
ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1099

State of Washington

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

READ FIRST TIME 02/22/21.

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.030, and
4 86.12.200; reenacting and amending RCW 36.70A.070; adding new
5 sections to chapter 36.70A RCW; adding a new section to chapter
6 70A.45 RCW; adding a new section to chapter 47.80 RCW; adding a new
7 section to chapter 90.58 RCW; adding a new section to chapter 43.21C
8 RCW; and creating new sections.

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(9) apply only to those counties that are required or
37 that choose to plan under RCW 36.70A.040 and that also meet either of
38 the criteria set forth in (a) or (b) of this subsection (1) on or

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

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

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

8 (2) The requirements of the amendments to the transportation
9 element of RCW 36.70A.070 set forth in this act apply only to: (a)
10 Counties and cities that meet the population criteria set forth in
11 subsection (1) of this section; and (b) cities with populations of
12 6,000 or greater as of January 1, 2021, that are located in a county
13 that is required or that chooses to plan under RCW 36.70A.040.

14 (3) The requirements of the amendments to the land use element of
15 RCW 36.70A.070 set forth in this act apply only to: (a) Counties and
16 cities that meet the population criteria set forth in subsection (1)
17 or (2) of this section; and (b) counties that have a population of
18 20,000 or greater as of January 1, 2021, and that are required or
19 that choose to plan under RCW 36.70A.040.

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

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

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

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

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

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

14 (1) A land use element designating the proposed general
15 distribution and general location and extent of the uses of land,
16 where appropriate, for agriculture, timber production, housing,
17 commerce, industry, recreation, open spaces, general aviation
18 airports, public utilities, public facilities, and other land uses.
19 The land use element shall include population densities, building
20 intensities, and estimates of future population growth. The land use
21 element shall provide for protection of the quality and quantity of
22 groundwater used for public water supplies. The land use element
23 should give special consideration to achieving environmental justice
24 in its goals and policies. In addition, the land use element must
25 avoid creating or worsening environmental health disparities.
26 Wherever possible, the land use element should consider utilizing
27 urban planning approaches that promote physical activity and reduce
28 per capita vehicle miles traveled within the jurisdiction, but
29 without increasing greenhouse gas emissions elsewhere in the state.
30 Where applicable, the land use element shall review drainage,
31 flooding, and stormwater runoff in the area and nearby jurisdictions
32 and provide guidance for corrective actions to mitigate or cleanse
33 those discharges that pollute waters of the state, including Puget
34 Sound or waters entering Puget Sound. The land use element must
35 reduce and mitigate the risk to lives and property posed by wildfires
36 by using land use planning tools, which may include reducing
37 residential development pressure in the wildland urban interface
38 area.

1 (2) A housing element ensuring the vitality and character of
2 established residential neighborhoods that: (a) Includes an inventory
3 and analysis of existing and projected housing needs that identifies
4 the number of housing units necessary to manage projected growth; (b)
5 includes a statement of goals, policies, objectives, and mandatory
6 provisions for the preservation, improvement, and development of
7 housing, including single-family residences; (c) identifies
8 sufficient land for housing, including, but not limited to,
9 government-assisted housing, housing for low-income families,
10 manufactured housing, multifamily housing, and group homes and foster
11 care facilities; and (d) makes adequate provisions for existing and
12 projected needs of all economic segments of the community. In
13 counties and cities subject to the review and evaluation requirements
14 of RCW 36.70A.215, any revision to the housing element shall include
15 consideration of prior review and evaluation reports and any
16 reasonable measures identified.

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

31 (4) A utilities element consisting of the general location,
32 proposed location, and capacity of all existing and proposed
33 utilities, including, but not limited to, electrical lines,
34 telecommunication lines, and natural gas lines.

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 and

28 (vi) Protecting existing natural areas, including native forests,
29 grasslands, wetlands, and riparian areas, but excluding forestland,
30 as that term is defined in RCW 84.33.035, and timberland, as that
31 term is defined in RCW 84.34.020.

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

38 (i) Rural development consisting of the infill, development, or
39 redevelopment of existing commercial, industrial, residential, or
40 mixed-use areas, whether characterized as shoreline development,

1 villages, hamlets, rural activity centers, or crossroads
2 developments.

3 (A) A commercial, industrial, residential, shoreline, or mixed-
4 use area are subject to the requirements of (d)(iv) of this
5 subsection, but are not subject to the requirements of (c)(ii) and
6 (iii) of this subsection.

