
SENATE BILL 5660

State of Washington

69th Legislature

2025 Regular Session

By Senators Goehner, Torres, Warnick, and Dozier

Read first time 02/04/25. Referred to Committee on Local Government.

1 AN ACT Relating to making it possible for more properties to have
2 access to water, storm drains, and sanitary sewage systems; amending
3 RCW 36.70A.070, 36.70A.110, 36.70A.320, 36.93.100, and 36.93.105; and
4 creating a new section.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that there needs to
7 be increased flexibility in extending publicly provided water, sewer,
8 and stormwater facilities beyond municipal and urban growth
9 boundaries when there are environmental or health harms from the lack
10 of those utilities, extension will not foster urban growth, and the
11 affected communities and governmental bodies determine it is
12 economically feasible and prudent.

13 **Sec. 2.** RCW 36.70A.070 and 2024 c 135 s 1 are each amended to
14 read as follows:

15 The comprehensive plan of a county or city that is required or
16 chooses to plan under RCW 36.70A.040 shall consist of a map or maps,
17 and descriptive text covering objectives, principles, and standards
18 used to develop the comprehensive plan. The plan shall be an
19 internally consistent document and all elements shall be consistent
20 with the future land use map. A comprehensive plan shall be adopted

1 and amended with public participation as provided in RCW 36.70A.140.
2 Each comprehensive plan shall include a plan, scheme, or design for
3 each of the following:

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

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

38 (a) Includes an inventory and analysis of existing and projected
39 housing needs that identifies the number of housing units necessary

1 to manage projected growth, as provided by the department of
2 commerce, including:

3 (i) Units for moderate, low, very low, and extremely low-income
4 households; and

5 (ii) Emergency housing, emergency shelters, and permanent
6 supportive housing;

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

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

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

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

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

27 (iii) Consideration of housing locations in relation to
28 employment location; and

29 (iv) Consideration of the role of accessory dwelling units in
30 meeting housing needs;

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

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

35 (ii) Disinvestment; and

36 (iii) Infrastructure availability;

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

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

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

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

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

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

1 The county or city shall identify all public entities that own
2 capital facilities and endeavor in good faith to work with other
3 public entities, such as special purpose districts, to gather and
4 include within its capital facilities element the information
5 required by this subsection. If, after a good faith effort, the
6 county or city is unable to gather the information required by this
7 subsection from the other public entities, the failure to include
8 such information in its capital facilities element cannot be grounds
9 for a finding of noncompliance or invalidity under chapter 228, Laws
10 of 2023. A good faith effort must, at a minimum, include consulting
11 the public entity's capital facility or system plans and emailing and
12 calling the staff of the public entity.

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

17 (b) The county or city shall identify all public entities that
18 own utility systems and endeavor in good faith to work with other
19 public entities, such as special purpose districts, to gather and
20 include within its utilities element the information required in (a)
21 of this subsection. However, if, after a good faith effort, the
22 county or city is unable to gather the information required in (a) of
23 this subsection from the other public entities, the failure to
24 include such information in the utilities element shall not be
25 grounds for a finding of noncompliance or invalidity under chapter
26 228, Laws of 2023. A good faith effort must, at a minimum, include
27 consulting the public entity's capital facility or system plans, and
28 emailing and calling the staff of the public entity.

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

33 (a) Growth management act goals and local circumstances. Because
34 circumstances vary from county to county, in establishing patterns of
35 rural densities and uses, a county may consider local circumstances,
36 but shall develop a written record explaining how the rural element
37 harmonizes the planning goals in RCW 36.70A.020 and meets the
38 requirements of this chapter.

39 (b) Rural development. The rural element shall permit rural
40 development, forestry, and agriculture in rural areas. The rural

1 element shall provide for a variety of rural densities, uses,
2 essential public facilities, and rural governmental services needed
3 to serve the permitted densities and uses. To achieve a variety of
4 rural densities and uses, counties may provide for clustering,
5 density transfer, design guidelines, conservation easements, and
6 other innovative techniques that will accommodate appropriate rural
7 economic advancement, densities, and uses that are not characterized
8 by urban growth and that are consistent with rural character.

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

12 (i) Containing or otherwise controlling rural development;

13 (ii) Assuring visual compatibility of rural development with the
14 surrounding rural area;

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

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

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

21 (d) Limited areas of more intensive rural development. Subject to
22 the requirements of this subsection and except as otherwise
23 specifically provided in this subsection (5)(d), the rural element
24 may allow for limited areas of more intensive rural development,
25 including necessary public facilities and public services to serve
26 the limited area as follows:

27 (i) Rural development consisting of the infill, development, or
28 redevelopment of existing commercial, industrial, residential, or
29 mixed-use areas, whether characterized as shoreline development,
30 villages, hamlets, rural activity centers, or crossroads
31 developments.

