

CERTIFICATION OF ENROLLMENT

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1181

Chapter 228, Laws of 2023

68th Legislature
2023 Regular Session

CLIMATE CHANGE—PLANNING

EFFECTIVE DATE: July 23, 2023

Passed by the House April 13, 2023
Yeas 55 Nays 41

LAURIE JINKINS

**Speaker of the House of
Representatives**

Passed by the Senate April 7, 2023
Yeas 29 Nays 20

DENNY HECK

President of the Senate

Approved May 3, 2023 10:18 AM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1181** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

May 4, 2023

**Secretary of State
State of Washington**

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1181

AS AMENDED BY THE SENATE

Passed Legislature - 2023 Regular Session

State of Washington

68th Legislature

2023 Regular Session

By House Appropriations (originally sponsored by Representatives Duerr, Fitzgibbon, Berry, Peterson, Ryu, Alvarado, Taylor, Reed, Walen, Bateman, Ramel, Goodman, Doglio, Macri, Callan, Simmons, Lekanoff, Gregerson, Bergquist, Stonier, Pollet, Davis, Kloba, Riccelli, Mena, and Tharinger; by request of Office of the Governor)

READ FIRST TIME 02/14/23.

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.280, 36.70A.320, 36.70A.190, 86.12.200,
4 36.70A.030, and 70A.125.180; reenacting and amending RCW 36.70A.070
5 and 36.70A.130; adding new sections to chapter 36.70A RCW; adding a
6 new section to chapter 70A.45 RCW; adding a new section to chapter
7 47.80 RCW; adding a new section to chapter 90.58 RCW; adding a new
8 section to chapter 43.21C RCW; adding a new section to chapter 43.20
9 RCW; creating a new section; and providing an expiration date.

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

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

13 The following goals are adopted to guide the development and
14 adoption of comprehensive plans and development regulations of those
15 counties and cities that are required or choose to plan under RCW
16 36.70A.040 and, where specified, also guide the development of
17 regional policies, plans, and strategies adopted under RCW 36.70A.210
18 and chapter 47.80 RCW. The following goals are not listed in order of
19 priority and shall be used exclusively for the purpose of guiding the
20 development of comprehensive plans (~~and~~), development regulations,
21 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 (15) Shorelines of the state. For shorelines of the state, the
27 goals and policies of the shoreline management act as set forth in
28 RCW 90.58.020 shall be considered an element of the county's or
29 city's comprehensive plan.

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

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

1 under chapter 90.58 RCW, including use regulations, shall be
2 considered a part of the county or city's development regulations.

3 (2) The shoreline master program shall be adopted pursuant to the
4 procedures of chapter 90.58 RCW rather than the goals, policies, and
5 procedures set forth in this chapter for the adoption of a
6 comprehensive plan or development regulations.

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

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

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

39 (ii) For purposes of this subsection (3)(c), an agricultural
40 activity that does not expand the area being used for the

1 agricultural activity is not a redevelopment or modification.
2 "Agricultural activity," as used in this subsection (3)(c), has the
3 same meaning as defined in RCW 90.58.065.

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

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

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

26 (5) Shorelines of the state shall not be considered critical
27 areas under this chapter except to the extent that specific areas
28 located within shorelines of the state qualify for critical area
29 designation based on the definition of critical areas provided by RCW
30 36.70A.030(~~((5))~~) (6) and have been designated as such by a local
31 government pursuant to RCW 36.70A.060(2).

32 (6) If a local jurisdiction's master program does not include
33 land necessary for buffers for critical areas that occur within
34 shorelines of the state, as authorized by RCW 90.58.030(2)(~~((f))~~)
35 (d), then the local jurisdiction shall continue to regulate those
36 critical areas and their required buffers pursuant to RCW
37 36.70A.060(2).

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

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

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

1 existing residential development and infrastructure through community
2 wildfire preparedness and fire adaptation measures.

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

5 (a) Includes an inventory and analysis of existing and projected
6 housing needs that identifies the number of housing units necessary
7 to manage projected growth, as provided by the department of
8 commerce, including:

9 (i) Units for moderate, low, very low, and extremely low-income
10 households; and

11 (ii) Emergency housing, emergency shelters, and permanent
12 supportive housing;

13 (b) Includes a statement of goals, policies, objectives, and
14 mandatory provisions for the preservation, improvement, and
15 development of housing, including single-family residences, and
16 within an urban growth area boundary, moderate density housing
17 options including, but not limited to, duplexes, triplexes, and
18 townhomes;

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

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

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

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

33 (iii) Consideration of housing locations in relation to
34 employment location; and

35 (iv) Consideration of the role of accessory dwelling units in
36 meeting housing needs;

37 (e) Identifies local policies and regulations that result in
38 racially disparate impacts, displacement, and exclusion in housing,
39 including:

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

1 (ii) Disinvestment; and

2 (iii) Infrastructure availability;

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

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

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

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

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

32 (3) A capital facilities plan element consisting of: (a) An
33 inventory of existing capital facilities owned by public entities,
34 including green infrastructure, showing the locations and capacities
35 of the capital facilities; (b) a forecast of the future needs for
36 such capital facilities; (c) the proposed locations and capacities of
37 expanded or new capital facilities; (d) at least a six-year plan that
38 will finance such capital facilities within projected funding
39 capacities and clearly identifies sources of public money for such
40 purposes; and (e) a requirement to reassess the land use element if

1 probable funding falls short of meeting existing needs and to ensure
2 that the land use element, capital facilities plan element, and
3 financing plan within the capital facilities plan element are
4 coordinated and consistent. Park and recreation facilities shall be
5 included in the capital facilities plan element.

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

18 (4) (a) A utilities element consisting of the general location,
19 proposed location, and capacity of all existing and proposed
20 utilities ~~((r))~~ including, but not limited to, electrical ~~((lines))~~,
21 ~~((telecommunication—lines))~~ telecommunications, and natural gas
22 ~~((lines))~~ systems.

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

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

39 (a) Growth management act goals and local circumstances. Because
40 circumstances vary from county to county, in establishing patterns of

1 rural densities and uses, a county may consider local circumstances,
2 but shall develop a written record explaining how the rural element
3 harmonizes the planning goals in RCW 36.70A.020 and meets the
4 requirements of this chapter.

5 (b) Rural development. The rural element shall permit rural
6 development, forestry, and agriculture in rural areas. The rural
7 element shall provide for a variety of rural densities, uses,
8 essential public facilities, and rural governmental services needed
9 to serve the permitted densities and uses. To achieve a variety of
10 rural densities and uses, counties may provide for clustering,
11 density transfer, design guidelines, conservation easements, and
12 other innovative techniques that will accommodate appropriate rural
13 economic advancement, densities, and uses that are not characterized
14 by urban growth and that are consistent with rural character.

