

ESHB 1241 - S AMD TO HLG COMM AMD (S-2308.1/21) **804**

By Senator Kuderer

NOT CONSIDERED 04/26/2021

1 On page 27, after line 10, insert the following:

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

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

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

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

27 (d) The rule must recognize and promote as many cobenefits of
28 climate resilience as possible such as salmon recovery, forest
29 health, and ecosystem services."

30 On page 30, after line 4, insert the following:

31 **"Sec. 12.** RCW 36.70A.020 and 2002 c 154 s 1 are each amended to
32 read as follows:

1 The following goals are adopted to guide the development and
2 adoption of comprehensive plans and development regulations of those
3 counties and cities that are required or choose to plan under RCW
4 36.70A.040 and, where specified, also guide the development of
5 regional policies, plans, and strategies adopted under RCW 36.70A.210
6 and chapter 47.80 RCW. The following goals are not listed in order of
7 priority and shall be used exclusively for the purpose of guiding the
8 development of comprehensive plans (~~and~~), development regulations,
9 and, where specified, regional plans, policies, and strategies:

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

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

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

20 (4) Housing. Encourage the availability of affordable housing to
21 all economic segments of the population of this state, promote a
22 variety of residential densities and housing types, and encourage
23 preservation of existing housing stock.

24 (5) Economic development. Encourage economic development
25 throughout the state that is consistent with adopted comprehensive
26 plans, promote economic opportunity for all citizens of this state,
27 especially for unemployed and for disadvantaged persons, promote the
28 retention and expansion of existing businesses and recruitment of new
29 businesses, recognize regional differences impacting economic
30 development opportunities, and encourage growth in areas experiencing
31 insufficient economic growth, all within the capacities of the
32 state's natural resources, public services, and public facilities.

33 (6) Property rights. Private property shall not be taken for
34 public use without just compensation having been made. The property
35 rights of landowners shall be protected from arbitrary and
36 discriminatory actions.

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

1 (8) Natural resource industries. Maintain and enhance natural
2 resource-based industries, including productive timber, agricultural,
3 and fisheries industries. Encourage the conservation of productive
4 forestlands and productive agricultural lands, and discourage
5 incompatible uses.

6 (9) Open space and recreation. Retain open space and greenspace,
7 enhance recreational opportunities, (~~conserve~~) enhance fish and
8 wildlife habitat, increase access to natural resource lands and
9 water, and develop parks and recreation facilities.

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

13 (11) Citizen participation and coordination. Encourage the
14 involvement of (~~citizens~~) residents in the planning process,
15 including the participation of vulnerable populations and
16 overburdened communities, and ensure coordination between communities
17 and jurisdictions to reconcile conflicts.

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

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

26 (14) Climate change. Ensure that comprehensive plans, development
27 regulations, and regional policies, plans, and strategies under RCW
28 36.70A.210 and chapter 47.80 RCW adapt to and mitigate the effects of
29 a changing climate, support state greenhouse gas emissions reduction
30 requirements and state per capita vehicle miles traveled goals,
31 prepare for climate impact scenarios, foster resiliency to climate
32 impacts and natural hazards, and protect and enhance environmental,
33 economic, and human health and safety.

34 **Sec. 13.** RCW 36.70A.480 and 2010 c 107 s 2 are each amended to
35 read as follows:

36 (1) For shorelines of the state, the goals and policies of the
37 shoreline management act as set forth in RCW 90.58.020 are added as
38 one of the goals of this chapter as set forth in RCW 36.70A.020
39 without creating an order of priority among the (~~fourteen~~) 15

1 goals. The goals and policies of a shoreline master program for a
2 county or city approved under chapter 90.58 RCW shall be considered
3 an element of the county or city's comprehensive plan. All other
4 portions of the shoreline master program for a county or city adopted
5 under chapter 90.58 RCW, including use regulations, shall be
6 considered a part of the county or city's development regulations.