32 (A) A commercial, industrial, residential, shoreline, or mixed-
33 use area are subject to the requirements of (d)(iv) of this
34 subsection, but are not subject to the requirements of (c)(ii) and
35 (iii) of this subsection.

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

1 (C) Any development or redevelopment in terms of building size,
2 scale, use, or intensity may be permitted subject to confirmation
3 from all existing providers of public facilities and public services
4 of sufficient capacity of existing public facilities and public
5 services to serve any new or additional demand from the new
6 development or redevelopment while also meeting the needs of the
7 people in those communities, including access to domestic water,
8 storm, and sanitary sewer systems that are feasible and affordable
9 for the location. Development and redevelopment may include changes
10 in use from vacant land or a previously existing use so long as the
11 new use conforms to the requirements of this subsection (5) and is
12 consistent with the local character. Any commercial development or
13 redevelopment within a mixed-use area must be principally designed to
14 serve the existing and projected rural population and must meet the
15 following requirements:

16 (I) Any included retail or food service space must not exceed the
17 footprint of previously occupied space or 5,000 square feet,
18 whichever is greater, for the same or similar use, unless the retail
19 space is for an essential rural retail service and the designated
20 limited area is located at least 10 miles from an existing urban
21 growth area, then the retail space must not exceed the footprint of
22 the previously occupied space or 10,000 square feet, whichever is
23 greater; and

24 (II) Any included retail or food service space must not exceed
25 2,500 square feet for a new use, unless the new retail space is for
26 an essential rural retail service and the designated limited area is
27 located at least 10 miles from an existing urban growth area, then
28 the new retail space must not exceed 10,000 square feet;

29 For the purposes of this subsection (5)(d), "essential rural
30 retail services" means services including grocery, pharmacy,
31 hardware, automotive parts, and similar uses that sell or provide
32 products necessary for health and safety, such as food, medication,
33 sanitation supplies, and products to maintain habitability and
34 mobility;

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

1 existing and projected rural population. Public services and public
2 facilities shall be limited to those necessary to serve the
3 recreation or tourist use and shall be provided in a manner that does
4 not permit low-density sprawl;

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

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

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

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

3 (B) On the date the county adopted a resolution under RCW
4 36.70A.040(2), in a county that is planning under all of the
5 provisions of this chapter under RCW 36.70A.040(2); or

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

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

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

16 (a) The transportation element shall include the following
17 subelements:

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

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

24 (iii) Facilities and services needs, including:

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

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

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

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

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

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

37 (G) A transition plan for transportation as required in Title II
38 of the Americans with disabilities act of 1990 (ADA). As a necessary
39 step to a program access plan to provide accessibility under the ADA,
40 state and local government, public entities, and public agencies are

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

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

8 (II) Describe the methods to be used to make the facilities
9 accessible;

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

11 (IV) Identify the public officials responsible for implementation
12 of the transition plan;

13 (iv) Finance, including:

14 (A) An analysis of funding capability to judge needs against
15 probable funding resources;

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

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

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

32 (vi) Demand-management strategies;

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

37 (b) After adoption of the comprehensive plan by jurisdictions
38 required to plan or who choose to plan under RCW 36.70A.040, local
39 jurisdictions must adopt and enforce ordinances which prohibit
40 development approval if the development causes the level of service

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

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

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

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

1 (d) an evaluation of intergovernmental coordination opportunities to
2 provide regional approaches for meeting park and recreational demand.

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

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

11 (i) A greenhouse gas emissions reduction subelement;

12 (ii) A resiliency subelement.

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

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

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

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

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

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

38 (A) They are projected to achieve greenhouse gas emissions
39 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. 3.** 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~~)):

3 (a) In those limited circumstances shown to be necessary to
4 protect basic public health and safety and the environment and when
5 such services are financially supportable at rural densities and do
6 not permit urban development; or

7 (b) When there is existing development inconsistent with rural
8 character, publicly provided water, stormwater, and sanitary sewer
9 services may be extended beyond the city and urban growth areas to
10 meet the needs of the people living in communities outside of the
11 city, as long as such an extension will not foster expended urban
12 development that is not planned to be included within an urban growth
13 area in the relevant comprehensive plans of the city or county. The
14 city or county must make findings that the extension is feasible,
15 cost-effective over a planning horizon of no more than 20 years, and
16 environmentally beneficial. For the purposes of this section,
17 "environmentally beneficial" means a determination, made after a
18 quantified analysis of the expected environmental impacts of the
19 proposed action is undertaken pursuant to chapter 43.21C RCW, that
20 the action would mitigate current or projected environmental impacts
21 or would provide defined benefits reflecting specific state or
22 federal environmental policies or policies in the comprehensive plan
23 of the jurisdiction.