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

18 (i) Containing or otherwise controlling rural development;

19 (ii) Assuring visual compatibility of rural development with the
20 surrounding rural area;

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

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

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

27 (d) Limited areas of more intensive rural development. Subject to
28 the requirements of this subsection and except as otherwise
29 specifically provided in this subsection (5)(d), the rural element
30 may allow for limited areas of more intensive rural development,
31 including necessary public facilities and public services to serve
32 the limited area as follows:

33 (i) Rural development consisting of the infill, development, or
34 redevelopment of existing commercial, industrial, residential, or
35 mixed-use areas, whether characterized as shoreline development,
36 villages, hamlets, rural activity centers, or crossroads
37 developments.

38 (A) A commercial, industrial, residential, shoreline, or mixed-
39 use area are subject to the requirements of (d)(iv) of this

1 subsection, but are not subject to the requirements of (c)(ii) and
2 (iii) of this subsection.

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

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

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

22 (II) Any included retail or food service space must not exceed
23 2,500 square feet for a new use;

24 (ii) The intensification of development on lots containing, or
25 new development of, small-scale recreational or tourist uses,
26 including commercial facilities to serve those recreational or
27 tourist uses, that rely on a rural location and setting, but that do
28 not include new residential development. A small-scale recreation or
29 tourist use is not required to be principally designed to serve the
30 existing and projected rural population. Public services and public
31 facilities shall be limited to those necessary to serve the
32 recreation or tourist use and shall be provided in a manner that does
33 not permit low-density sprawl;

34 (iii) The intensification of development on lots containing
35 isolated nonresidential uses or new development of isolated cottage
36 industries and isolated small-scale businesses that are not
37 principally designed to serve the existing and projected rural
38 population and nonresidential uses, but do provide job opportunities
39 for rural residents. Rural counties may allow the expansion of small-
40 scale businesses as long as those small-scale businesses conform with

1 the rural character of the area as defined by the local government
2 according to RCW 36.70A.030(23). Rural counties may also allow new
3 small-scale businesses to utilize a site previously occupied by an
4 existing business as long as the new small-scale business conforms to
5 the rural character of the area as defined by the local government
6 according to RCW 36.70A.030(23). Public services and public
7 facilities shall be limited to those necessary to serve the isolated
8 nonresidential use and shall be provided in a manner that does not
9 permit low-density sprawl;

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

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

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

31 (B) On the date the county adopted a resolution under RCW
32 36.70A.040(2), in a county that is planning under all of the
33 provisions of this chapter under RCW 36.70A.040(2); or

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

38 (e) Exception. This subsection shall not be interpreted to permit
39 in the rural area a major industrial development or a master planned

1 resort unless otherwise specifically permitted under RCW 36.70A.360
2 and 36.70A.365.

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

5 (a) The transportation element shall include the following
6 subelements:

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

8 (ii) Estimated (~~(traffic)~~) multimodal level of service impacts to
9 state-owned transportation facilities resulting from land use
10 assumptions to assist (~~(the department of transportation)~~) in
11 monitoring the performance of state facilities, to plan improvements
12 for the facilities, and to assess the impact of land-use decisions on
13 state-owned transportation facilities;

14 (iii) Facilities and services needs, including:

15 (A) An inventory of air, water, and ground transportation
16 facilities and services, including transit alignments, active
17 transportation facilities, and general aviation airport facilities,
18 to define existing capital facilities and travel levels (~~(as a basis~~
19 ~~for)~~) to inform future planning. This inventory must include state-
20 owned transportation facilities within the city or county's
21 jurisdictional boundaries;

22 (B) (~~(Level)~~) Multimodal level of service standards for all
23 locally owned arterials (~~(and)~~), locally and regionally operated
24 transit routes that serve urban growth areas, state-owned or operated
25 transit routes that serve urban areas if the department of
26 transportation has prepared such standards, and active transportation
27 facilities to serve as a gauge to judge performance of the system and
28 success in helping to achieve the goals of this chapter consistent
29 with environmental justice. These standards should be regionally
30 coordinated;

31 (C) For state-owned transportation facilities, multimodal level
32 of service standards for highways, as prescribed in chapters 47.06
33 and 47.80 RCW, to gauge the performance of the system. The purposes
34 of reflecting multimodal level of service standards for state
35 highways in the local comprehensive plan are to monitor the
36 performance of the system, to evaluate improvement strategies, and to
37 facilitate coordination between the county's or city's six-year
38 street, road, active transportation, or transit program and the
39 office of financial management's ten-year investment program. The
40 concurrency requirements of (b) of this subsection do not apply to

1 transportation facilities and services of statewide significance
2 except for counties consisting of islands whose only connection to
3 the mainland are state highways or ferry routes. In these island
4 counties, state highways and ferry route capacity must be a factor in
5 meeting the concurrency requirements in (b) of this subsection;

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

9 (E) Forecasts of (~~(traffic)~~) multimodal transportation demand and
10 needs within cities and urban growth areas, and forecasts of
11 multimodal transportation demand and needs outside of cities and
12 urban growth areas, for at least ten years based on the adopted land
13 use plan to (~~(provide information on the location, timing, and~~
14 capacity needs of future growth)) inform the development of a
15 transportation element that balances transportation system safety and
16 convenience to accommodate all users of the transportation system to
17 safely, reliably, and efficiently provide access and mobility to
18 people and goods. Priority must be given to inclusion of
19 transportation facilities and services providing the greatest
20 multimodal safety benefit to each category of roadway users for the
21 context and speed of the facility;

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

29 (G) A transition plan for transportation as required in Title II
30 of the Americans with disabilities act of 1990 (ADA). As a necessary
31 step to a program access plan to provide accessibility under the ADA,
32 state and local government, public entities, and public agencies are
33 required to perform self-evaluations of their current facilities,
34 relative to accessibility requirements of the ADA. The agencies are
35 then required to develop a program access plan, which can be called a
36 transition plan, to address any deficiencies. The plan is intended to
37 achieve the following:

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

1 (II) Describe the methods to be used to make the facilities
2 accessible;

3 (III) Provide a schedule for making the access modifications; and
4 (IV) Identify the public officials responsible for implementation
5 of the transition plan;

6 (iv) Finance, including:

7 (A) An analysis of funding capability to judge needs against
8 probable funding resources;

9 (B) A multiyear financing plan based on the needs identified in
10 the comprehensive plan, the appropriate parts of which shall serve as
11 the basis for the six-year street, road, or transit program required
12 by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW
13 35.58.2795 for public transportation systems. The multiyear financing
14 plan should be coordinated with the ten-year investment program
15 developed by the office of financial management as required by RCW
16 47.05.030;

17 (C) If probable funding falls short of meeting the identified
18 needs of the transportation system, including state transportation
19 facilities, a discussion of how additional funding will be raised, or
20 how land use assumptions will be reassessed to ensure that level of
21 service standards will be met;

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

25 (vi) Demand-management strategies;

26 (vii) (~~(Pedestrian and bicycle)~~) Active transportation component
27 to include collaborative efforts to identify and designate planned
28 improvements for (~~(pedestrian and bicycle)~~) active transportation
29 facilities and corridors that address and encourage enhanced
30 community access and promote healthy lifestyles.