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

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

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

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

1 modification is consistent with the master program and the local
2 government's development regulations to protect critical areas.

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

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

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

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

30 (5) Shorelines of the state shall not be considered critical
31 areas under this chapter except to the extent that specific areas
32 located within shorelines of the state qualify for critical area
33 designation based on the definition of critical areas provided by RCW
34 36.70A.030(~~((5))~~) (6) and have been designated as such by a local
35 government pursuant to RCW 36.70A.060(2).

36 (6) If a local jurisdiction's master program does not include
37 land necessary for buffers for critical areas that occur within
38 shorelines of the state, as authorized by RCW 90.58.030(2)(~~((f))~~)
39 (d), then the local jurisdiction shall continue to regulate those

1 critical areas and their required buffers pursuant to RCW
2 36.70A.060(2).

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

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

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

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

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

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

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

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

1 (6) If the population of a county that previously had not been
2 required to conform with the greenhouse gas emissions reduction
3 subelement of the climate change and resiliency element set forth in
4 RCW 36.70A.070 changes sufficiently to meet either of the sets of
5 criteria set forth in subsection (1) of this section, the county, and
6 the cities with populations greater than 6,000 as of January 1, 2021,
7 within that county, shall adopt a greenhouse gas emissions reduction
8 subelement of the climate change and resiliency element set forth in
9 RCW 36.70A.070 at the next scheduled update of the comprehensive plan
10 as set forth in RCW 36.70A.130.

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

13 **Sec. 15.** RCW 36.70A.070 and 2017 3rd sp.s. c 18 s 4 and 2017 3rd
14 sp.s. c 16 s 4 are each reenacted and amended to read as follows:

15 The comprehensive plan of a county or city that is required or
16 chooses to plan under RCW 36.70A.040 shall consist of a map or maps,
17 and descriptive text covering objectives, principles, and standards
18 used to develop the comprehensive plan. The plan shall be an
19 internally consistent document and all elements shall be consistent
20 with the future land use map. A comprehensive plan shall be adopted
21 and amended with public participation as provided in RCW 36.70A.140.
22 Each comprehensive plan shall include a plan, scheme, or design for
23 each of the following:

24 (1) A land use element designating the proposed general
25 distribution and general location and extent of the uses of land,
26 where appropriate, for agriculture, timber production, housing,
27 commerce, industry, recreation, open spaces, general aviation
28 airports, public utilities, public facilities, and other land uses.
29 The land use element shall include population densities, building
30 intensities, and estimates of future population growth. The land use
31 element shall provide for protection of the quality and quantity of
32 groundwater used for public water supplies. The land use element
33 should give special consideration to achieving environmental justice
34 in its goals and policies, including efforts to avoid creating or
35 worsening environmental health disparities. Wherever possible, the
36 land use element should consider utilizing urban planning approaches
37 that promote physical activity and reduce per capita vehicle miles
38 traveled within the jurisdiction, but without increasing greenhouse
39 gas emissions elsewhere in the state. Where applicable, the land use

1 element shall review drainage, flooding, and stormwater runoff in the
2 area and nearby jurisdictions and provide guidance for corrective
3 actions to mitigate or cleanse those discharges that pollute waters
4 of the state, including Puget Sound or waters entering Puget Sound.
5 The land use element must reduce and mitigate the risk to lives and
6 property posed by wildfires by using land use planning tools, which
7 may include reducing residential development pressure in the wildland
8 urban interface area.

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

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

39 (4) A utilities element consisting of the general location,
40 proposed location, and capacity of all existing and proposed

1 utilities, including, but not limited to, electrical lines,
2 telecommunication lines, and natural gas lines.

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

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

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

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

26 (i) Containing or otherwise controlling rural development;

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

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

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

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

36 (vi) Protecting existing natural areas, including native forests,
37 grasslands, wetlands, and riparian areas, but excluding forestland,
38 as that term is defined in RCW 84.33.035, and timberland, as that
39 term is defined in RCW 84.34.020.