24 (5) On or before October 1, 1993, each county that was initially
25 required to plan under RCW 36.70A.040(1) shall adopt development
26 regulations designating interim urban growth areas under this
27 chapter. Within three years and three months of the date the county
28 legislative authority of a county adopts its resolution of intention
29 or of certification by the office of financial management, all other
30 counties that are required or choose to plan under RCW 36.70A.040
31 shall adopt development regulations designating interim urban growth
32 areas under this chapter. Adoption of the interim urban growth areas
33 may only occur after public notice; public hearing; and compliance
34 with the state environmental policy act, chapter 43.21C RCW, and
35 under this section. Such action may be appealed to the growth
36 management hearings board under RCW 36.70A.280. Final urban growth
37 areas shall be adopted at the time of comprehensive plan adoption
38 under this chapter.

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

1 (7) An urban growth area designated in accordance with this
2 section may include within its boundaries urban service areas or
3 potential annexation areas designated for specific cities or towns
4 within the county.

5 (8) If, during the county's annual review under RCW
6 36.70A.130(2)(a), the county determines revision of the urban growth
7 area is not required to accommodate the population projection for the
8 county made by the office of financial management for the succeeding
9 20-year period, but does determine that patterns of development have
10 created pressure for development in areas exceeding the amount of
11 available developable lands within the urban growth area, then the
12 county may revise the urban growth area or areas based on identified
13 patterns of development and likely future development pressure if the
14 following requirements are met:

15 (a) The revised urban growth area would not result in a net
16 increase in the total acreage or development capacity of the urban
17 growth area or areas;

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

21 (c) If the areas added to the urban growth area have previously
22 been designated as agricultural, forest, or mineral resource lands of
23 long-term commercial significance, either an equivalent amount of
24 agricultural, forest, or mineral resource lands of long-term
25 commercial significance must be added to the area outside of the
26 urban growth area, or the county must wait a minimum of two years
27 before another swap may occur;

28 (d) Less than 15 percent of the areas added to the urban growth
29 area are critical areas other than critical aquifer recharge areas.
30 Critical aquifer recharge areas must have been previously designated
31 by the county and be maintained per county development regulations
32 within the expanded urban growth area and the revised urban growth
33 area must not result in a net increase in critical aquifer recharge
34 areas within the urban growth area;

35 (e) The areas added to the urban growth areas are suitable for
36 urban growth;

37 (f) The transportation element and capital facility plan element
38 of the county's comprehensive plan have identified the transportation
39 facilities and public facilities and services needed to serve the

1 urban growth area and the funding to provide the transportation
2 facilities and public facilities and services;

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

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

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

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

14 (9) (a) At the earliest possible date prior to the revision of the
15 county's urban growth area authorized under subsection (8) of this
16 section, the county must engage in meaningful consultation with any
17 federally recognized Indian tribe that may be potentially affected by
18 the proposed revision. Meaningful consultation must include
19 discussion of the potential impacts to cultural resources and tribal
20 treaty rights.

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

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

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

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

37 (ii) Urban growth areas where expansions are precluded outside
38 floodplains because:

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

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

3 (iii) Urban growth area expansions where:

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

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

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

15 (I) The permissible use of the land is limited to one of the
16 following: Outdoor recreation; environmentally beneficial projects,
17 including but not limited to habitat enhancement or environmental
18 restoration; stormwater facilities; flood control facilities; or
19 underground conveyances; and

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

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

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

34 (a)(i) Have existing, functioning, nonpolluting on-site sewage
35 systems;

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

39 (iii) Have no redevelopment capacity; or

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

4 (12) The provision of water, sanitary sewage systems, and
5 stormwater control facilities may be used to protect basic public
6 health, safety, and the environment outside of city and urban growth
7 area boundaries in accordance with subsection (4) of this section.

