 create barriers to housing types, and suggest model codes that  
10 contain clear and objective standards, conditions, and procedures.

11 (2) The work group shall consist of members representing:

12 (a) Cities;

13 (b) Counties;

14 (c) The building industry;

15 (d) The construction trades;

16 (e) The planning profession;

17 (f) The architecture profession; and

18 (g) Organizations advocating for sustainable land use.

19 (3) The work group shall help guide implementation of the clear  
20 and objective standards, conditions, and procedures, and a model code  
21 for residential development required in RCW 36.70A.190.

1        NEW SECTION.    **Sec. 2.**    A new section is added to chapter 36.70A  
2    RCW to read as follows:

3        (1) Except as provided in subsection (2) of this section, a city  
4    or county may adopt and apply only clear and objective standards,  
5    conditions, and procedures regulating residential development. The  
6    standards, conditions, and procedures:

7        (a) May include, but are not limited to, one or more provisions  
8    regulating the density, height, bulk, or scale of a development; and

9        (b) May not have the effect, either in themselves or  
10    cumulatively, of discouraging development through unreasonable cost  
11    or delay.

12        (2) In addition to an approval process for residential  
13    development based on clear and objective standards, conditions, and  
14    procedures as provided in subsection (1) of this section, a city or  
15    county may adopt and apply an alternative approval process for  
16    applications and permits for residential development based on  
17    approval criteria regulating, in whole or in part, appearance or  
18    aesthetics that are not clear and objective if:

19        (a) The applicant retains the option of proceeding under the  
20    approval process that meets the requirements of subsection (1) of  
21    this section;

22        (b) The approval criteria for the alternative approval process  
23    comply with this chapter; and

24        (c) The approval criteria for the alternative approval process  
25    does not authorize a density of less than the density authorized in  
26    the comprehensive plan and that would be authorized under the  
27    approval process provided in subsection (1) of this section.

28        (3) Subject to subsection (1) of this section, this section does  
29    not infringe on the prerogative of a city or county to:

30        (a) Set approval standards under which a particular housing type  
31    is permitted outright;

32        (b) Impose special conditions upon approval of a specific  
33    development proposal; or

34        (c) Establish approval procedures.

35        **Sec. 3.**    RCW 36.70A.030 and 2024 c 152 s 1 are each amended to  
36    read as follows:

37        Unless the context clearly requires otherwise, the definitions in  
38    this section apply throughout this chapter.

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

10 (2) "Active transportation facilities" means facilities provided  
11 for the safety and mobility of active transportation users including,  
12 but not limited to, trails, as defined in RCW 47.30.005, sidewalks,  
13 bike lanes, shared-use paths, and other facilities in the public  
14 right-of-way.

15 (3) "Administrative design review" means a development permit  
16 process whereby an application is reviewed, approved, or denied by  
17 the planning director or the planning director's designee based  
18 solely on objective design and development standards without a public  
19 predecision hearing, unless such review is otherwise required by  
20 state or federal law, or the structure is a designated landmark or  
21 historic district established under a local preservation ordinance. A  
22 city may utilize public meetings, hearings, or voluntary review  
23 boards to consider, recommend, or approve requests for variances from  
24 locally established design review standards.

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

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

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

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

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

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

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

13 (9) "Cottage housing" means residential units on a lot with a  
14 common open space that either: (a) Is owned in common; or (b) has  
15 units owned as condominium units with property owned in common and a  
16 minimum of 20 percent of the lot size as open space.

17 (10) "Courtyard apartments" means attached dwelling units  
18 arranged on two or three sides of a yard or court.

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

28 (12) "Department" means the department of commerce.

29 (13) "Development regulations" or "regulation" means the controls  
30 placed on development or land use activities by a county or city,  
31 including, but not limited to, zoning ordinances, critical areas  
32 ordinances, shoreline master programs, official controls, planned  
33 unit development ordinances, subdivision ordinances, and binding site  
34 plan ordinances together with any amendments thereto. Development  
35 regulations adopted pursuant to this chapter must be clear and  
36 objective as defined in this section. In determining whether a  
37 development regulation is clear and objective the regulation must be  
38 interpreted in a manner that does not inhibit or prohibit either  
39 development of middle housing or accessory dwelling or achievement of  
40 minimum density requirements under this chapter. A development

1 regulation does not include a decision to approve a project permit  
2 application, as defined in RCW 36.70B.020, even though the decision  
3 may be expressed in a resolution or ordinance of the legislative body  
4 of the county or city.

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

11 (15) "Emergency shelter" means a facility that provides a  
12 temporary shelter for individuals or families who are currently  
13 homeless. Emergency shelter may not require occupants to enter into a  
14 lease or an occupancy agreement. Emergency shelter facilities may  
15 include day and warming centers that do not provide overnight  
16 accommodations.

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

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

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

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

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

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

21 (21) "Green infrastructure" means a wide array of natural assets  
22 and built structures within an urban growth area boundary, including  
23 parks and other areas with protected tree canopy, and management  
24 practices at multiple scales that manage wet weather and that  
25 maintain and restore natural hydrology by storing, infiltrating,  
26 evapotranspiring, and harvesting and using stormwater.