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

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

12 (A) A commercial, industrial, residential, shoreline, or mixed-
13 use area are subject to the requirements of (d)(iv) of this
14 subsection, but are not subject to the requirements of (c)(ii) and
15 (iii) of this subsection.

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

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

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

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

1 scale businesses as long as those small-scale businesses conform with
2 the rural character of the area as defined by the local government
3 according to RCW 36.70A.030(~~((+16+))~~) (20). Rural counties may also
4 allow new small-scale businesses to utilize a site previously
5 occupied by an existing business as long as the new small-scale
6 business conforms to the rural character of the area as defined by
7 the local government according to RCW 36.70A.030(~~((+16+))~~) (20). Public
8 services and public facilities shall be limited to those necessary to
9 serve the isolated nonresidential use and shall be provided in a
10 manner that does not permit low-density sprawl;

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

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

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

33 (B) On the date the county adopted a resolution under RCW
34 36.70A.040(2), in a county that is planning under all of the
35 provisions of this chapter under RCW 36.70A.040(2); or

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

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

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

7 (a) The transportation element shall include the following
8 subelements:

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

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

16 (iii) Facilities and services needs, including:

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

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

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

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

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

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

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

24 (iv) Finance, including:

25 (A) An analysis of funding capability to judge needs against
26 probable funding resources;

27 (B) A multiyear financing plan based on the needs identified in
28 the comprehensive plan, the appropriate parts of which shall serve as
29 the basis for the six-year street, road, or transit program required
30 by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW
31 35.58.2795 for public transportation systems. The multiyear financing
32 plan should be coordinated with the ten-year investment program
33 developed by the office of financial management as required by RCW
34 47.05.030;

35 (C) If probable funding falls short of meeting the identified
36 needs of the transportation system, including state transportation
37 facilities, a discussion of how additional funding will be raised, or
38 how land use assumptions will be reassessed to ensure that level of
39 service standards will be met;

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

4 (vi) Demand-management strategies;

5 (vii) (~~(Pedestrian and bicycle)~~) Active transportation component
6 to include collaborative efforts to identify and designate planned
7 improvements for (~~(pedestrian and bicycle)~~) active transportation
8 facilities and corridors that address and encourage enhanced
9 community access (~~(and)~~), promote healthy lifestyles, and provide
10 accommodation for people with disabilities.

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

36 (c) The transportation element described in this subsection (6),
37 the six-year plans required by RCW 35.77.010 for cities, RCW
38 36.81.121 for counties, and RCW 35.58.2795 for public transportation
39 systems, and the ten-year investment program required by RCW
40 47.05.030 for the state, must be consistent.

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

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

13 (9) A climate change and resiliency element that is designed to
14 result in reductions in overall greenhouse gas emissions and that
15 must enhance resiliency to and avoid the adverse impacts of climate
16 change including efforts to reduce greenhouse gas emissions and avoid
17 creating or worsening climate impacts to vulnerable populations and
18 overburdened communities. The greenhouse gas emissions reduction
19 subelement of the climate change and resiliency element is mandatory
20 for the jurisdictions specified in section 14(1) of this act and is
21 encouraged for all other jurisdictions, including those planning
22 under RCW 36.70A.040 and those planning under chapter 36.70 RCW. The
23 resiliency subelement of the climate change and resiliency element is
24 mandatory for all jurisdictions planning under RCW 36.70A.040 and is
25 encouraged for those jurisdictions planning under chapter 36.70 RCW.

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

31 (A) Result in reductions in overall greenhouse gas emissions
32 generated by the transportation and land use systems within the
33 jurisdiction but without increasing greenhouse gas emissions
34 elsewhere in the state;

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

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

1 (ii) Actions not specifically identified in the guidelines
2 developed by the department pursuant to section 16 of this act may be
3 considered to be consistent with those guidelines only if:

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

8 (B) They are supported by scientifically credible projections and
9 scenarios that indicate their adoption is likely to result in
10 reductions of greenhouse gas emissions or per capita vehicle miles
11 traveled consistent with the reduction requirements set forth in RCW
12 70A.45.020.

