
SUBSTITUTE HOUSE BILL 1099

State of Washington

67th Legislature

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By House Environment & Energy (originally sponsored by Representatives Duerr, Fitzgibbon, Dolan, Bateman, Ramel, Gregerson, Goodman, Ryu, Kloba, Chopp, Ormsby, Pollet, Fey, Santos, and Davis)

READ FIRST TIME 02/02/21.

1 AN ACT Relating to improving the state's climate response through
2 updates to the state's comprehensive planning framework; amending RCW
3 36.70A.020, 36.70A.480, 36.70A.320, 36.70A.190, 36.70A.100,
4 36.70A.030, and 86.12.200; reenacting and amending RCW 36.70A.070;
5 adding new sections to chapter 36.70A RCW; adding a new section to
6 chapter 70A.45 RCW; adding a new section to chapter 47.80 RCW; adding
7 a new section to chapter 90.58 RCW; adding a new section to chapter
8 43.21C RCW; and creating a new section.

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

10 **Sec. 1.** RCW 36.70A.020 and 2002 c 154 s 1 are each amended to
11 read as follows:

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

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

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

6 (3) Transportation. Encourage efficient multimodal transportation
7 systems that help achieve statewide targets for the reduction of
8 greenhouse gas emissions and per capita vehicle miles traveled, and
9 are based on regional priorities and coordinated with county and city
10 comprehensive plans.

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

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

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

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

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

36 (9) Open space and recreation. Retain open space and greenspace,
37 enhance recreational opportunities, ((conserve)) enhance fish and
38 wildlife habitat, increase access to natural resource lands and
39 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 and ensure
6 coordination between communities and jurisdictions to reconcile
7 conflicts.

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

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

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

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

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

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

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

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

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

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

38 (d) Upon department of ecology approval of a shoreline master
39 program or critical area segment of a shoreline master program,
40 critical areas within shorelines of the state are protected under

1 chapter 90.58 RCW and are not subject to the procedural and
2 substantive requirements of this chapter, except as provided in
3 subsection (6) of this section. Nothing in chapter 321, Laws of 2003
4 or chapter 107, Laws of 2010 is intended to affect whether or to what
5 extent agricultural activities, as defined in RCW 90.58.065, are
6 subject to chapter 36.70A RCW.

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

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

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

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

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

34 (1) The requirements of the greenhouse gas emissions reduction
35 subelement of the climate change and resiliency element set forth in
36 RCW 36.70A.070 apply only to those counties that are required or that
37 choose to plan under RCW 36.70A.040, and the cities within those
38 counties, that meet either of the following criteria on or after
39 January 1, 2021:

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

3 (b) A county with a population density of at least 75 people per
4 square mile and an annual growth rate of at least 1.75 percent as
5 determined by the office of financial management.

6 (2) Once a county meets either of the sets of criteria set forth
7 in subsection (1) of this section, the requirement to conform with
8 the greenhouse gas emissions reduction subelement of the climate
9 change and resiliency element set forth in RCW 36.70A.070 remains in
10 effect, even if the county no longer meets one of these sets of
11 criteria.

12 (3) If the population of a county that previously had not been
13 required to conform with the greenhouse gas emissions reduction
14 subelement of the climate change and resiliency element set forth in
15 RCW 36.70A.070 changes sufficiently to meet either of the sets of
16 criteria set forth in subsection (1) of this section, the county, and
17 the cities within that county, shall adopt a greenhouse gas emissions
18 reduction subelement of the climate change and resiliency element set
19 forth in RCW 36.70A.070 at the next scheduled update of the
20 comprehensive plan as set forth in RCW 36.70A.130.

21 **Sec. 4.** RCW 36.70A.070 and 2017 3rd sp.s. c 18 s 4 and 2017 3rd
22 sp.s. c 16 s 4 are each reenacted and amended to read as follows:

23 The comprehensive plan of a county or city that is required or
24 chooses to plan under RCW 36.70A.040 shall consist of a map or maps,
25 and descriptive text covering objectives, principles, and standards
26 used to develop the comprehensive plan. The plan shall be an
27 internally consistent document and all elements shall be consistent
28 with the future land use map. A comprehensive plan shall be adopted
29 and amended with public participation as provided in RCW 36.70A.140.
30 Each comprehensive plan shall include a plan, scheme, or design for
31 each of the following:

32 (1) A land use element designating the proposed general
33 distribution and general location and extent of the uses of land,
34 where appropriate, for agriculture, timber production, housing,
35 commerce, industry, recreation, open spaces, general aviation
36 airports, public utilities, public facilities, and other land uses.
37 The land use element shall include population densities, building
38 intensities, and estimates of future population growth. The land use
39 element shall provide for protection of the quality and quantity of

1 groundwater used for public water supplies. The land use element
2 should give special consideration to achieving environmental justice
3 in its goals and policies. In addition, the land use element must
4 avoid creating or worsening environmental health disparities.
5 Wherever possible, the land use element should consider utilizing
6 urban planning approaches that promote physical activity and reduce
7 per capita vehicle miles traveled. Where applicable, the land use
8 element shall review drainage, flooding, and stormwater runoff in the
9 area and nearby jurisdictions and provide guidance for corrective
10 actions to mitigate or cleanse those discharges that pollute waters
11 of the state, including Puget Sound or waters entering Puget Sound.
12 The land use element must reduce and mitigate the risk to lives and
13 property posed by wildfires including, but not limited to, by
14 reducing residential development in the wildland urban interface
15 area.

16 (2) A housing element ensuring the vitality and character of
17 established residential neighborhoods that: (a) Includes an inventory
18 and analysis of existing and projected housing needs that identifies
19 the number of housing units necessary to manage projected growth; (b)
20 includes a statement of goals, policies, objectives, and mandatory
21 provisions for the preservation, improvement, and development of
22 housing, including single-family residences; (c) identifies
23 sufficient land for housing, including, but not limited to,
24 government-assisted housing, housing for low-income families,
25 manufactured housing, multifamily housing, and group homes and foster
26 care facilities; and (d) makes adequate provisions for existing and
27 projected needs of all economic segments of the community. In
28 counties and cities subject to the review and evaluation requirements
29 of RCW 36.70A.215, any revision to the housing element shall include
30 consideration of prior review and evaluation reports and any
31 reasonable measures identified.

32 (3) A capital facilities plan element consisting of: (a) An
33 inventory of existing capital facilities owned by public entities,
34 showing the locations and capacities of the capital facilities; (b) a
35 forecast of the future needs for such capital facilities, including
36 regional policies, plans, and strategies under RCW 36.70A.210 and
37 chapter 47.80 RCW; (c) the proposed locations and capacities of
38 expanded or new capital facilities; (d) at least a six-year plan that
39 will finance such capital facilities within projected funding
40 capacities and clearly identifies sources of public money for such

1 purposes; and (e) a requirement to reassess the land use element if
2 probable funding falls short of meeting existing needs and to ensure
3 that the land use element, capital facilities plan element, and
4 financing plan within the capital facilities plan element are
5 coordinated and consistent. Park and recreation facilities shall be
6 included in the capital facilities plan element.

7 (4) A utilities element consisting of the general location,
8 proposed location, and capacity of all existing and proposed
9 utilities, including, but not limited to, electrical lines,
10 telecommunication lines, and natural gas lines.

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

15 (a) Growth management act goals and local circumstances. Because
16 circumstances vary from county to county, in establishing patterns of
17 rural densities and uses, a county may consider local circumstances,
18 but shall develop a written record explaining how the rural element
19 harmonizes the planning goals in RCW 36.70A.020 and meets the
20 requirements of this chapter.

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

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

34 (i) Containing or otherwise controlling rural development;

35 (ii) Assuring visual compatibility of rural development with the
36 surrounding rural area;

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

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

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

4 (vi) Protecting existing natural areas, including native forests,
5 grasslands, wetlands, and riparian areas.

6 (d) Limited areas of more intensive rural development. Subject to
7 the requirements of this subsection and except as otherwise
8 specifically provided in this subsection (5)(d), the rural element
9 may allow for limited areas of more intensive rural development,
10 including necessary public facilities and public services to serve
11 the limited area as follows:

12 (i) Rural development consisting of the infill, development, or
13 redevelopment of existing commercial, industrial, residential, or
14 mixed-use areas, whether characterized as shoreline development,
15 villages, hamlets, rural activity centers, or crossroads
16 developments.

17 (A) A commercial, industrial, residential, shoreline, or mixed-
18 use area are subject to the requirements of (d)(iv) of this
19 subsection, but are not subject to the requirements of (c)(ii) and
20 (iii) of this subsection.