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

- 31 (a) Is accessible to the public;
- 32 (b) Promotes physical and mental health of residents;
- 33 (c) Provides relief from the urban heat island effects;
- 34 (d) Promotes recreational and aesthetic values;
- 35 (e) Protects streams or water supply; or
- 36 (f) Preserves visual quality along highway, road, or street  
37 corridors.

38 (23) "Long-term commercial significance" includes the growing  
39 capacity, productivity, and soil composition of the land for long-  
40 term commercial production, in consideration with the land's

1 proximity to population areas, and the possibility of more intense  
2 uses of the land.

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

9 (25) "Major transit stop" means:

10 (a) A stop on a high capacity transportation system funded or  
11 expanded under the provisions of chapter 81.104 RCW;

12 (b) Commuter rail stops;

13 (c) Stops on rail or fixed guideway systems; or

14 (d) Stops on bus rapid transit routes, including those stops that  
15 are under construction.

16 (26) "Middle housing" means buildings that are compatible in  
17 scale, form, and character with single-family houses and contain two  
18 or more attached, stacked, or clustered homes including duplexes,  
19 triplexes, fourplexes, fiveplexes, sixplexes, townhouses, stacked  
20 flats, courtyard apartments, and cottage housing.

21 (27) "Minerals" include gravel, sand, and valuable metallic  
22 substances.

23 (28) "Moderate-income household" means a single person, family,  
24 or unrelated persons living together whose adjusted income is at or  
25 below 120 percent of the median household income adjusted for  
26 household size, for the county where the household is located, as  
27 reported by the United States department of housing and urban  
28 development.

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

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

37 (31) "Permanent supportive housing" is subsidized, leased housing  
38 with no limit on length of stay that prioritizes people who need  
39 comprehensive support services to retain tenancy and utilizes  
40 admissions practices designed to use lower barriers to entry than

1 would be typical for other subsidized or unsubsidized rental housing,  
2 especially related to rental history, criminal history, and personal  
3 behaviors. Permanent supportive housing is paired with on-site or  
4 off-site voluntary services designed to support a person living with  
5 a complex and disabling behavioral health or physical health  
6 condition who was experiencing homelessness or was at imminent risk  
7 of homelessness prior to moving into housing to retain their housing  
8 and be a successful tenant in a housing arrangement, improve the  
9 resident's health status, and connect the resident of the housing  
10 with community-based health care, treatment, or employment services.  
11 Permanent supportive housing is subject to all of the rights and  
12 responsibilities defined in chapter 59.18 RCW.

13 (32) "Public facilities" include streets, roads, highways,  
14 sidewalks, street and road lighting systems, traffic signals,  
15 domestic water systems, storm and sanitary sewer systems, parks and  
16 recreational facilities, and schools.

17 (33) "Public services" include fire protection and suppression,  
18 law enforcement, public health, education, recreation, environmental  
19 protection, and other governmental services.

20 (34) "Recreational land" means land so designated under RCW  
21 36.70A.1701 and that, immediately prior to this designation, was  
22 designated as agricultural land of long-term commercial significance  
23 under RCW 36.70A.170. Recreational land must have playing fields and  
24 supporting facilities existing before July 1, 2004, for sports played  
25 on grass playing fields.

26 (35) "Rural character" refers to the patterns of land use and  
27 development established by a county in the rural element of its  
28 comprehensive plan:

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

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

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

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

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

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



1 (g) That are consistent with the protection of natural surface  
2 water flows and groundwater and surface water recharge and discharge  
3 areas.

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

12 (37) "Rural governmental services" or "rural services" include  
13 those public services and public facilities historically and  
14 typically delivered at an intensity usually found in rural areas, and  
15 may include domestic water systems and fire and police protection  
16 services associated with rural development and normally not  
17 associated with urban areas. Rural services do not include storm or  
18 sanitary sewers, except as otherwise authorized by RCW 36.70A.110(4).

19 (38) "Short line railroad" means those railroad lines designated  
20 class II or class III by the United States surface transportation  
21 board.

22 (39) "Single-family zones" means those zones where single-family  
23 detached housing is the predominant land use.

24 (40) "Stacked flat" means dwelling units in a residential  
25 building of no more than three stories on a residential zoned lot in  
26 which each floor may be separately rented or owned.

27 (41) "Townhouses" means buildings that contain three or more  
28 attached single-family dwelling units that extend from foundation to  
29 roof and that have a yard or public way on not less than two sides.

30 (42) "Transportation system" means all infrastructure and  
31 services for all forms of transportation within a geographical area,  
32 irrespective of the responsible jurisdiction or transportation  
33 provider.

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

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

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

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

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

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

32 (i) Racial or ethnic minorities;

33 (ii) Low-income populations; and

34 (iii) Populations disproportionately impacted by environmental  
35 harms.