13 (iii) A jurisdiction may not restrict population growth or limit
14 population allocation in order to achieve the requirements set forth
15 in this subsection (9) (a).

16 (iv) (A) Until December 31, 2034, actions not specifically
17 identified in the guidelines developed by the department pursuant to
18 section 16 of this act, or considered to be consistent with those
19 guidelines according to the process established in (a)(ii) of this
20 subsection (9), must still be considered to be sufficient to meet the
21 requirements of the greenhouse gas emissions reduction subelement,
22 and must be approved by the department pursuant to section 17 of this
23 act, if the actions provide for the authorization of the development
24 of middle housing types.

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

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

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

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

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

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

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

7 (V) Either does not establish parking regulations for middle
8 housing types, or, if the action does establish parking regulations
9 for middle housing types, the action does not require residential
10 parking requirements greater than .75 spaces per unit. A jurisdiction
11 may establish a requirement for the provision of more than .75 spaces
12 per unit if the jurisdiction has determined a particular housing unit
13 to be in an area with a lack of access to street parking capacity,
14 physical space impediments, or other reasons supported by evidence
15 that would make on-street parking infeasible for the unit.

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

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

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

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

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

32 ~~((9))~~ (10) It is the intent that new or amended elements
33 required after January 1, 2002, be adopted concurrent with the
34 scheduled update provided in RCW 36.70A.130. Requirements to
35 incorporate any such new or amended elements shall be null and void
36 until funds sufficient to cover applicable local government costs are
37 appropriated and distributed by the state at least two years before
38 local government must update comprehensive plans as required in RCW
39 36.70A.130.

1 NEW SECTION. **Sec. 16.** A new section is added to chapter 70A.45

2 RCW to read as follows:

3 (1) The department of commerce, in consultation with the
4 department of ecology, the department of health, and the department
5 of transportation, shall publish guidelines that specify a set of
6 measures counties and cities have available to them to take through
7 updates to their comprehensive plans and development regulations that
8 have a demonstrated ability to reduce greenhouse gas emissions in
9 order to achieve the statewide greenhouse gas emissions reductions
10 set forth in RCW 70A.45.020(1), allowing for consideration of the
11 emissions reductions achieved through the adoption of statewide
12 programs. The guidelines must prioritize reductions in communities
13 that have experienced disproportionate harm due to air pollution and
14 may draw upon the most recent health disparities data from the
15 department of health to identify high pollution areas and
16 disproportionately burdened communities. The guidelines must be based
17 on:

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

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

23 (c) The locations of major employment centers and transit
24 corridors, for the purpose of increasing housing supply in these
25 areas.

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

34 The guidelines must be based on:

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

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

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

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

14 (4) In any updates to the guidelines published after 2025, the
15 department of commerce shall include a determination of whether
16 adequate progress has been made toward the statewide greenhouse gas
17 and per capita vehicle miles traveled reduction goals. If adequate
18 progress is not being made, the department must identify in the
19 guidelines what additional measures cities and counties must take in
20 order to make further progress.

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

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

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

33 NEW SECTION. **Sec. 17.** A new section is added to chapter 36.70A
34 RCW to read as follows:

35 (1) A county or city required to complete a greenhouse gas
36 emissions reduction subelement may submit the subelement for approval
37 to the department. When submitted to the department for approval the
38 subelement becomes effective as provided in this section. If a local
39 jurisdiction does not seek approval of the subelement the effective

1 date is the date in which the comprehensive plan is adopted by the
2 local jurisdiction.