31 (b) After adoption of the comprehensive plan by jurisdictions
32 required to plan or who choose to plan under RCW 36.70A.040, local
33 jurisdictions must adopt and enforce ordinances which prohibit
34 development approval if the development causes the level of service
35 on a locally owned or locally or regionally operated transportation
36 facility to decline below the standards adopted in the transportation
37 element of the comprehensive plan, unless transportation improvements
38 or strategies to accommodate the impacts of development are made
39 concurrent with the development. These strategies may include
40 (~~(increased)~~) active transportation facility improvements, increased

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

18 (c) The transportation element described in this subsection (6),
19 the six-year plans required by RCW 35.77.010 for cities, RCW
20 36.81.121 for counties, and RCW 35.58.2795 for public transportation
21 systems, and the ten-year investment program required by RCW
22 47.05.030 for the state, must be consistent.

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

28 (8) A park and recreation element that implements, and is
29 consistent with, the capital facilities plan element as it relates to
30 park and recreation facilities. The element shall include: (a)
31 Estimates of park and recreation demand for at least a ten-year
32 period; (b) an evaluation of facilities and service needs; (c) an
33 evaluation of tree canopy coverage within the urban growth area; and
34 ~~((e))~~ (d) an evaluation of intergovernmental coordination
35 opportunities to provide regional approaches for meeting park and
36 recreational demand.

37 (9)(a) A climate change and resiliency element that is designed
38 to result in reductions in overall greenhouse gas emissions and that
39 must enhance resiliency to and avoid the adverse impacts of climate
40 change, which must include efforts to reduce localized greenhouse gas

1 emissions and avoid creating or worsening localized climate impacts
2 to vulnerable populations and overburdened communities.

3 (b) The climate change and resiliency element shall include the
4 following subelements:

5 (i) A greenhouse gas emissions reduction subelement;

6 (ii) A resiliency subelement.

7 (c) The greenhouse gas emissions reduction subelement of the
8 climate change and resiliency element is mandatory for the
9 jurisdictions specified in section 4(1) of this act and is encouraged
10 for all other jurisdictions, including those planning under RCW
11 36.70A.040 and those planning under chapter 36.70 RCW. The resiliency
12 subelement of the climate change and resiliency element is mandatory
13 for all jurisdictions planning under RCW 36.70A.040 and is encouraged
14 for those jurisdictions planning under chapter 36.70 RCW.

15 (d) (i) The greenhouse gas emissions reduction subelement of the
16 comprehensive plan, and its related development regulations, must
17 identify the actions the jurisdiction will take during the planning
18 cycle consistent with the guidelines published by the department
19 pursuant to section 5 of this act that will:

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

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

26 (C) Prioritize reductions that benefit overburdened communities
27 in order to maximize the cobenefits of reduced air pollution and
28 environmental justice.

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

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

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

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

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

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

20 (B) Identify, protect, and enhance community resiliency to
21 climate change impacts, including social, economic, and built
22 environment factors, that support adaptation to climate impacts
23 consistent with environmental justice; and

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

28 (ii) A natural hazard mitigation plan or similar plan that is
29 guided by RCW 36.70A.020(14), that prioritizes actions that benefit
30 overburdened communities, and that complies with the applicable
31 requirements of this chapter, including the requirements set forth in
32 this subsection (9) (e), may be adopted by reference to satisfy these
33 requirements, except that to the extent any of the substantive
34 requirements of this subsection (9) (e) are not addressed, or are
35 inadequately addressed, in the referenced natural hazard mitigation
36 plan, a county or city must supplement the natural hazard mitigation
37 plan accordingly so that the adopted resiliency subelement complies
38 fully with the substantive requirements of this subsection (9) (e).

39 (A) If a county or city intends to adopt by reference a federal
40 emergency management agency natural hazard mitigation plan in order

1 to meet all or part of the substantive requirements set forth in this
2 subsection (9)(e), and the most recently adopted federal emergency
3 management agency natural hazard mitigation plan does not comply with
4 the requirements of this subsection (9)(e), the department may grant
5 the county or city an extension of time in which to submit a natural
6 hazard mitigation plan.

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

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

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

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

29 (F) The adoption of ordinances, amendments to comprehensive
30 plans, amendments to development regulations, and other nonproject
31 actions taken by a county or city pursuant to (d) of this subsection
32 in order to implement measures specified by the department pursuant
33 to section 5 of this act are not subject to administrative or
34 judicial appeal under chapter 43.21C RCW.

35 (10) It is the intent that new or amended elements required after
36 January 1, 2002, be adopted concurrent with the scheduled update
37 provided in RCW 36.70A.130. Requirements to incorporate any such new
38 or amended elements shall be null and void until funds sufficient to
39 cover applicable local government costs are appropriated and

1 distributed by the state at least two years before local government
2 must update comprehensive plans as required in RCW 36.70A.130.

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

5 (1) The requirements of the greenhouse gas emissions reduction
6 subelement of the climate change and resiliency element set forth in
7 RCW 36.70A.070 apply only to those counties that are required or that
8 choose to plan under RCW 36.70A.040 and that also meet either of the
9 criteria set forth in (a), (b), or (c) of this subsection on or after
10 April 1, 2021, and the cities with populations greater than 6,000 as
11 of April 1, 2021, within those counties:

12 (a) A county with a population density of at least 100 people per
13 square mile and a population of at least 200,000;

14 (b) A county bordering on the Columbia and Snake rivers with a
15 population density of at least 75 people per square mile and an
16 annual growth rate of at least 1.65 percent; or

17 (c) A county located to the west of the crest of the Cascade
18 mountains with a population of at least 130,000.

19 (2) The requirements of the amendments to the transportation
20 element of RCW 36.70A.070 set forth in this act apply only to: (a)
21 Counties and cities that meet the population criteria set forth in
22 subsection (1) of this section; and (b) cities with populations of
23 6,000 or greater as of April 1, 2021, that are located in a county
24 that is required or that chooses to plan under RCW 36.70A.040.

