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**SENATE BILL 5203**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Senators Lovelett and Liias; by request of Office of the Governor  
Prefiled 01/06/23.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

33 (ii) Disinvestment; and

34 (iii) Infrastructure availability;

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

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

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

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

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

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

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



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

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

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

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

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

27 (i) Containing or otherwise controlling rural development;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (iii) Facilities and services needs, including:

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

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

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

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

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

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

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

33 (iv) Finance, including:

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

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

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

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

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

12 (vi) Demand-management strategies;

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

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

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

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

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

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

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

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

28 (i) A greenhouse gas emissions reduction subelement;

29 (ii) A resiliency subelement.

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

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

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

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

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

9 (C) Prioritize reductions in overburdened communities in order to  
10 maximize the cobenefits of reduced air pollution and environmental  
11 justice consistent with chapter 70A.02 RCW.

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

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

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

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

26 (e) (i) The resiliency subelement must equitably enhance  
27 resiliency to, and avoid or substantially reduce the adverse impacts  
28 of, climate change in human communities and ecological systems  
29 through goals, policies, and programs consistent with the best  
30 available science and scientifically credible climate projections and  
31 impact scenarios that moderate or avoid harm, enhance the resiliency  
32 of natural and human systems, and enhance beneficial opportunities.  
33 The resiliency subelement must prioritize actions in overburdened  
34 communities as defined in chapter 70A.02 RCW that will  
35 disproportionately suffer from compounding environmental impacts and  
36 will be most impacted by natural hazards due to climate change.  
37 Specific goals, policies, and programs of the resiliency subelement  
38 must include, but are not limited to, those designed to:



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

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

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

12 (ii) A natural hazard mitigation plan or similar plan that is  
13 guided by RCW 36.70A.020(14), that prioritizes actions in  
14 overburdened communities as defined in RCW 70A.02.010, and that  
15 complies with the applicable requirements of this chapter, including  
16 the requirements set forth in this subsection (9)(e), may be adopted  
17 by reference to satisfy these requirements, except that to the extent  
18 any of the substantive requirements of this subsection (9)(e) are not  
19 addressed, or are inadequately addressed, in the referenced natural  
20 hazard mitigation plan, a county or city must supplement the natural  
21 hazard mitigation plan accordingly so that the adopted resiliency  
22 subelement complies fully with the substantive requirements of this  
23 subsection (9)(e).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2    RCW to read as follows:

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

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

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

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

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

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

39        (b)    The guidelines must be based on:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 (a) Is accessible to the public;

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

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

27 (d) Promotes recreational and aesthetic values;

28 (e) Protects streams or water supply; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 (ii) Permit processing timelines; and

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

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

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

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

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