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

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

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

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

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

23 (d) Within 30 days after receipt of the local government response
24 pursuant to (c) of this subsection, make written findings and
25 conclusions regarding the consistency of the proposal with the policy
26 of RCW 36.70A.070 and, after they are adopted, the applicable
27 guidelines adopted by the department pursuant to section 16 of this
28 act and any reduction allocations made pursuant to RCW 36.70A.100,
29 provide a response to the issues identified in (c) of this
30 subsection, and either approve the greenhouse gas emissions reduction
31 subelement as submitted, recommend specific changes necessary to make
32 the greenhouse gas emissions reduction subelement approvable, or deny
33 approval of the greenhouse gas emissions reduction subelement in
34 those instances where no alteration of the greenhouse gas emissions
35 reduction subelement appears likely to be consistent with the policy
36 of RCW 36.70A.070 and the applicable guidelines. The written findings
37 and conclusions shall be provided to the local government, and made
38 available to all interested persons, parties, groups, and agencies of
39 record on the proposal;

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

5 (i) Agree to the proposed changes by written notice to the
6 department; or

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

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

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

39 (6) Promptly after approval or disapproval of a local
40 government's greenhouse gas emissions reduction subelement, the

1 department shall publish a notice consistent with RCW 36.70A.290 that
2 the greenhouse gas emissions reduction subelement has been approved
3 or disapproved. This notice must be filed for all greenhouse gas
4 emissions reduction subelements.

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

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

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

26 **Sec. 18.** RCW 36.70A.320 and 1997 c 429 s 20 are each amended to
27 read as follows:

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

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

36 (3) In any petition under this chapter, the board, after full
37 consideration of the petition, shall determine whether there is
38 compliance with the requirements of this chapter. In making its
39 determination, the board shall consider the criteria adopted by the

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

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

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

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

17 NEW SECTION. Sec. 19. A new section is added to chapter 47.80
18 RCW to read as follows:

19 The department shall compile, maintain, and publish a summary of
20 the per capita vehicle miles traveled annually in each city in the
21 state, and in the unincorporated portions of each county in the
22 state.

23 NEW SECTION. Sec. 20. A new section is added to chapter 90.58
24 RCW to read as follows:

25 The department shall update its shoreline master program
26 guidelines to require shoreline master programs to address the impact
27 of sea level rise and increased storm severity on people, property,
28 and shoreline natural resources and the environment.

29 **Sec. 21.** RCW 36.70A.030 and 2020 c 173 s 4 are each amended to
30 read as follows:

31 Unless the context clearly requires otherwise, the definitions in
32 this section apply throughout this chapter.

33 (1) "Adopt a comprehensive land use plan" means to enact a new
34 comprehensive land use plan or to update an existing comprehensive
35 land use plan.

36 (2) "Affordable housing" means, unless the context clearly
37 indicates otherwise, residential housing whose monthly costs,

1 including utilities other than telephone, do not exceed thirty
2 percent of the monthly income of a household whose income is:

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

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

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

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

19 (5) "Comprehensive land use plan," "comprehensive plan," or
20 "plan" means a generalized coordinated land use policy statement of
21 the governing body of a county or city that is adopted pursuant to
22 this chapter.

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

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

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

33 (8) "Development regulations" or "regulation" means the controls
34 placed on development or land use activities by a county or city,
35 including, but not limited to, zoning ordinances, critical areas
36 ordinances, shoreline master programs, official controls, planned
37 unit development ordinances, subdivision ordinances, and binding site
38 plan ordinances together with any amendments thereto. A development
39 regulation does not include a decision to approve a project permit
40 application, as defined in RCW 36.70B.020, even though the decision

1 may be expressed in a resolution or ordinance of the legislative body
2 of the county or city.