25 (3) The requirements of the amendments to the land use element of
26 RCW 36.70A.070 set forth in this act apply only to: (a) Counties and
27 cities that meet the population criteria set forth in subsection (1)
28 or (2) of this section; and (b) counties that have a population of
29 20,000 or greater as of April 1, 2021, and that are required or that
30 choose to plan under RCW 36.70A.040.

31 (4) Once a county meets either of the sets of criteria set forth
32 in subsection (1) of this section, the requirement to conform with
33 the greenhouse gas emissions reduction subelement of the climate
34 change and resiliency element set forth in RCW 36.70A.070 remains in
35 effect, even if the county no longer meets one of these sets of
36 criteria.

37 (5) If the population of a county that previously had not been
38 required to conform with the greenhouse gas emissions reduction
39 subelement of the climate change and resiliency element set forth in

1 RCW 36.70A.070 changes sufficiently to meet either of the sets of
2 criteria set forth in subsection (1) of this section, the county, and
3 the cities with populations greater than 6,000 as of April 1, 2021,
4 within that county, shall adopt a greenhouse gas emissions reduction
5 subelement of the climate change and resiliency element set forth in
6 RCW 36.70A.070 at the next scheduled update of the comprehensive plan
7 as set forth in RCW 36.70A.130.

8 (6) The population criteria used in this section must be based on
9 population data as determined by the office of financial management.

10 NEW SECTION. **Sec. 5.** A new section is added to chapter 70A.45
11 RCW to read as follows:

12 (1) The department of commerce, in consultation with the
13 department of ecology, the department of health, and the department
14 of transportation, shall publish guidelines that specify a set of
15 measures counties and cities may implement via updates to their
16 comprehensive plans and development regulations that have a
17 demonstrated ability to increase housing capacity within urban growth
18 areas or reduce greenhouse gas emissions, allowing for consideration
19 of the emissions reductions achieved through the adoption of
20 statewide programs. The guidelines must prioritize measures that
21 benefit overburdened communities, including communities that have
22 experienced disproportionate harm due to air pollution and may draw
23 upon the most recent health disparities data from the department of
24 health to identify high pollution areas and disproportionately
25 burdened communities. These guidelines must be developed consistent
26 with an environmental justice assessment pursuant to RCW 70A.02.060
27 and the guidelines must include environmental justice assessment
28 processes. The guidelines must be based on:

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

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

34 (c) The locations of major employment centers and transit
35 corridors, for the purpose of increasing housing supply in these
36 areas; and

37 (d) Available environmental justice data and data regarding
38 access to public transportation for people with disabilities and for
39 vulnerable populations.

1 (2) (a) The department of commerce, in consultation with the
2 department of transportation, shall publish guidelines that specify a
3 set of measures counties and cities may have available to them to
4 take through updates to their comprehensive plans and development
5 regulations that have a demonstrated ability to reduce per capita
6 vehicle miles traveled, including measures that are designed to be
7 achievable throughout the state, including in small cities and rural
8 cities.

9 (b) The guidelines must be based on:

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

13 (ii) The most recent city and county population estimates
14 prepared by the office of financial management pursuant to RCW
15 43.62.035; and

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

18 (3) The department of commerce shall first publish the full set
19 of guidelines described in subsections (1) and (2) of this section no
20 later than December 31, 2025. The department of commerce shall update
21 these guidelines at least every five years thereafter based on the
22 most recently available data, and shall provide for a process for
23 local governments and other parties to submit alternative actions for
24 consideration for inclusion into the guidelines at least once per
25 year. The department of commerce shall publish an intermediate set of
26 guidelines no later than December 31, 2023, in order to be available
27 for use by jurisdictions whose periodic updates are required by RCW
28 36.70A.130(5) to occur prior to December 31, 2025. Jurisdictions
29 whose periodic updates are required by RCW 36.70A.130(5)(b) may
30 utilize the intermediate set of guidelines published by the
31 department of commerce to meet the requirements of RCW 36.70A.070(9).

32 (4) (a) In any updates to the guidelines published after 2025, the
33 department of commerce shall include an evaluation of the impact that
34 locally adopted climate change and resiliency elements have had on
35 local greenhouse gas emissions and per capita vehicle miles traveled
36 reduction goals. The evaluation must also address the impact that
37 locally adopted greenhouse gas emissions reduction subelements have
38 had on meeting local housing goals and targets.

39 (b) The updates must also include an estimate of the impacts that
40 locally adopted climate change and resiliency elements will have on

1 achieving local greenhouse gas emissions and per capita vehicle miles
2 traveled reduction goals. The evaluation must also include an
3 estimate of the impact that locally adopted greenhouse gas emissions
4 reduction subelements will have on meeting local housing goals and
5 targets.

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

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

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

17 (7) The department of commerce, in the course of implementing
18 this section, shall provide and prioritize options that support
19 increased housing supply and diversity of housing types that assist
20 counties and cities in meeting greenhouse gas emissions reduction,
21 housing supply, and other requirements established under this
22 chapter.

23 (8) The provisions of this section as applied to the department
24 of transportation are subject to the availability of amounts
25 appropriated for this specific purpose.

26 (9) For purposes of this section, "overburdened communities" and
27 "vulnerable populations" means the same as provided in RCW
28 36.70A.030.

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

31 (1) A county or city required to complete a greenhouse gas
32 emissions reduction subelement may submit the subelement to the
33 department for approval. When submitted to the department for
34 approval, the subelement becomes effective when approved by the
35 department as provided in this section. If a county or city does not
36 seek department approval of the subelement, the effective date of the
37 subelement is the date on which the comprehensive plan is adopted by
38 the county or city.

1 (2) Notice of intent to apply for approval. (a) Not less than 120
2 days prior to applying for approval of a subelement, the county or
3 city must notify the department in writing that it intends to apply
4 for approval. The department shall review proposed subelements prior
5 to final adoption and advise the county or city of the actions
6 necessary to receive approval.

7 (b) The department may consult with other relevant state agencies
8 in making its determination.

9 (c) The department shall publish notice in the Washington State
10 Register that a city or county has notified the department of its
11 intent to apply for approval and the department shall post a copy of
12 the notice on the department website.

13 (3) Procedures for an application for approval. (a) After taking
14 final action to adopt a greenhouse gas emissions reduction
15 subelement, a city or county may apply to the department for approval
16 of the subelement. A city or county must submit its application to
17 the department within 10 days of taking final action.