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

25 (C) Any development or redevelopment in terms of building size,
26 scale, use, or intensity shall be consistent with the character of
27 the existing areas. Development and redevelopment may include changes
28 in use from vacant land or a previously existing use so long as the
29 new use conforms to the requirements of this subsection (5);

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

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

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

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

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

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

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

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

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

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

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

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

23 (iii) Facilities and services needs, including:

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

31 (B) Level of service standards for all locally owned arterials
32 (~~and~~), locally and regionally operated transit routes that serve
33 urban growth areas, and active transportation facilities to serve as
34 a gauge to judge performance of the system and success in helping to
35 achieve the goals of this chapter at the least cost. These standards
36 should be regionally coordinated;

37 (C) For state-owned transportation facilities, level of service
38 standards for highways, as prescribed in chapters 47.06 and 47.80
39 RCW, to gauge the performance of the system. The purposes of
40 reflecting level of service standards for state highways in the local

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

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

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

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

31 (iv) Finance, including:

32 (A) An analysis of funding capability to judge needs against
33 probable funding resources;

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

1 developed by the office of financial management as required by RCW
2 47.05.030;

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

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

11 (vi) Demand-management strategies;

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

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

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

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

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

13 (8) A park and recreation element that implements, and is
14 consistent with, the capital facilities plan element as it relates to
15 park and recreation facilities. The element shall include: (a)
16 Estimates of park and recreation demand for at least a ten-year
17 period; (b) an evaluation of facilities and service needs; ~~((and))~~
18 (c) an evaluation of intergovernmental coordination opportunities to
19 provide regional approaches for meeting park and recreational demand;
20 (d) an evaluation of consistency with fish and wildlife goals; and
21 (e) consideration of the health disparities map, published by the
22 department of health, to increase greenspace and tree canopy in the
23 most pollution-burdened locations.

24 (9) A climate change and resiliency element that is designed to
25 result in reductions in overall greenhouse gas emissions and that
26 must enhance resiliency to and avoid the adverse impacts of climate
27 change. The greenhouse gas emissions reduction subelement of the
28 climate change and resiliency element is mandatory for the
29 jurisdictions specified in section 3 of this act and is encouraged
30 for all other jurisdictions, including those planning under RCW
31 36.70A.040 and those planning under chapter 36.70 RCW. The resiliency
32 subelement of the climate change and resiliency element is mandatory
33 for all jurisdictions planning under RCW 36.70A.040 and is encouraged
34 for those jurisdictions planning under chapter 36.70 RCW.

35 (a)(i) The greenhouse gas emissions reduction subelement of the
36 comprehensive plan, and its related development regulations, must
37 identify the actions the jurisdiction will take during the planning
38 cycle consistent with the guidelines published by the department
39 pursuant to section 5 of this act that will:

1 (A) Result in reductions in overall greenhouse gas emissions
2 generated by the transportation and land use systems within the
3 jurisdiction;

4 (B) Result in reductions in per capita vehicle miles traveled
5 within the jurisdiction; and

6 (C) Prioritize reductions in communities that experience
7 disproportionate impacts and harm due to air pollution in order to
8 maximize the cobenefits of reduced air pollution.

9 (ii) Actions not specifically identified in the guidelines
10 developed by the department pursuant to section 5 of this act may be
11 considered to be consistent with those guidelines only if:

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

16 (B) They are supported by scientifically credible projections and
17 scenarios that indicate their adoption is likely to result in
18 reductions of greenhouse gas emissions or per capita vehicle miles
19 traveled consistent with the reduction requirements set forth in RCW
20 70A.45.020.

21 (b) The resiliency subelement must equitably enhance resiliency
22 to, and avoid or substantially reduce the adverse impacts of, climate
23 change on people, property, and ecological systems through goals,
24 policies, and programs consistent with the best available science and
25 scientifically credible climate projections and impact scenarios that
26 moderate or avoid harm, enhance the resiliency of natural and human
27 systems, and enhance beneficial opportunities. The resiliency
28 subelement must prioritize actions in communities that will
29 disproportionately suffer from compounding environmental impacts and
30 will be most impacted by natural hazards due to climate change. A
31 natural hazard mitigation plan or similar plan that is guided by RCW
32 36.70A.020(14) and complies with the applicable requirements of this
33 act, including the requirements set forth in this subsection (9)(b),
34 may be adopted by reference to satisfy those requirements. Specific
35 goals, policies, and programs of the resiliency subelement must
36 include, but are not limited to, those designed to:

37 (i) Identify, protect, and enhance natural areas to foster
38 resiliency to climate impacts, as well as areas of vital habitat for
39 safe passage and species migration; and

1 (ii) Address natural hazards created or aggravated by climate
2 change, including sea level rise, landslides, flooding, drought,
3 heat, smoke, wildfire, and other effects of changes to temperature
4 and precipitation patterns.