3 (9) "Extremely low-income household" means a single person,
4 family, or unrelated persons living together whose adjusted income is
5 at or below thirty percent of the median household income adjusted
6 for 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 (10) "Forestland" means land primarily devoted to growing trees
10 for long-term commercial timber production on land that can be
11 economically and practically managed for such production, including
12 Christmas trees subject to the excise tax imposed under RCW 84.33.100
13 through 84.33.140, and that has long-term commercial significance. In
14 determining whether forestland is primarily devoted to growing trees
15 for long-term commercial timber production on land that can be
16 economically and practically managed for such production, the
17 following factors shall be considered: (a) The proximity of the land
18 to urban, suburban, and rural settlements; (b) surrounding parcel
19 size and the compatibility and intensity of adjacent and nearby land
20 uses; (c) long-term local economic conditions that affect the ability
21 to manage for timber production; and (d) the availability of public
22 facilities and services conducive to conversion of forestland to
23 other uses.

24 (11) "Freight rail dependent uses" means buildings and other
25 infrastructure that are used in the fabrication, processing, storage,
26 and transport of goods where the use is dependent on and makes use of
27 an adjacent short line railroad. Such facilities are both urban and
28 rural development for purposes of this chapter. "Freight rail
29 dependent uses" does not include buildings and other infrastructure
30 that are used in the fabrication, processing, storage, and transport
31 of coal, liquefied natural gas, or "crude oil" as defined in RCW
32 90.56.010.

33 (12) "Geologically hazardous areas" means areas that because of
34 their susceptibility to erosion, sliding, earthquake, or other
35 geological events, are not suited to the siting of commercial,
36 residential, or industrial development consistent with public health
37 or safety concerns.

38 (13) "Long-term commercial significance" includes the growing
39 capacity, productivity, and soil composition of the land for long-
40 term commercial production, in consideration with the land's

1 proximity to population areas, and the possibility of more intense
2 uses of the land.

3 (14) "Low-income household" means a single person, family, or
4 unrelated persons living together whose adjusted income is at or
5 below eighty 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 (15) "Minerals" include gravel, sand, and valuable metallic
10 substances.

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

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

31 (18) "Public services" include fire protection and suppression,
32 law enforcement, public health, education, recreation, environmental
33 protection, and other governmental services.

34 (19) "Recreational land" means land so designated under RCW
35 36.70A.1701 and that, immediately prior to this designation, was
36 designated as agricultural land of long-term commercial significance
37 under RCW 36.70A.170. Recreational land must have playing fields and
38 supporting facilities existing before July 1, 2004, for sports played
39 on grass playing fields.

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

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

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

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

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

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

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

16 (g) That are consistent with the protection of natural surface
17 water flows and groundwater and surface water recharge and discharge
18 areas.

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

27 (22) "Rural governmental services" or "rural services" include
28 those public services and public facilities historically and
29 typically delivered at an intensity usually found in rural areas, and
30 may include domestic water systems, fire and police protection
31 services, transportation and public transit services, and other
32 public utilities associated with rural development and normally not
33 associated with urban areas. Rural services do not include storm or
34 sanitary sewers, except as otherwise authorized by RCW 36.70A.110(4).

35 (23) "Short line railroad" means those railroad lines designated
36 class II or class III by the United States surface transportation
37 board.

38 (24) "Urban governmental services" or "urban services" include
39 those public services and public facilities at an intensity
40 historically and typically provided in cities, specifically including

1 storm and sanitary sewer systems, domestic water systems, street
2 cleaning services, fire and police protection services, public
3 transit services, and other public utilities associated with urban
4 areas and normally not associated with rural areas.

5 (25) "Urban growth" refers to growth that makes intensive use of
6 land for the location of buildings, structures, and impermeable
7 surfaces to such a degree as to be incompatible with the primary use
8 of land for the production of food, other agricultural products, or
9 fiber, or the extraction of mineral resources, rural uses, rural
10 development, and natural resource lands designated pursuant to RCW
11 36.70A.170. A pattern of more intensive rural development, as
12 provided in RCW 36.70A.070(5)(d), is not urban growth. When allowed
13 to spread over wide areas, urban growth typically requires urban
14 governmental services. "Characterized by urban growth" refers to land
15 having urban growth located on it, or to land located in relationship
16 to an area with urban growth on it as to be appropriate for urban
17 growth.