18 (b) An application for approval must include, at a minimum, the
19 following:

20 (i) A cover letter from the legislative authority requesting
21 approval;

22 (ii) A copy of the adopted ordinance or resolution taking the
23 legislative action or actions required to adopt the greenhouse gas
24 emissions reduction subelement;

25 (iii) A statement explaining how the adopted subelement complies
26 with the provisions of this chapter; and

27 (iv) A copy of the record developed by the city or county at any
28 public meetings or public hearings at which action was taken on the
29 greenhouse gas emissions reduction subelement.

30 (c) For purposes of this subsection, the terms "action" and
31 "meeting" have the same definition as in RCW 42.30.020.

32 (4) Approval procedures. (a) The department shall strive to
33 achieve final action to approve or deny an application within 180
34 days of the date of receipt of the application.

35 (b) The department must issue its decision in the form of a
36 written statement, including findings of fact and conclusions, and
37 noting the date of the issuance of its decision. The department's
38 issued decision must conspicuously and plainly state that it is the
39 department's final decision and that there will be no further

1 modifications to the proposed greenhouse gas emissions reduction
2 subelement.

3 (c) The department will promptly publish its decision on the
4 application for approval as follows:

- 5 (i) Notify the city or county in writing of its determination;
- 6 (ii) Publish a notice of action in the Washington State Register;
- 7 (iii) Post a notice of its decision on the agency website; and
- 8 (iv) Notify other relevant state agencies regarding the approval
9 decision.

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

15 (6) The department's final decision to approve or reject a
16 proposed greenhouse gas emissions reduction subelement or amendment
17 by a local government planning under RCW 36.70A.040 may be appealed
18 according to the following provisions:

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

24 (b) A decision of the growth management hearings board concerning
25 an appeal of the department's final decision to approve or reject a
26 proposed greenhouse gas emissions reduction subelement or amendment
27 must be based solely on whether or not the adopted or amended
28 greenhouse gas emissions reduction subelement, any adopted amendments
29 to other elements of the comprehensive plan necessary to carry out
30 the subelement, and any adopted or amended development regulations
31 necessary to implement the subelement, comply with the goal set forth
32 in RCW 36.70A.020(14) as it applies to greenhouse gas emissions
33 reductions, RCW 36.70A.070(9) excluding RCW 36.70A.070(9)(e), the
34 guidelines adopted under section 5 of this act applicable to the
35 greenhouse gas emissions reduction subelement, or chapter 43.21C RCW.

36 **Sec. 7.** RCW 36.70A.280 and 2011 c 360 s 17 are each amended to
37 read as follows:

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

1 (a) That, except as provided otherwise by this subsection, a
2 state agency, county, or city planning under this chapter is not in
3 compliance with the requirements of this chapter, chapter 90.58 RCW
4 as it relates to the adoption of shoreline master programs or
5 amendments thereto, or chapter 43.21C RCW as it relates to plans,
6 development regulations, or amendments, adopted under RCW 36.70A.040
7 or chapter 90.58 RCW. Nothing in this subsection authorizes the board
8 to hear petitions alleging noncompliance with RCW 36.70A.5801;

9 (b) That the (~~twenty~~) 20-year growth management planning
10 population projections adopted by the office of financial management
11 pursuant to RCW 43.62.035 should be adjusted;

12 (c) That the approval of a work plan adopted under RCW
13 36.70A.735(1)(a) is not in compliance with the requirements of the
14 program established under RCW 36.70A.710;

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

18 (e) That a department certification under RCW 36.70A.735(1)(c) is
19 erroneous; or

20 (f) That the department's final decision to approve or reject a
21 proposed greenhouse gas emissions reduction subelement or amendments
22 by a local government planning under RCW 36.70A.040 was not in
23 compliance with the joint guidance issued by the department pursuant
24 to section 5 of this act.

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

32 (3) For purposes of this section "person" means any individual,
33 partnership, corporation, association, state agency, governmental
34 subdivision or unit thereof, or public or private organization or
35 entity of any character.

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

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

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

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

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

17 (1) Except as provided in subsections (5) and (6) of this
18 section, comprehensive plans and development regulations, and
19 amendments thereto, adopted under this chapter are presumed valid
20 upon adoption.

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

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

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

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

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

7 **Sec. 9.** RCW 36.70A.190 and 2022 c 252 s 5 are each amended to
8 read as follows:

9 (1) The department shall establish a program of technical and
10 financial assistance and incentives to counties and cities to
11 encourage and facilitate the adoption and implementation of
12 comprehensive plans and development regulations throughout the state.

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

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

35 (4) The department shall establish a program of technical
36 assistance:

37 (a) Utilizing department staff, the staff of other state
38 agencies, and the technical resources of counties and cities to help
39 in the development of comprehensive plans required under this

1 chapter. The technical assistance may include, but not be limited to,
2 model land use ordinances, regional education and training programs,
3 and information for local and regional inventories; and

4 (b) Adopting by rule procedural criteria to assist counties and
5 cities in adopting comprehensive plans and development regulations
6 that meet the goals and requirements of this chapter. These criteria
7 shall reflect regional and local variations and the diversity that
8 exists among different counties and cities that plan under this
9 chapter.

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

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

17 (a) A federally recognized Indian tribe may request the
18 department to provide facilitation services to resolve issues of
19 concern with a proposed comprehensive plan and its development
20 regulations, or any amendment to the comprehensive plan and its
21 development regulations.

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

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

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

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

10 (8) The department shall develop, in collaboration with the
11 department of ecology, the department of fish and wildlife, the
12 department of natural resources, the department of health, the
13 emergency management division of the military department, as well as
14 any federally recognized tribe who chooses to voluntarily
15 participate, and adopt by rule guidance that creates a model climate
16 change and resiliency element that may be used by counties, cities,
17 and multiple-county planning regions for developing and implementing
18 climate change and resiliency plans and policies required by RCW
19 36.70A.070(9), subject to the following provisions:

20 (a) The model element must establish minimum requirements, and
21 may include model options or voluntary cross-jurisdictional
22 strategies, or both, for fulfilling the requirements of RCW
23 36.70A.070(9);

24 (b) The model element should provide guidance on identifying,
25 designing, and investing in infrastructure that supports community
26 resilience to climate impacts, including the protection, restoration,
27 and enhancement of natural infrastructure as well as traditional
28 infrastructure and protecting and enhancing natural areas to foster
29 resiliency to climate impacts, as well as areas of vital habitat for
30 safe passage and species migration;

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

36 (d) The rule must recognize and promote as many cobenefits of
37 climate resilience as possible such as climate change mitigation,
38 salmon recovery, forest health, ecosystem services, and socioeconomic
39 health and resilience.