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

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

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

26 (iii) The intensification of development on lots containing
27 isolated nonresidential uses or new development of isolated cottage
28 industries and isolated small-scale businesses that are not
29 principally designed to serve the existing and projected rural
30 population and nonresidential uses, but do provide job opportunities
31 for rural residents. Rural counties may allow the expansion of small-
32 scale businesses as long as those small-scale businesses conform with
33 the rural character of the area as defined by the local government
34 according to RCW 36.70A.030(~~((+16))~~) (20). Rural counties may also
35 allow new small-scale businesses to utilize a site previously
36 occupied by an existing business as long as the new small-scale
37 business conforms to the rural character of the area as defined by
38 the local government according to RCW 36.70A.030(~~((+16))~~) (20). Public
39 services and public facilities shall be limited to those necessary to

1 serve the isolated nonresidential use and shall be provided in a
2 manner that does not permit low-density sprawl;

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

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

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

25 (B) On the date the county adopted a resolution under RCW
26 36.70A.040(2), in a county that is planning under all of the
27 provisions of this chapter under RCW 36.70A.040(2); or

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

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

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

38 (a) The transportation element shall include the following
39 subelements:

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

1 (ii) Estimated traffic impacts to state-owned transportation
2 facilities resulting from land use assumptions to assist (~~the~~
3 ~~department of transportation~~) in monitoring the performance of state
4 facilities, to plan improvements for the facilities, and to assess
5 the impact of land-use decisions on state-owned transportation
6 facilities;

7 (iii) Facilities and services needs, including:

8 (A) An inventory of air, water, and ground transportation
9 facilities and services, including transit alignments, active
10 transportation facilities, and general aviation airport facilities,
11 to define existing capital facilities and travel levels (~~as a basis~~
12 ~~for~~) to inform future planning. This inventory must include state-
13 owned transportation facilities within the city or county's
14 jurisdictional boundaries;

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

21 (C) For state-owned transportation facilities, level of service
22 standards for highways, as prescribed in chapters 47.06 and 47.80
23 RCW, to gauge the performance of the system. The purposes of
24 reflecting level of service standards for state highways in the local
25 comprehensive plan are to monitor the performance of the system, to
26 evaluate improvement strategies, and to facilitate coordination
27 between the county's or city's six-year street, road, active
28 transportation, or transit program and the office of financial
29 management's ten-year investment program. The concurrency
30 requirements of (b) of this subsection do not apply to transportation
31 facilities and services of statewide significance except for counties
32 consisting of islands whose only connection to the mainland are state
33 highways or ferry routes. In these island counties, state highways
34 and ferry route capacity must be a factor in meeting the concurrency
35 requirements in (b) of this subsection;

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

39 (E) Forecasts of (~~traffic~~) multimodal transportation demand and
40 needs within cities and urban growth areas, and forecasts of traffic

1 demand and needs outside of cities and urban growth areas, for at
2 least ten years based on the adopted land use plan to ((provide
3 information on the location, timing, and capacity needs of future
4 growth)) inform the development of a transportation element that
5 balances transportation system safety and convenience to accommodate
6 all users of the transportation system to safely, reliably, and
7 efficiently provide access and mobility to people and goods;

8 (F) Identification of state and local system needs to equitably
9 meet current and future demands. Identified needs on state-owned
10 transportation facilities must be consistent with the statewide
11 multimodal transportation plan required under chapter 47.06 RCW.
12 Local system needs should reflect the regional transportation system,
13 local goals, and strive to equitably implement the multimodal
14 network;

15 (iv) Finance, including:

16 (A) An analysis of funding capability to judge needs against
17 probable funding resources;

18 (B) A multiyear financing plan based on the needs identified in
19 the comprehensive plan, the appropriate parts of which shall serve as
20 the basis for the six-year street, road, or transit program required
21 by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW
22 35.58.2795 for public transportation systems. The multiyear financing
23 plan should be coordinated with the ten-year investment program
24 developed by the office of financial management as required by RCW
25 47.05.030;

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

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

34 (vi) Demand-management strategies;

35 (vii) ~~((Pedestrian and bicycle))~~ Active transportation component
36 to include collaborative efforts to identify and designate planned
37 improvements for ~~((pedestrian and bicycle))~~ active transportation
38 facilities and corridors that address and encourage enhanced
39 community access and promote healthy lifestyles.