5 (c) For the jurisdictions set forth in section 3 of this act,
6 updates to comprehensive plans and related development regulations
7 made during the update cycle that begins in 2024 must adopt measures
8 identified by the department pursuant to section 5 of this act that
9 are likely to result in reductions of greenhouse gas emissions and
10 per capita vehicle miles traveled.

11 (d) The adoption of ordinances, amendments to comprehensive
12 plans, amendments to development regulations, and other nonproject
13 actions taken by a county or city pursuant to (a) or (c) of this
14 subsection in order to implement measures specified by the department
15 pursuant to section 5 of this act are not subject to administrative
16 or judicial appeal under chapter 43.21C RCW.

17 ~~((9))~~ (10) It is the intent that new or amended elements
18 required after January 1, 2002, be adopted concurrent with the
19 scheduled update provided in RCW 36.70A.130. Requirements to
20 incorporate any such new or amended elements shall be null and void
21 until funds sufficient to cover applicable local government costs are
22 appropriated and distributed by the state at least two years before
23 local government must update comprehensive plans as required in RCW
24 36.70A.130.

25 NEW SECTION. Sec. 5. A new section is added to chapter 70A.45
26 RCW to read as follows:

27 (1) The department of commerce, in consultation with the
28 department of ecology, the department of health, and the department
29 of transportation, shall publish guidelines that specify a set of
30 measures counties and cities have available to them to take through
31 updates to their comprehensive plans and development regulations that
32 have a demonstrated ability to reduce greenhouse gas emissions in
33 order to achieve the statewide greenhouse gas emissions reductions
34 set forth in RCW 70A.45.020(1), allowing for consideration of the
35 emissions reductions achieved through the adoption of statewide
36 programs. The guidelines must prioritize reductions in communities
37 that have experienced disproportionate harm due to air pollution and
38 may draw upon the most recent health disparities data from the
39 department of health to identify high pollution areas and

1 disproportionately burdened communities. The guidelines must be based
2 on:

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

6 (b) The most recent city and county population estimates prepared
7 by the office of financial management pursuant to RCW 43.62.035.

8 (2) The department of commerce, in consultation with the
9 department of transportation, shall publish guidelines that specify a
10 set of measures counties and cities have available to them to take
11 through updates to their comprehensive plans and development
12 regulations that have a demonstrated ability to reduce per capita
13 vehicle miles traveled.

14 The guidelines must be based on:

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

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

20 (c) The most recent summary of per capita vehicle miles traveled
21 as compiled by the department of transportation.

22 (3) The department of commerce shall first publish the full set
23 of guidelines described in subsections (1) and (2) of this section no
24 later than December 31, 2025. The department of commerce shall update
25 these guidelines at least every four years thereafter based on the
26 most recently available data, and shall provide for a process for
27 local governments and other parties to submit alternative actions for
28 consideration for inclusion into the guidelines at least once per
29 year. The department of commerce shall publish an intermediate set of
30 guidelines no later than December 31, 2022, in order to be available
31 for use by jurisdictions whose periodic updates are required by RCW
32 36.70A.130(5) to occur prior to December 31, 2025.

33 (4) In any updates to the guidelines published after 2025, the
34 department of commerce shall include a determination of whether
35 adequate progress has been made toward the statewide greenhouse gas
36 and per capita vehicle miles traveled reduction goals. If adequate
37 progress is not being made, the department must identify in the
38 guidelines what additional measures cities and counties must take in
39 order to make further progress.

1 NEW SECTION. **Sec. 6.** A new section is added to chapter 36.70A

2 RCW to read as follows:

3 (1) A greenhouse gas emissions reduction subelement required by
4 RCW 36.70A.070 becomes effective when approved by the department as
5 provided in this section. The department shall strive to achieve
6 final action on a submitted greenhouse gas emissions reduction
7 subelement within 180 days of receipt and shall post an annual
8 assessment related to this performance benchmark on the agency
9 website.