1 NEW SECTION. **Sec. 10.** A new section is added to chapter 47.80
2 RCW to read as follows:

3 The department shall compile, maintain, and publish a summary of
4 the per capita vehicle miles traveled annually in each city in the
5 state, and in the unincorporated portions of each county in the
6 state.

7 NEW SECTION. **Sec. 11.** A new section is added to chapter 90.58
8 RCW to read as follows:

9 The department shall update its shoreline master program
10 guidelines to require shoreline master programs to address the impact
11 of sea level rise and increased storm severity on people, property,
12 and shoreline natural resources and the environment.

13 **Sec. 12.** RCW 86.12.200 and 1991 c 322 s 3 are each amended to
14 read as follows:

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

18 A comprehensive flood control management plan shall include the
19 following elements:

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

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

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

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

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

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

17 A comprehensive flood control management plan shall be subject to
18 the minimum requirements for participation in the national flood
19 insurance program, requirements exceeding the minimum national flood
20 insurance program that have been adopted by the department of ecology
21 for a specific floodplain pursuant to RCW 86.16.031, and rules
22 adopted by the department of ecology pursuant to RCW 86.26.050
23 relating to floodplain management activities. When a county plans
24 under chapter 36.70A RCW, it may incorporate the portion of its
25 comprehensive flood control management plan relating to land use
26 restrictions in its comprehensive plan and development regulations
27 adopted pursuant to chapter 36.70A RCW.

28 NEW SECTION. **Sec. 13.** A new section is added to chapter 43.21C
29 RCW to read as follows:

30 The adoption of ordinances, amendments to comprehensive plans,
31 amendments to development regulations, and other nonproject actions
32 taken by a county or city pursuant to RCW 36.70A.070(9) (d) or (e) in
33 order to implement measures specified by the department of commerce
34 pursuant to section 5 of this act are not subject to administrative
35 or judicial appeals under this chapter.

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

1 Unless the context clearly requires otherwise, the definitions in
2 this section apply throughout this chapter.

3 (1) "Adopt a comprehensive land use plan" means to enact a new
4 comprehensive land use plan or to update an existing comprehensive
5 land use plan.

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

10 (a) For rental housing, (~~sixty~~) 60 percent of the median
11 household income adjusted for household size, for the county where
12 the household is located, as reported by the United States department
13 of housing and urban development; or

14 (b) For owner-occupied housing, (~~eighty~~) 80 percent of the
15 median household income adjusted for household size, for the county
16 where the household is located, as reported by the United States
17 department of housing and urban development.

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

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

26 (5) "Comprehensive land use plan," "comprehensive plan," or
27 "plan" means a generalized coordinated land use policy statement of
28 the governing body of a county or city that is adopted pursuant to
29 this chapter.

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

31 (a) Wetlands; (b) areas with a critical recharging effect on aquifers
32 used for potable water; (c) fish and wildlife habitat conservation
33 areas; (d) frequently flooded areas; and (e) geologically hazardous
34 areas. "Fish and wildlife habitat conservation areas" does not
35 include such artificial features or constructs as irrigation delivery
36 systems, irrigation infrastructure, irrigation canals, or drainage
37 ditches that lie within the boundaries of and are maintained by a
38 port district or an irrigation district or company.

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

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

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

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

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

29 (12) "Forestland" means land primarily devoted to growing trees
30 for long-term commercial timber production on land that can be
31 economically and practically managed for such production, including
32 Christmas trees subject to the excise tax imposed under RCW 84.33.100
33 through 84.33.140, and that has long-term commercial significance. In
34 determining whether forestland is primarily devoted to growing trees
35 for long-term commercial timber production on land that can be
36 economically and practically managed for such production, the
37 following factors shall be considered: (a) The proximity of the land
38 to urban, suburban, and rural settlements; (b) surrounding parcel
39 size and the compatibility and intensity of adjacent and nearby land
40 uses; (c) long-term local economic conditions that affect the ability

1 to manage for timber production; and (d) the availability of public
2 facilities and services conducive to conversion of forestland to
3 other uses.

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

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

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

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

29 (17) "Minerals" include gravel, sand, and valuable metallic
30 substances.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 (28) "Urban growth" refers to growth that makes intensive use of
31 land for the location of buildings, structures, and impermeable
32 surfaces to such a degree as to be incompatible with the primary use
33 of land for the production of food, other agricultural products, or
34 fiber, or the extraction of mineral resources, rural uses, rural
35 development, and natural resource lands designated pursuant to RCW
36 36.70A.170. A pattern of more intensive rural development, as
37 provided in RCW 36.70A.070(5)(d), is not urban growth. When allowed
38 to spread over wide areas, urban growth typically requires urban
39 governmental services. "Characterized by urban growth" refers to land
40 having urban growth located on it, or to land located in relationship

1 to an area with urban growth on it as to be appropriate for urban
2 growth.

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

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

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

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

30 (33) "Active transportation" means forms of pedestrian mobility
31 including walking or running, the use of a mobility assistive device
32 such as a wheelchair, bicycling and cycling irrespective of the
33 number of wheels, and the use of small personal devices such as foot
34 scooters or skateboards. Active transportation includes both
35 traditional and electric assist bicycles and other devices. Planning
36 for active transportation must consider and address accommodation
37 pursuant to the Americans with disabilities act and the distinct
38 needs of each form of active transportation.

39 (34) "Transportation system" means all infrastructure and
40 services for all forms of transportation within a geographical area,

1 irrespective of the responsible jurisdiction or transportation
2 provider.

3 (35) "Environmental justice" means the fair treatment and
4 meaningful involvement of all people regardless of race, color,
5 national origin, or income with respect to development,
6 implementation, and enforcement of environmental laws, regulations,
7 and policies. Environmental justice includes addressing
8 disproportionate environmental and health impacts in all laws, rules,
9 and policies with environmental impacts by prioritizing vulnerable
10 populations and overburdened communities and the equitable
11 distribution of resources and benefits.

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

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

21 (a) Is accessible to the public;

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

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

24 (d) Promotes recreational and aesthetic values;

25 (e) Protects streams or water supply; or

26 (f) Preserves visual quality along highway, road, or street
27 corridors.

28 (38) "Green infrastructure" means a wide array of natural assets
29 and built structures within an urban growth area boundary, including
30 parks and other areas with protected tree canopy, and management
31 practices at multiple scales that manage wet weather and that
32 maintain and restore natural hydrology by storing, infiltrating,
33 evapotranspiring, and harvesting and using stormwater.