36 (48) "Wetland" or "wetlands" means areas that are inundated or  
37 saturated by surface water or groundwater at a frequency and duration  
38 sufficient to support, and that under normal circumstances do  
39 support, a prevalence of vegetation typically adapted for life in  
40 saturated soil conditions. Wetlands generally include swamps,

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

11 (49) "Wildland urban interface" means the geographical area where  
12 structures and other human development meets or intermingles with  
13 wildland vegetative fuels.

14 (50) "Clear and objective" means standards, conditions, and  
15 procedures adopted pursuant to this chapter that must establish  
16 clear, objective, ascertainable, and uniform guidelines so that  
17 interpretation is not left solely to the ad hoc, subjective  
18 discretion of administrative bodies or local officials. A clear and  
19 objective standard, condition, or procedure: (a) Must include one or  
20 more ascertainable guideline, standard, or criterion by which an  
21 applicant can determine whether a given proposal is permissible under  
22 the standard, condition, or procedure; (b) may not result in a  
23 reduction in density, height, bulk, or scale below the generally  
24 applicable development regulations for a development proposal in the  
25 applicable zone; and (c) may provide discretion to administrative  
26 bodies or local officials but must include objective criteria for how  
27 that discretion is to be exercised.

28 **Sec. 4.** RCW 36.70A.190 and 2023 c 228 s 9 are each amended to  
29 read as follows:

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

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

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

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

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

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

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

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

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

38 (a) A federally recognized Indian tribe may request the  
39 department to provide facilitation services to resolve issues of  
40 concern with a proposed comprehensive plan and its development

1 regulations, or any amendment to the comprehensive plan and its  
2 development regulations.

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

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

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

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

31 (8) The department shall develop, in collaboration with the  
32 department of ecology, the department of fish and wildlife, the  
33 department of natural resources, the department of health, the  
34 emergency management division of the military department, as well as  
35 any federally recognized tribe who chooses to voluntarily  
36 participate, and adopt by rule guidance that creates a model climate  
37 change and resiliency element that may be used by counties, cities,  
38 and multiple-county planning regions for developing and implementing  
39 climate change and resiliency plans and policies required by RCW  
40 36.70A.070(9), subject to the following provisions:

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

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

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

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

21 (9) The department must develop and adopt by rule clear and  
22 objective standards, conditions, and procedures, and a model code  
23 that meets the requirements of section 2 of this act. The clear and  
24 objective standards, conditions, and procedures should focus on  
25 development regulations and processes, give applicants  
26 predictability, and provide uniformity across jurisdictions.

27 **Sec. 5.** RCW 36.70A.280 and 2023 c 334 s 7, 2023 c 332 s 6, and  
28 2023 c 228 s 7 are each reenacted and amended to read as follows:

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

31 (a) That, except as provided otherwise by this subsection, a  
32 state agency, county, or city planning under this chapter is not in  
33 compliance with the requirements of this chapter, chapter 90.58 RCW  
34 as it relates to the adoption of shoreline master programs or  
35 amendments thereto, or chapter 43.21C RCW as it relates to plans,  
36 development regulations, or amendments, adopted under RCW 36.70A.040  
37 or chapter 90.58 RCW. Nothing in this subsection authorizes the board  
38 to hear petitions alleging noncompliance based on a city or county's

1 actions taken to implement the requirements of RCW 36.70A.680 and  
2 36.70A.681 within an urban growth area;

3 (b) That the 20-year growth management planning population  
4 projections adopted by the office of financial management pursuant to  
5 RCW 43.62.035 should be adjusted;

6 (c) That the approval of a work plan adopted under RCW  
7 36.70A.735(1)(a) is not in compliance with the requirements of the  
8 program established under RCW 36.70A.710;

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

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

14 (f) That the department's final decision to approve or reject a  
15 proposed greenhouse gas emissions reduction subelement or amendments  
16 by a local government planning under RCW 36.70A.040 was not in  
17 compliance with the joint guidance issued by the department pursuant  
18 to RCW 70A.45.120; ((~~or~~))

19 (g) That the department's final decision to approve or reject  
20 actions by a city implementing RCW 36.70A.635 is clearly erroneous;

21 (h) That a clear and objective model ordinance developed by the  
22 department under RCW 36.70A.190(9) and adopted by a county or city is  
23 not in compliance with the goals and requirements of this chapter. In  
24 reaching its determination, the board shall give substantial weight  
25 to the department's expertise; or

26 (i) That a clear and objective model ordinance adopted by a  
27 county or city pursuant to section 2 of this act is not consistent  
28 with the department's clear and objective model ordinance under RCW  
29 36.70A.190(9).

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

36 (3) For purposes of this section "person" means any individual,  
37 partnership, corporation, association, state agency, governmental  
38 subdivision or unit thereof, or public or private organization or  
39 entity of any character.

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

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

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

12           If adjusted by the board, a county growth management planning  
13 population projection shall only be used for the planning purposes  
14 set forth in this chapter and shall be known as the "board adjusted  
15 population projection." None of these changes shall affect the  
16 official state and county population forecasts prepared by the office  
17 of financial management, which shall continue to be used for state  
18 budget and planning purposes.

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