1 (b) After adoption of the comprehensive plan by jurisdictions
2 required to plan or who choose to plan under RCW 36.70A.040, local
3 jurisdictions must adopt and enforce ordinances which prohibit
4 development approval if the development causes the level of service
5 on a locally owned or locally or regionally operated transportation
6 facility to decline below the standards adopted in the transportation
7 element of the comprehensive plan, unless transportation improvements
8 or strategies to accommodate the impacts of development are made
9 concurrent with the development. These strategies may include active
10 transportation facility improvements, increased or enhanced public
11 transportation service, ride-sharing programs, demand management, and
12 other transportation systems management strategies. For the purposes
13 of this subsection (6), "concurrent with the development" means that
14 improvements or strategies are in place at the time of development,
15 or that a financial commitment is in place to complete the
16 improvements or strategies within six years. If the collection of
17 impact fees is delayed under RCW 82.02.050(3), the six-year period
18 required by this subsection (6)(b) must begin after full payment of
19 all impact fees is due to the county or city. If it is possible to
20 provide for the transportation needs of a development through active
21 transportation facility improvements, increased or enhanced public
22 transportation service, ride-sharing programs, demand management, or
23 other transportation systems management strategies funded by the
24 development, a development approval may not be denied because it
25 fails to meet traffic level of service standards.

26 (c) The transportation element described in this subsection (6),
27 the six-year plans required by RCW 35.77.010 for cities, RCW
28 36.81.121 for counties, and RCW 35.58.2795 for public transportation
29 systems, and the ten-year investment program required by RCW
30 47.05.030 for the state, must be consistent.

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

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

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

3 (9) A climate change and resiliency element that is designed to
4 result in reductions in overall greenhouse gas emissions and that
5 must enhance resiliency to and avoid the adverse impacts of climate
6 change. The greenhouse gas emissions reduction subelement of the
7 climate change and resiliency element is mandatory for the
8 jurisdictions specified in section 3(1) of this act and is encouraged
9 for all other jurisdictions, including those planning under RCW
10 36.70A.040 and those planning under chapter 36.70 RCW. The resiliency
11 subelement of the climate change and resiliency element is mandatory
12 for all jurisdictions planning under RCW 36.70A.040 and is encouraged
13 for those jurisdictions planning under chapter 36.70 RCW.

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

19 (A) Result in reductions in overall greenhouse gas emissions
20 generated by the transportation and land use systems within the
21 jurisdiction but without increasing greenhouse gas emissions
22 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 in communities that experience
27 disproportionate impacts and harm due to air pollution in order to
28 maximize the cobenefits of reduced air pollution.

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 to be consistent with those 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 consistent with the reduction requirements set forth in RCW
40 70A.45.020.

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) (a).

4 (iv) (A) Until December 31, 2034, actions not specifically
5 identified in the guidelines developed by the department pursuant to
6 section 5 of this act, or considered to be consistent with those
7 guidelines according to the process established in (a) (ii) of this
8 subsection (9), must still be considered to be sufficient to meet the
9 requirements of the greenhouse gas emissions reduction subelement,
10 and must be approved by the department pursuant to section 6 of this
11 act, if the actions provide for the authorization of the development
12 of middle housing types.

13 (B) Nothing in this subsection (9) (a) (iv) prohibits the
14 authorization of the development of single-family residences.

15 (C) For the purposes of this subsection (9) (a) (iv), "middle
16 housing types" means accessory dwelling units and at least one of the
17 following housing types: Duplexes; triplexes; or quadplexes, in all
18 zoning districts within an urban growth area that permit detached
19 single-family residences.

20 (D) For the purposes of this subsection (9) (a) (iv), an action
21 must be deemed to provide for the authorization of the development of
22 middle housing types, if the action:

23 (I) Authorizes middle housing types on a lot or parcel under the
24 same administrative process as a detached single-family residence in
25 the same zoning district;

26 (II) Establishes lot or parcel sizes that are sufficient to allow
27 for the construction of middle housing types;

28 (III) Establishes maximum density requirements that allow the
29 development of middle housing types on each lot or parcel that allow
30 for single-family residences;

31 (IV) Establishes applicable siting or design standards that do
32 not individually or cumulatively cause unreasonable costs, fees, or
33 delays to the development of middle housing types; and