34 (39) "Wildland urban interface" means the geographical area where
35 structures and other human development meets or intermingles with
36 wildland vegetative fuels.

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

1 (41) (a) "Vulnerable populations" means population groups that are
2 more likely to be at higher risk for poor health outcomes in response
3 to environmental harms, due to: (i) Adverse socioeconomic factors,
4 such as unemployment, high housing and transportation costs relative
5 to income, limited access to nutritious food and adequate health
6 care, linguistic isolation, and other factors that negatively affect
7 health outcomes and increase vulnerability to the effects of
8 environmental harms; and (ii) sensitivity factors, such as low birth
9 weight and higher rates of hospitalization.

10 (b) "Vulnerable populations" includes, but is not limited to:
11 (i) Racial or ethnic minorities;
12 (ii) Low-income populations; and
13 (iii) Populations disproportionately impacted by environmental
14 harms.

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

17 (1) (a) Each comprehensive land use plan and development
18 regulations shall be subject to continuing review and evaluation by
19 the county or city that adopted them. Except as otherwise provided, a
20 county or city shall take legislative action to review and, if
21 needed, revise its comprehensive land use plan and development
22 regulations to ensure the plan and regulations comply with the
23 requirements of this chapter according to the deadlines in
24 subsections (4) and (5) of this section.

25 (b) Except as otherwise provided, a county or city not planning
26 under RCW 36.70A.040 shall take action to review and, if needed,
27 revise its policies and development regulations regarding critical
28 areas and natural resource lands adopted according to this chapter to
29 ensure these policies and regulations comply with the requirements of
30 this chapter according to the deadlines in subsections (4) and (5) of
31 this section. Legislative action means the adoption of a resolution
32 or ordinance following notice and a public hearing indicating at a
33 minimum, a finding that a review and evaluation has occurred and
34 identifying the revisions made, or that a revision was not needed and
35 the reasons therefor.

36 (c) The review and evaluation required by this subsection shall
37 include, but is not limited to, consideration of critical area
38 ordinances and, if planning under RCW 36.70A.040, an analysis of the

1 population allocated to a city or county from the most recent (~~ten~~)
2 10-year population forecast by the office of financial management.

3 (d) Any amendment of or revision to a comprehensive land use plan
4 shall conform to this chapter. Any amendment of or revision to
5 development regulations shall be consistent with and implement the
6 comprehensive plan.

7 (2)(a) Each county and city shall establish and broadly
8 disseminate to the public a public participation program consistent
9 with RCW 36.70A.035 and 36.70A.140 that identifies procedures and
10 schedules whereby updates, proposed amendments, or revisions of the
11 comprehensive plan are considered by the governing body of the county
12 or city no more frequently than once every year. "Updates" means to
13 review and revise, if needed, according to subsection (1) of this
14 section, and the deadlines in subsections (4) and (5) of this section
15 or in accordance with the provisions of subsection (6) of this
16 section. Amendments may be considered more frequently than once per
17 year under the following circumstances:

18 (i) The initial adoption of a subarea plan. Subarea plans adopted
19 under this subsection (2)(a)(i) must clarify, supplement, or
20 implement jurisdiction-wide comprehensive plan policies, and may only
21 be adopted if the cumulative impacts of the proposed plan are
22 addressed by appropriate environmental review under chapter 43.21C
23 RCW;

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

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

30 (iv) The amendment of the capital facilities element of a
31 comprehensive plan that occurs concurrently with the adoption or
32 amendment of a county or city budget; or

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

39 (b) Except as otherwise provided in (a) of this subsection, all
40 proposals shall be considered by the governing body concurrently so

1 the cumulative effect of the various proposals can be ascertained.
2 However, after appropriate public participation a county or city may
3 adopt amendments or revisions to its comprehensive plan that conform
4 with this chapter whenever an emergency exists or to resolve an
5 appeal of a comprehensive plan filed with the growth management
6 hearings board or with the court.

7 (3) (a) Each county that designates urban growth areas under RCW
8 36.70A.110 shall review, according to the schedules established in
9 subsections (4) and (5) of this section, its designated urban growth
10 area or areas, patterns of development occurring within the urban
11 growth area or areas, and the densities permitted within both the
12 incorporated and unincorporated portions of each urban growth area.
13 In conjunction with this review by the county, each city located
14 within an urban growth area shall review the densities permitted
15 within its boundaries, and the extent to which the urban growth
16 occurring within the county has located within each city and the
17 unincorporated portions of the urban growth areas.

18 (b) The county comprehensive plan designating urban growth areas,
19 and the densities permitted in the urban growth areas by the
20 comprehensive plans of the county and each city located within the
21 urban growth areas, shall be revised to accommodate the urban growth
22 projected to occur in the county for the succeeding (~~twenty~~) 20-
23 year period. The review required by this subsection may be combined
24 with the review and evaluation required by RCW 36.70A.215.

25 (c) If, during the county's review under (a) of this subsection,
26 the county determines revision of the urban growth area is not
27 required to accommodate the urban growth projected to occur in the
28 county for the succeeding 20-year period, but does determine that
29 patterns of development have created pressure in areas that exceed
30 available, developable lands within the urban growth area, the urban
31 growth area or areas may be revised to accommodate identified
32 patterns of development and likely future development pressure for
33 the succeeding 20-year period if the following requirements are met:

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

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

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

1 (iv) The areas added to the urban growth areas are suitable for
2 urban growth;

3 (v) The transportation element and capital facility plan element
4 have identified the transportation facilities, and public facilities
5 and services needed to serve the urban growth area and the funding to
6 provide the transportation facilities and public facilities and
7 services;

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

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

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

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

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

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

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

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

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

1 (a) (~~On~~) Except as provided in subsection (10) of this section,
2 on or before December 31, 2024, with the following review and, if
3 needed, revision on or before June 30, 2034, and then every (~~ten~~)
4 10 years thereafter, for King, Kitsap, Pierce, and Snohomish counties
5 and the cities within those counties;

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

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

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

19 (6)(a) Nothing in this section precludes a county or city from
20 conducting the review and evaluation required by this section before
21 the deadlines established in subsections (4) and (5) of this section.
22 Counties and cities may begin this process early and may be eligible
23 for grants from the department, subject to available funding, if they
24 elect to do so.

25 (b) A county that is subject to a deadline established in
26 subsection (5)(b) through (d) of this section and meets the following
27 criteria may comply with the requirements of this section at any time
28 within the twenty-four months following the deadline established in
29 subsection (5) of this section: The county has a population of less
30 than fifty thousand and has had its population increase by no more
31 than seventeen percent in the ten years preceding the deadline
32 established in subsection (5) of this section as of that date.