10 (2) Upon receipt of a proposed greenhouse gas emissions reduction
11 subelement, the department shall:

12 (a) Provide notice to and opportunity for written comment by all
13 interested parties of record as a part of the local government review
14 process for the proposal and to all persons, groups, and agencies
15 that have requested in writing notice of proposed greenhouse gas
16 emissions reduction subelements. The comment period shall be at least
17 30 days, unless the department determines that the level of
18 complexity or controversy involved supports a shorter period;

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

22 (c) Within 15 days after the close of public comment, request the
23 local government to review the issues identified by the public,
24 interested parties, groups, and agencies and provide a written
25 response as to how the proposal addresses the identified issues;

26 (d) Within 30 days after receipt of the local government response
27 pursuant to (c) of this subsection, make written findings and
28 conclusions regarding the consistency of the proposal with the policy
29 of RCW 36.70A.070 and, after they are adopted, the applicable
30 guidelines adopted by the department pursuant to section 5 of this
31 act and any reduction allocations made pursuant to RCW 36.70A.100,
32 provide a response to the issues identified in (c) of this
33 subsection, and either approve the greenhouse gas emissions reduction
34 subelement as submitted, recommend specific changes necessary to make
35 the greenhouse gas emissions reduction subelement approvable, or deny
36 approval of the greenhouse gas emissions reduction subelement in
37 those instances where no alteration of the greenhouse gas emissions
38 reduction subelement appears likely to be consistent with the policy
39 of RCW 36.70A.070 and the applicable guidelines. The written findings
40 and conclusions shall be provided to the local government, and made

1 available to all interested persons, parties, groups, and agencies of
2 record on the proposal;

3 (e) If the department recommends changes to the proposed
4 greenhouse gas emissions reduction subelement, within 90 days after
5 the department mails the written findings and conclusions to the
6 local government, require the local government to:

7 (i) Agree to the proposed changes by written notice to the
8 department; or

9 (ii) Submit an alternative greenhouse gas emissions reduction
10 subelement. If, in the opinion of the department, the alternative is
11 consistent with the purpose and intent of the changes originally
12 submitted by the department and with this chapter it shall approve
13 the changes and provide notice to all recipients of the written
14 findings and conclusions. If the department determines the proposed
15 greenhouse gas emissions reduction subelement is not consistent with
16 the purpose and intent of the changes proposed by the department, the
17 department may resubmit the proposed greenhouse gas emissions
18 reduction subelement for public and agency review pursuant to this
19 section or reject the proposed greenhouse gas emissions reduction
20 subelement.

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

26 (4) A greenhouse gas emissions reduction subelement takes effect
27 when and in such form as approved or adopted by the department. The
28 effective date is 14 days from the date of the department's written
29 notice of final action to the local government stating the department
30 has approved or rejected the proposed greenhouse gas emissions
31 reduction subelement. The department's written notice to the local
32 government must conspicuously and plainly state that it is the
33 department's final decision and that there will be no further
34 modifications to the proposed greenhouse gas emissions reduction
35 subelement. The department shall maintain a record of each greenhouse
36 gas emissions reduction subelement, the action taken on any proposed
37 greenhouse gas emissions reduction subelement, and any appeal of the
38 department's action. The department's approved document of record
39 constitutes the official greenhouse gas emissions reduction
40 subelement.

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

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

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

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

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

30 (1) Except as provided in subsections (5) and (6) of this
31 section, comprehensive plans and development regulations, and
32 amendments thereto, adopted under this chapter are presumed valid
33 upon adoption.

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

38 (3) In any petition under this chapter, the board, after full
39 consideration of the petition, shall determine whether there is

1 compliance with the requirements of this chapter. In making its
2 determination, the board shall consider the criteria adopted by the
3 department under RCW 36.70A.190(4). The board shall find compliance
4 unless it determines that the action by the state agency, county, or
5 city is clearly erroneous in view of the entire record before the
6 board and in light of the goals and requirements of this chapter.

7 (4) A county or city subject to a determination of invalidity
8 made under RCW 36.70A.300 or 36.70A.302 has the burden of
9 demonstrating that the ordinance or resolution it has enacted in
10 response to the determination of invalidity will no longer
11 substantially interfere with the fulfillment of the goals of this
12 chapter under the standard in RCW 36.70A.302(1).

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

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

19 **Sec. 8.** RCW 36.70A.190 and 1991 sp.s. c 32 s 3 are each amended
20 to read as follows:

21 (1) The department shall establish a program of technical and
22 financial assistance and incentives to counties and cities to
23 encourage and facilitate the adoption and implementation of
24 comprehensive plans and development regulations throughout the state.