34 (V) Either does not establish parking regulations for middle
35 housing types, or, if the action does establish parking regulations
36 for middle housing types, the action:

37 (1) Does not require off-street parking spaces for lots or
38 parcels with an accessory dwelling unit or a duplex, or for lots or
39 parcels that are less than 3,000 square feet;

1 (2) Does not require more than one off-street parking space for
2 lots or parcels that are greater than or equal to 3,000 square feet
3 but are less than 6,000 square feet;

4 (3) Does not require more than 0.5 off-street parking spaces for
5 each dwelling unit for lots or parcels greater than or equal to 6,000
6 square feet;

7 (4) May allow on-street parking credits to satisfy off-street
8 parking requirements;

9 (5) Allows, but does not require, off-street parking to be
10 provided as a garage or carport; and

11 (6) Applies the same off-street parking surfacing, dimensional,
12 landscaping, access, and circulation standards that apply to single-
13 family residences in the same zoning district.

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

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

33 (B) Address natural hazards created or aggravated by climate
34 change, including sea level rise, landslides, flooding, drought,
35 heat, smoke, wildfire, and other effects of changes to temperature
36 and precipitation patterns.

37 (ii) If a county or city intends to incorporate by reference a
38 federal emergency management agency natural hazard mitigation plan in
39 order to meet the requirement of the resiliency subelement set forth
40 in this subsection (9)(b), and the natural hazard mitigation plan is

1 not adopted within three years prior to the required update set forth
2 in RCW 36.70A.130 but is intended to be adopted no later than two
3 years after the required update set forth in RCW 36.70A.130, the
4 county or city may be granted an extension to meeting the
5 requirements of this subsection (9)(b) by providing notice to the
6 department. If a county or city incorporates by reference a federal
7 emergency management agency natural hazard mitigation plan in order
8 to meet the requirement of this subsection (9)(b), the plan must be
9 guided by RCW 36.70A.020(14) and must comply with the requirements of
10 this act, including the requirements set forth in this subsection
11 (9)(b).

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

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

24 ~~((9))~~ (10) It is the intent that new or amended elements
25 required after January 1, 2002, be adopted concurrent with the
26 scheduled update provided in RCW 36.70A.130. Requirements to
27 incorporate any such new or amended elements shall be null and void
28 until funds sufficient to cover applicable local government costs are
29 appropriated and distributed by the state at least two years before
30 local government must update comprehensive plans as required in RCW
31 36.70A.130.

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

34 (1) The department of commerce, in consultation with the
35 department of ecology, the department of health, and the department
36 of transportation, shall publish guidelines that specify a set of
37 measures counties and cities have available to them to take through
38 updates to their comprehensive plans and development regulations that
39 have a demonstrated ability to reduce greenhouse gas emissions in

1 order to achieve the statewide greenhouse gas emissions reductions
2 set forth in RCW 70A.45.020(1), allowing for consideration of the
3 emissions reductions achieved through the adoption of statewide
4 programs. The guidelines must prioritize reductions in communities
5 that have experienced disproportionate harm due to air pollution and
6 may draw upon the most recent health disparities data from the
7 department of health to identify high pollution areas and
8 disproportionately burdened communities. The guidelines must be based
9 on:

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

15 (c) The locations of major employment centers and transit
16 corridors, for the purpose of increasing housing supply in these
17 areas.

18 (2) The department of commerce, in consultation with the
19 department of transportation, shall publish guidelines that specify a
20 set of measures counties and cities have available to them to take
21 through updates to their comprehensive plans and development
22 regulations that have a demonstrated ability to reduce per capita
23 vehicle miles traveled, including measures that are designed to be
24 achievable throughout the state, including in small cities and rural
25 cities.

26 The guidelines must be based on:

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

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

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

34 (3) The department of commerce shall first publish the full set
35 of guidelines described in subsections (1) and (2) of this section no
36 later than December 31, 2025. The department of commerce shall update
37 these guidelines at least every four years thereafter based on the
38 most recently available data, and shall provide for a process for
39 local governments and other parties to submit alternative actions for
40 consideration for inclusion into the guidelines at least once per

1 year. The department of commerce shall publish an intermediate set of
2 guidelines no later than December 31, 2022, in order to be available
3 for use by jurisdictions whose periodic updates are required by RCW
4 36.70A.130(5) to occur prior to December 31, 2025.