8 **Sec. 4.** RCW 36.70A.320 and 2023 c 228 s 8 are each amended to
9 read as follows:

10 (1) Except as provided in subsections (5) and (6) of this
11 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. A
26 finding of noncompliance may not be based on the provision of water,
27 sewer, or stormwater facilities or services extended outside of a
28 city's boundaries when approved pursuant to RCW 36.70A.110(4), nor
29 shall state funding be restricted or reduced for such a reason.

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

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

1 (6) The greenhouse gas emissions reduction subelement required by
2 RCW 36.70A.070 shall take effect as provided in RCW 36.70A.096.

3 **Sec. 5.** RCW 36.93.100 and 1994 c 216 s 13 are each amended to
4 read as follows:

5 The board shall review and approve, disapprove, or modify any of
6 the actions set forth in RCW 36.93.090 when any of the following
7 shall occur within forty-five days of the filing of a notice of
8 intention:

9 (1) Three members of a five-member boundary review board or five
10 members of a boundary review board in a county with a population of
11 one million or more files a request for review: PROVIDED, That the
12 members of the boundary review board shall not be authorized to file
13 a request for review of the following actions:

14 (a) The incorporation of any special district or change in the
15 boundary of any city, town, or special purpose district;

16 (b) The extension of permanent water service outside of its
17 existing corporate boundaries by a city, town, or special purpose
18 district if (i) the extension is through the installation of water
19 mains of six inches or less in diameter or (ii) the county
20 legislative authority for the county in which the proposed extension
21 is to be built is required or chooses to plan under RCW 36.70A.040
22 and has by a majority vote waived the authority of the board to
23 initiate review of all other extensions; (~~or~~)

24 (c) The extension of permanent sewer service outside of its
25 existing corporate boundaries by a city, town, or special purpose
26 district if (i) the extension is through the installation of sewer
27 mains of eight inches or less in diameter or (ii) the county
28 legislative authority for the county in which the proposed extension
29 is to be built is required or chooses to plan under RCW 36.70A.040
30 and has by a majority vote waived the authority of the board to
31 initiate review of all other extensions; or

32 (d) The extension of permanent water service outside of its
33 existing corporate boundaries by a city, town, or special purpose
34 district when the extension is approved pursuant to RCW 36.70A.110(4)
35 and is included in the most recent update of the comprehensive plan
36 of any city extending such service, or of the county in which the
37 properties that service is extended to are located;

38 (2) Any governmental unit affected, including the governmental
39 unit for which the boundary change or extension of permanent water or

1 sewer service is proposed, or the county within which the area of the
2 proposed action is located, files a request for review of the
3 specific action;

4 (3) A petition requesting review is filed and is signed by:

5 (a) Five percent of the registered voters residing within the
6 area which is being considered for the proposed action (as determined
7 by the boundary review board in its discretion subject to immediate
8 review by writ of certiorari to the superior court); or

9 (b) An owner or owners of property consisting of five percent of
10 the assessed valuation within such area;

11 (4) The majority of the members of boundary review boards concur
12 with a request for review when a petition requesting the review is
13 filed by five percent of the registered voters who deem themselves
14 affected by the action and reside within one-quarter mile of the
15 proposed action but not within the jurisdiction proposing the action.

16 If a period of forty-five days shall elapse without the board's
17 jurisdiction having been invoked as set forth in this section, the
18 proposed action shall be deemed approved.

19 If a review of a proposal is requested, the board shall make a
20 finding as prescribed in RCW 36.93.150 within one hundred twenty days
21 after the filing of such a request for review. If this period of one
22 hundred twenty days shall elapse without the board making a finding
23 as prescribed in RCW 36.93.150, the proposal shall be deemed approved
24 unless the board and the person who submitted the proposal agree to
25 an extension of the one hundred twenty day period.

26 **Sec. 6.** RCW 36.93.105 and 1999 c 153 s 46 are each amended to
27 read as follows:

28 The following actions shall not be subject to potential review by
29 a boundary review board:

30 (1) The extension of permanent water or sewer services outside of
31 its existing corporate boundaries by a city, town, or special purpose
32 district when approved pursuant to RCW 36.70A.110(4);

33 (2) Annexations of territory to a water-sewer district pursuant
34 to RCW 36.94.410 through 36.94.440;

35 ~~((2))~~ (3) Revisions of city or town boundaries pursuant to RCW
36 35.21.790 or 35A.21.210;

37 ~~((3))~~ (4) Adjustments to city or town boundaries pursuant to
38 RCW 35.13.340; and

1 (~~(4)~~) (5) Adjustments to city and town boundaries pursuant to
2 RCW 35.13.300 through 35.13.330.

--- **END** ---