25 (2) The department shall develop a priority list and establish
26 funding levels for planning and technical assistance grants both for
27 counties and cities that plan under RCW 36.70A.040. Priority for
28 assistance shall be based on a county's or city's population growth
29 rates, commercial and industrial development rates, the existence and
30 quality of a comprehensive plan and development regulations, and
31 other relevant factors.

32 (3) The department shall develop and administer a grant program
33 to provide direct financial assistance to counties and cities for the
34 preparation of comprehensive plans under this chapter. The department
35 may establish provisions for county and city matching funds to
36 conduct activities under this subsection. Grants may be expended for
37 any purpose directly related to the preparation of a county or city
38 comprehensive plan as the county or city and the department may
39 agree, including, without limitation, the conducting of surveys,

1 inventories and other data gathering and management activities, the
2 retention of planning consultants, contracts with regional councils
3 for planning and related services, and other related purposes.

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

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

12 (b) Adopting by rule procedural criteria to assist counties and
13 cities in adopting comprehensive plans and development regulations
14 that meet the goals and requirements of this chapter. These criteria
15 shall reflect regional and local variations and the diversity that
16 exists among different counties and cities that plan under this
17 chapter.

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

22 (6) The department shall provide planning grants to enhance
23 citizen participation under RCW 36.70A.140.

24 (7) The department shall develop, in collaboration with the
25 department of ecology, the department of fish and wildlife, the
26 department of natural resources, the department of health, the
27 emergency management division of the military department, as well as
28 any federally recognized tribe whose reservation is within the state
29 of Washington who chooses to voluntarily participate, and adopt by
30 rule guidance that creates a model climate change and resiliency
31 element that may be used by counties, cities, and multiple-county
32 planning regions for developing and implementing climate change and
33 resiliency plans and policies required by RCW 36.70A.070(9), subject
34 to the following provisions:

35 (a) The model element must establish minimum requirements or
36 include model options for fulfilling the requirements of RCW
37 36.70A.070(9);

38 (b) The model element should provide guidance on identifying,
39 designing, and investing in infrastructure that supports community
40 resilience to climate impacts, including the protection, restoration,

1 and enhancement of natural infrastructure as well as traditional
2 infrastructure and protecting and enhancing natural areas to foster
3 resiliency to climate impacts, as well as areas of vital habitat for
4 safe passage and species migration;

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

10 (d) The rule must recognize and promote as many cobenefits of
11 climate resilience as possible such as salmon recovery, forest
12 health, and ecosystem services.

13 **Sec. 9.** RCW 36.70A.100 and 1990 1st ex.s. c 17 s 10 are each
14 amended to read as follows:

15 The comprehensive plan of each county or city (~~(that is)~~) adopted
16 pursuant to RCW 36.70A.040 shall be (~~coordinated~~):

17 (1) Coordinated with, and consistent with, the comprehensive
18 plans adopted pursuant to RCW 36.70A.040 of other counties or cities
19 with which the county or city has, in part, common borders or related
20 regional issues; and

21 (2) Consistent with the regional transportation plans required
22 under RCW 47.80.030 for the region within which the county or city is
23 located.

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

26 The department shall compile, maintain, and publish a summary of
27 the per capita vehicle miles traveled annually in each city in the
28 state, and in the unincorporated portions of each county in the
29 state.

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

32 The department shall update its shoreline master program
33 guidelines to require shoreline master programs to address the impact
34 of sea level rise and increased storm severity on people, property,
35 and shoreline natural resources and the environment.

1 **Sec. 12.** RCW 36.70A.030 and 2020 c 173 s 4 are each amended to
2 read as follows:

3 Unless the context clearly requires otherwise, the definitions in
4 this section apply throughout this chapter.

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

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

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

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

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

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

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

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

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

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

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

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

18 (10) "Forestland" means land primarily devoted to growing trees
19 for long-term commercial timber production on land that can be
20 economically and practically managed for such production, including
21 Christmas trees subject to the excise tax imposed under RCW 84.33.100
22 through 84.33.140, and that has long-term commercial significance. In
23 determining whether forestland is primarily devoted to growing trees
24 for long-term commercial timber production on land that can be
25 economically and practically managed for such production, the
26 following factors shall be considered: (a) The proximity of the land
27 to urban, suburban, and rural settlements; (b) surrounding parcel
28 size and the compatibility and intensity of adjacent and nearby land
29 uses; (c) long-term local economic conditions that affect the ability
30 to manage for timber production; and (d) the availability of public
31 facilities and services conducive to conversion of forestland to
32 other uses.