5 (4) In any updates to the guidelines published after 2025, the
6 department of commerce shall include a determination of whether
7 adequate progress has been made toward the statewide greenhouse gas
8 and per capita vehicle miles traveled reduction goals. If adequate
9 progress is not being made, the department must identify in the
10 guidelines what additional measures cities and counties must take in
11 order to make further progress.

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

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

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

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

26 (1) A greenhouse gas emissions reduction subelement required by
27 RCW 36.70A.070 becomes effective when approved by the department as
28 provided in this section. The department shall strive to achieve
29 final action on a submitted greenhouse gas emissions reduction
30 subelement within 180 days of receipt and shall post an annual
31 assessment related to this performance benchmark on the agency
32 website.

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

35 (a) Provide notice to and opportunity for written comment by all
36 interested parties of record as a part of the local government review
37 process for the proposal and to all persons, groups, and agencies
38 that have requested in writing notice of proposed greenhouse gas
39 emissions reduction subelements. The comment period shall be at least

1 30 days, unless the department determines that the level of
2 complexity or controversy involved supports a shorter period;

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

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

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

27 (e) If the department recommends changes to the proposed
28 greenhouse gas emissions reduction subelement, within 90 days after
29 the department mails the written findings and conclusions to the
30 local government, require the local government to:

31 (i) Agree to the proposed changes by written notice to the
32 department; or

33 (ii) Submit an alternative greenhouse gas emissions reduction
34 subelement. If, in the opinion of the department, the alternative is
35 consistent with the purpose and intent of the changes originally
36 submitted by the department and with this chapter it shall approve
37 the changes and provide notice to all recipients of the written
38 findings and conclusions. If the department determines the proposed
39 greenhouse gas emissions reduction subelement is not consistent with
40 the purpose and intent of the changes proposed by the department, the

1 department may resubmit the proposed greenhouse gas emissions
2 reduction subelement for public and agency review pursuant to this
3 section or reject the proposed greenhouse gas emissions reduction
4 subelement.

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

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

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

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

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

1 (b) A decision of the growth management hearings board concerning
2 an appeal of the department's final decision to approve or reject a
3 proposed greenhouse gas emissions reduction subelement or amendment
4 must be based solely on whether or not the adopted or amended
5 greenhouse gas emissions reduction subelement, any adopted amendments
6 to other elements of the comprehensive plan necessary to carry out
7 the subelement, and any adopted or amended development regulations
8 necessary to implement the subelement, comply with the goal set forth
9 in RCW 36.70A.020(14) as it applies to greenhouse gas emissions
10 reductions, RCW 36.70A.070(9) excluding RCW 36.70A.070(9)(b), the
11 guidelines adopted under section 5 of this act applicable to the
12 greenhouse gas emissions reduction subelement, or chapter 43.21C RCW.

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

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

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

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

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

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

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

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

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

10 (2) The department shall develop a priority list and establish
11 funding levels for planning and technical assistance grants both for
12 counties and cities that plan under RCW 36.70A.040. Priority for
13 assistance shall be based on a county's or city's population growth
14 rates, commercial and industrial development rates, the existence and
15 quality of a comprehensive plan and development regulations, and
16 other relevant factors.

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

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

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

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

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

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

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

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

19 (a) The model element must establish minimum requirements or
20 include model options for fulfilling the requirements of RCW
21 36.70A.070(9);

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

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

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

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

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

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

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

11 **Sec. 11.** RCW 36.70A.030 and 2020 c 173 s 4 are each amended to
12 read as follows:

13 Unless the context clearly requires otherwise, the definitions in
14 this section apply throughout this chapter.

15 (1) "Adopt a comprehensive land use plan" means to enact a new
16 comprehensive land use plan or to update an existing comprehensive
17 land use plan.

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

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

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

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

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

1 (5) "Comprehensive land use plan," "comprehensive plan," or
2 "plan" means a generalized coordinated land use policy statement of
3 the governing body of a county or city that is adopted pursuant to
4 this chapter.

5 (6) "Critical areas" include the following areas and ecosystems:
6 (a) Wetlands; (b) areas with a critical recharging effect on aquifers
7 used for potable water; (c) fish and wildlife habitat conservation
8 areas; (d) frequently flooded areas; and (e) geologically hazardous
9 areas. "Fish and wildlife habitat conservation areas" does not
10 include such artificial features or constructs as irrigation delivery
11 systems, irrigation infrastructure, irrigation canals, or drainage
12 ditches that lie within the boundaries of and are maintained by a
13 port district or an irrigation district or company.