33 (c) A city that is subject to a deadline established in
34 subsection (5)(b) through (d) of this section and meets the following
35 criteria may comply with the requirements of this section at any time
36 within the twenty-four months following the deadline established in
37 subsection (5) of this section: The city has a population of no more
38 than five thousand and has had its population increase by the greater
39 of either no more than one hundred persons or no more than seventeen

1 percent in the ten years preceding the deadline established in
2 subsection (5) of this section as of that date.

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

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

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

12 (ii) Demonstrating substantial progress towards compliance with
13 the schedules in this section for development regulations that
14 protect critical areas.

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

21 (8) (a) Except as otherwise provided in (c) of this subsection, if
22 a participating watershed is achieving benchmarks and goals for the
23 protection of critical areas functions and values, the county is not
24 required to update development regulations to protect critical areas
25 as they specifically apply to agricultural activities in that
26 watershed.

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

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

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

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

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

1 (v) Three or more years have elapsed since the receipt of
2 funding.

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

12 (9)(a) Counties subject to planning deadlines established in
13 subsection (5) of this section that are required or that choose to
14 plan under RCW 36.70A.040 and that meet either criteria of (a)(i) or
15 (ii) of this subsection, and cities with a population of more than
16 6,000 as of April 1, 2021, within those counties, must provide to the
17 department an implementation progress report detailing the progress
18 they have achieved in implementing their comprehensive plan five
19 years after the review and revision of their comprehensive plan. Once
20 a county meets the criteria in (a)(i) or (ii) of this subsection, the
21 implementation progress report requirements remain in effect
22 thereafter for that county and the cities therein with populations
23 greater than 6,000 as of April 1, 2021, even if the county later no
24 longer meets either or both criteria. A county is subject to the
25 implementation progress report requirement if it meets either of the
26 following criteria on or after April 1, 2021:

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

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

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

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

38 (ii) Permit processing timelines; and

39 (iii) Progress toward implementing any actions required to
40 achieve reductions to meet greenhouse gas and vehicle miles traveled

1 requirements as provided for in any element of the comprehensive plan
2 under RCW 36.70A.070.

3 (c) If a city or county required to provide an implementation
4 progress report under this subsection (9) has not implemented any
5 specifically identified regulations, zoning and land use changes, or
6 taken other legislative or administrative action necessary to
7 implement any changes in the most recent periodic update in their
8 comprehensive plan by the due date for the implementation progress
9 report, the city or county must identify the need for such action in
10 the implementation progress report. Cities and counties must adopt a
11 work plan to implement any necessary regulations, zoning and land use
12 changes, or take other legislative or administrative action
13 identified in the implementation progress report and complete all
14 work necessary for implementation within two years of submission of
15 the implementation progress report.

16 (10) Any county or city that is required by section 4 of this act
17 to include in its comprehensive plan a climate change and resiliency
18 element and that is also required by subsection (5)(a) of this
19 section to review and, if necessary, revise its comprehensive plan on
20 or before December 31, 2024, must update its transportation element
21 and incorporate a climate change and resiliency element into its
22 comprehensive plan as part of the first implementation progress
23 report required by subsection (9) of this section if funds are
24 appropriated and distributed by December 31, 2027, as required under
25 RCW 36.70A.070(10).

26 NEW SECTION. Sec. 16. A new section is added to chapter 36.70A
27 RCW to read as follows:

28 (1) Notwithstanding the requirements of RCW 36.70A.070(10), it is
29 the intent that jurisdictions subject to RCW 36.70A.130(5)(b)
30 implement the requirements of this act on or before June 30, 2025.
31 Any funding provided to cover applicable local government costs
32 related to implementation of this act shall be considered timely.

33 (2) This section expires July 31, 2025.

34 NEW SECTION. Sec. 17. A new section is added to chapter 43.20
35 RCW to read as follows:

36 (1)(a) Beginning with water system plans initiated after June 30,
37 2025, the department shall ensure water system plans for group A

1 community public water systems serving 1,000 or more connections
2 include a climate resilience element at the time of approval.

3 (b) The department must update its water system planning
4 guidebook to assist water systems in implementing the climate
5 resilience element, including guidance on any available technical and
6 financial resources.

7 (c) The department shall provide technical assistance to public
8 water systems based on their system size, location, and water source,
9 by providing references to existing state or federal risk management,
10 climate resiliency, or emergency management and response tools that
11 may be used to satisfy the climate resilience element.

12 (d) Subject to the availability of amounts appropriated for this
13 specific purpose, the University of Washington climate impacts group
14 shall assist the department in the development of tools for the
15 technical assistance to be provided in (c) of this subsection.

16 (2) To fulfill the requirements of the climate resilience
17 element, water systems must:

18 (a) Determine which extreme weather events pose significant
19 challenges to their system and build scenarios to identify potential
20 impacts;

21 (b) Assess critical assets and the actions necessary to protect
22 the system from the consequences of extreme weather events on system
23 operations; and

24 (c) Generate reports describing the costs and benefits of the
25 system's risk reduction strategies and capital project needs.

26 (3) Climate readiness projects, including planning to meet the
27 requirements of this section and actions to protect a water system
28 from extreme weather events, including infrastructure and design
29 projects, are eligible for financial assistance under RCW
30 70A.125.180. The department must develop grant and loan eligibility
31 criteria and consider applications from water systems that identify
32 climate readiness projects.

33 **Sec. 18.** RCW 70A.125.180 and 2020 c 20 s 1359 are each amended
34 to read as follows:

35 Subject to the availability of amounts appropriated for this
36 specific purpose, the department shall provide financial assistance
37 through a water system acquisition and rehabilitation program, hereby
38 created. (~~The program shall be jointly administered with the public
39 works board and the department of commerce.~~) The ((agencies))

1 department shall adopt guidelines for the program using as a model
2 the procedures and criteria of the drinking water revolving loan
3 program authorized under RCW 70A.125.160. All financing provided
4 through the program must be in the form of grants or loans that
5 partially cover project costs, including projects and planning
6 required under section 17 of this act. The maximum grant or loan to
7 any eligible entity may not exceed (~~twenty-five~~) 25 percent of the
8 funds allocated to the appropriation in any fiscal year.

9 NEW SECTION. **Sec. 19.** If specific funding for the purposes of
10 this act, referencing this act by bill or chapter number, is not
11 provided by June 30, 2023, in the omnibus appropriations act, this
12 act is null and void.

Passed by the House April 13, 2023.
Passed by the Senate April 7, 2023.
Approved by the Governor May 3, 2023.
Filed in Office of Secretary of State May 4, 2023.

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