33 (11) "Freight rail dependent uses" means buildings and other
34 infrastructure that are used in the fabrication, processing, storage,
35 and transport of goods where the use is dependent on and makes use of
36 an adjacent short line railroad. Such facilities are both urban and
37 rural development for purposes of this chapter. "Freight rail
38 dependent uses" does not include buildings and other infrastructure
39 that are used in the fabrication, processing, storage, and transport

1 of coal, liquefied natural gas, or "crude oil" as defined in RCW
2 90.56.010.

3 (12) "Geologically hazardous areas" means areas that because of
4 their susceptibility to erosion, sliding, earthquake, or other
5 geological events, are not suited to the siting of commercial,
6 residential, or industrial development consistent with public health
7 or safety concerns.

8 (13) "Long-term commercial significance" includes the growing
9 capacity, productivity, and soil composition of the land for long-
10 term commercial production, in consideration with the land's
11 proximity to population areas, and the possibility of more intense
12 uses of the land.

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

19 (15) "Minerals" include gravel, sand, and valuable metallic
20 substances.

21 (16) "Permanent supportive housing" is subsidized, leased housing
22 with no limit on length of stay that prioritizes people who need
23 comprehensive support services to retain tenancy and utilizes
24 admissions practices designed to use lower barriers to entry than
25 would be typical for other subsidized or unsubsidized rental housing,
26 especially related to rental history, criminal history, and personal
27 behaviors. Permanent supportive housing is paired with on-site or
28 off-site voluntary services designed to support a person living with
29 a complex and disabling behavioral health or physical health
30 condition who was experiencing homelessness or was at imminent risk
31 of homelessness prior to moving into housing to retain their housing
32 and be a successful tenant in a housing arrangement, improve the
33 resident's health status, and connect the resident of the housing
34 with community-based health care, treatment, or employment services.
35 Permanent supportive housing is subject to all of the rights and
36 responsibilities defined in chapter 59.18 RCW.

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

1 (18) "Public services" include fire protection and suppression,
2 law enforcement, public health, education, recreation, environmental
3 protection, and other governmental services.

4 (19) "Recreational land" means land so designated under RCW
5 36.70A.1701 and that, immediately prior to this designation, was
6 designated as agricultural land of long-term commercial significance
7 under RCW 36.70A.170. Recreational land must have playing fields and
8 supporting facilities existing before July 1, 2004, for sports played
9 on grass playing fields.

10 (20) "Rural character" refers to the patterns of land use and
11 development established by a county in the rural element of its
12 comprehensive plan:

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

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

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

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

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

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

25 (g) That are consistent with the protection of natural surface
26 water flows and groundwater and surface water recharge and discharge
27 areas.

28 (21) "Rural development" refers to development outside the urban
29 growth area and outside agricultural, forest, and mineral resource
30 lands designated pursuant to RCW 36.70A.170. Rural development can
31 consist of a variety of uses and residential densities, including
32 clustered residential development, at levels that are consistent with
33 the preservation of rural character and the requirements of the rural
34 element. Rural development does not refer to agriculture or forestry
35 activities that may be conducted in rural areas.

36 (22) "Rural governmental services" or "rural services" include
37 those public services and public facilities historically and
38 typically delivered at an intensity usually found in rural areas, and
39 may include domestic water systems, fire and police protection
40 services, transportation and public transit services, and other

1 public utilities associated with rural development and normally not
2 associated with urban areas. Rural services do not include storm or
3 sanitary sewers, except as otherwise authorized by RCW 36.70A.110(4).

4 (23) "Short line railroad" means those railroad lines designated
5 class II or class III by the United States surface transportation
6 board.

7 (24) "Urban governmental services" or "urban services" include
8 those public services and public facilities at an intensity
9 historically and typically provided in cities, specifically including
10 storm and sanitary sewer systems, domestic water systems, street
11 cleaning services, fire and police protection services, public
12 transit services, and other public utilities associated with urban
13 areas and normally not associated with rural areas.