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

15 (8) "Development regulations" or "regulation" means the controls
16 placed on development or land use activities by a county or city,
17 including, but not limited to, zoning ordinances, critical areas
18 ordinances, shoreline master programs, official controls, planned
19 unit development ordinances, subdivision ordinances, and binding site
20 plan ordinances together with any amendments thereto. A development
21 regulation does not include a decision to approve a project permit
22 application, as defined in RCW 36.70B.020, even though the decision
23 may be expressed in a resolution or ordinance of the legislative body
24 of the county or city.

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

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

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

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

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

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

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

31 (15) "Minerals" include gravel, sand, and valuable metallic
32 substances.

33 (16) "Permanent supportive housing" is subsidized, leased housing
34 with no limit on length of stay that prioritizes people who need
35 comprehensive support services to retain tenancy and utilizes
36 admissions practices designed to use lower barriers to entry than
37 would be typical for other subsidized or unsubsidized rental housing,
38 especially related to rental history, criminal history, and personal
39 behaviors. Permanent supportive housing is paired with on-site or
40 off-site voluntary services designed to support a person living with

1 a complex and disabling behavioral health or physical health
2 condition who was experiencing homelessness or was at imminent risk
3 of homelessness prior to moving into housing to retain their housing
4 and be a successful tenant in a housing arrangement, improve the
5 resident's health status, and connect the resident of the housing
6 with community-based health care, treatment, or employment services.
7 Permanent supportive housing is subject to all of the rights and
8 responsibilities defined in chapter 59.18 RCW.

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

13 (18) "Public services" include fire protection and suppression,
14 law enforcement, public health, education, recreation, environmental
15 protection, and other governmental services.

16 (19) "Recreational land" means land so designated under RCW
17 36.70A.1701 and that, immediately prior to this designation, was
18 designated as agricultural land of long-term commercial significance
19 under RCW 36.70A.170. Recreational land must have playing fields and
20 supporting facilities existing before July 1, 2004, for sports played
21 on grass playing fields.

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

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

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

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

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

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

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

37 (g) That are consistent with the protection of natural surface
38 water flows and groundwater and surface water recharge and discharge
39 areas.

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

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

17 (23) "Short line railroad" means those railroad lines designated
18 class II or class III by the United States surface transportation
19 board.

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

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

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

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

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

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

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

37 (31) "Transportation system" means all infrastructure and
38 services for all forms of transportation within a geographical area,
39 irrespective of the responsible jurisdiction or transportation
40 provider.

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

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

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

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

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

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

24 (2) Establishment of a comprehensive scheme of flood control
25 protection and improvements for the areas that are subject to such
26 periodic flooding, that includes: (a) Determining the need for, and
27 desirable location of, flood control improvements to protect or
28 preclude flood damage to structures, works, and improvements, based
29 upon a cost/benefit ratio between the expense of providing and
30 maintaining these improvements and the benefits arising from these
31 improvements; (b) establishing the level of flood protection that
32 each portion of the system of flood control improvements will be
33 permitted; (c) identifying alternatives to in-stream flood control
34 work; (d) identifying areas where flood waters could be directed
35 during a flood to avoid damage to buildings and other structures; and
36 (e) identifying sources of revenue that will be sufficient to finance
37 the comprehensive scheme of flood control protection and
38 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) (a) or (c) 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 NEW SECTION. **Sec. 14.** (1) The obligation of local governments
37 to comply with the requirements established in: (a) The amendments to
38 RCW 36.70A.070 set forth in this act; and (b) the updated shoreline

1 master program guidelines adopted pursuant to section 10 of this act,
2 is contingent on the provision of state funding to local governments
3 for the specific purpose of complying with these requirements.

4 (2) The obligation of local governments to comply with the
5 requirements established in: (a) The amendments to RCW 36.70A.070 set
6 forth in this act; and (b) the updated shoreline master program
7 guidelines adopted pursuant to section 10 of this act, takes effect
8 two years after the date the legislature appropriates state funding
9 to provide to local governments for the purpose of complying with
10 these requirements.

11 NEW SECTION. **Sec. 15.** If specific funding for the purposes of
12 this act, referencing this act by bill or chapter number, is not
13 provided by June 30, 2021, in the omnibus appropriations act, this
14 act is null and void.

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