14 (25) "Urban growth" refers to growth that makes intensive use of
15 land for the location of buildings, structures, and impermeable
16 surfaces to such a degree as to be incompatible with the primary use
17 of land for the production of food, other agricultural products, or
18 fiber, or the extraction of mineral resources, rural uses, rural
19 development, and natural resource lands designated pursuant to RCW
20 36.70A.170. A pattern of more intensive rural development, as
21 provided in RCW 36.70A.070(5)(d), is not urban growth. When allowed
22 to spread over wide areas, urban growth typically requires urban
23 governmental services. "Characterized by urban growth" refers to land
24 having urban growth located on it, or to land located in relationship
25 to an area with urban growth on it as to be appropriate for urban
26 growth.

27 (26) "Urban growth areas" means those areas designated by a
28 county pursuant to RCW 36.70A.110.

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

35 (28) "Wetland" or "wetlands" means areas that are inundated or
36 saturated by surface water or groundwater at a frequency and duration
37 sufficient to support, and that under normal circumstances do
38 support, a prevalence of vegetation typically adapted for life in
39 saturated soil conditions. Wetlands generally include swamps,
40 marshes, bogs, and similar areas. Wetlands do not include those

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

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

14 (30) "Active transportation" means forms of pedestrian mobility
15 including walking or running, the use of a mobility assistive device
16 such as a wheelchair, bicycling and cycling irrespective of the
17 number of wheels, and the use of small personal devices such as foot
18 scooters or skateboards. Active transportation includes both
19 traditional and electric assist bicycles and other devices. Planning
20 for active transportation must consider and address accommodation
21 pursuant to the Americans with disabilities act and the distinct
22 needs of each form of active transportation.

23 (31) "Transportation system" means all infrastructure and
24 services for all forms of transportation within a geographical area,
25 irrespective of the responsible jurisdiction or transportation
26 provider.

27 (32) "Environmental justice" means the fair treatment and
28 meaningful involvement of all people regardless of race, color,
29 national origin, or income with respect to development,
30 implementation, and enforcement of environmental laws, regulations,
31 and policies; with a focus on the equitable distribution of
32 resources, benefits, and burdens in a manner that prioritizes
33 communities that experience the greatest inequities, disproportionate
34 impacts, and have the greatest unmet needs.

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

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

1 A comprehensive flood control management plan shall include the
2 following elements:

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

6 (2) Establishment of a comprehensive scheme of flood control
7 protection and improvements for the areas that are subject to such
8 periodic flooding, that includes: (a) Determining the need for, and
9 desirable location of, flood control improvements to protect or
10 preclude flood damage to structures, works, and improvements, based
11 upon a cost/benefit ratio between the expense of providing and
12 maintaining these improvements and the benefits arising from these
13 improvements; (b) establishing the level of flood protection that
14 each portion of the system of flood control improvements will be
15 permitted; (c) identifying alternatives to in-stream flood control
16 work; (d) identifying areas where flood waters could be directed
17 during a flood to avoid damage to buildings and other structures; and
18 (e) identifying sources of revenue that will be sufficient to finance
19 the comprehensive scheme of flood control protection and
20 improvements;

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

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

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

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

37 A comprehensive flood control management plan shall be subject to
38 the minimum requirements for participation in the national flood
39 insurance program, requirements exceeding the minimum national flood
40 insurance program that have been adopted by the department of ecology

1 for a specific floodplain pursuant to RCW 86.16.031, and rules
2 adopted by the department of ecology pursuant to RCW 86.26.050
3 relating to floodplain management activities. When a county plans
4 under chapter 36.70A RCW, it may incorporate the portion of its
5 comprehensive flood control management plan relating to land use
6 restrictions in its comprehensive plan and development regulations
7 adopted pursuant to chapter 36.70A RCW.

8 NEW SECTION. **Sec. 14.** A new section is added to chapter 43.21C
9 RCW to read as follows:

10 The adoption of ordinances, amendments to comprehensive plans,
11 amendments to development regulations, and other nonproject actions
12 taken by a county or city pursuant to RCW 36.70A.070(9) (a) or (c) in
13 order to implement measures specified by the department of commerce
14 pursuant to section 5 of this act are not subject to administrative
15 or judicial appeals under this chapter.

16 NEW SECTION. **Sec. 15.** The requirements of this act are subject
17 to the availability of funds appropriated to support local
18 governments for the specific purpose of complying with this act. If
19 sufficient funds are not appropriated consistent with the timelines
20 set forth in RCW 36.70A.070(9), counties and cities shall not be
21 subject to the requirements set forth in sections 1 and 4 of this
22 act, and instead, RCW 36.70A.020 and 36.70A.070 shall apply as they
23 exist on January 1, 2021.

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