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

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

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

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

5 (30) "Active transportation" means forms of pedestrian mobility
6 including walking or running, the use of a mobility assistive device
7 such as a wheelchair, bicycling and cycling irrespective of the
8 number of wheels, and the use of small personal devices such as foot
9 scooters or skateboards. Active transportation includes both
10 traditional and electric assist bicycles and other devices.

11 (31) "Transportation system" means all infrastructure and
12 services for all forms of transportation within a geographical area,
13 irrespective of the responsible jurisdiction or transportation
14 provider.

15 (32) "Environmental justice" means the fair treatment and
16 meaningful involvement of all people regardless of race, color,
17 national origin, or income with respect to development,
18 implementation, and enforcement of environmental laws, regulations,
19 and policies; with a focus on the equitable distribution of
20 resources, benefits, and burdens in a manner that prioritizes
21 communities that experience the greatest inequities, disproportionate
22 impacts, and have the greatest unmet needs.

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

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

32 (35)(a) "Vulnerable populations" means population groups that are
33 more likely to be at higher risk for poor health outcomes in response
34 to environmental harms, due to: (i) Adverse socioeconomic factors,
35 such as unemployment, high housing and transportation costs relative
36 to income, limited access to nutritious food and adequate health
37 care, linguistic isolation, and other factors that negatively affect
38 health outcomes and increase vulnerability to the effects of
39 environmental harms; and (ii) sensitivity factors, such as low birth
40 weight and higher rates of hospitalization.

1 (b) "Vulnerable populations" includes, but is not limited to: (i)
2 Racial or ethnic minorities; (ii) low-income populations; (iii)
3 populations disproportionately impacted by environmental harms; and
4 (iv) populations of workers experiencing environmental harms.

5 **Sec. 22.** RCW 86.12.200 and 1991 c 322 s 3 are each amended to
6 read as follows:

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

10 A comprehensive flood control management plan shall include the
11 following elements:

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

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

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

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

38 (5) Establishing restrictions on land clearing activities and
39 development practices that exacerbate flood problems by increasing

1 the flow or accumulation of flood waters, or the intensity of
2 drainage, on low-lying areas. Land clearing activities do not include
3 forest practices as defined in chapter 76.09 RCW; and

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

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

18 NEW SECTION. Sec. 23. A new section is added to chapter 43.21C
19 RCW to read as follows:

20 The adoption of ordinances, amendments to comprehensive plans,
21 amendments to development regulations, and other nonproject actions
22 taken by a county or city pursuant to RCW 36.70A.070(9) (a) or (c) in
23 order to implement measures specified by the department of commerce
24 pursuant to section 16 of this act are not subject to administrative
25 or judicial appeals under this chapter.

26 NEW SECTION. Sec. 24. (1) The obligation of local governments
27 to comply with the requirements established in: (a) The amendments to
28 RCW 36.70A.070 set forth in this act; and (b) the updated shoreline
29 master program guidelines adopted pursuant to section 20 of this act,
30 is contingent on the provision of state funding to local governments
31 for the specific purpose of complying with these requirements.

32 (2) The obligation of local governments to comply with the
33 requirements established in: (a) The amendments to RCW 36.70A.070 set
34 forth in this act; and (b) the updated shoreline master program
35 guidelines adopted pursuant to section 20 of this act, takes effect
36 two years after the date the legislature appropriates state funding
37 to provide to local governments for the purpose of complying with
38 these requirements.

1 NEW SECTION. **Sec. 25.** If specific funding for the purposes of
2 this act, referencing this act by bill or chapter number, is not
3 provided by June 30, 2021, in the omnibus appropriations act, this
4 act is null and void."

ESHB 1241 - S AMD TO HLG COMM AMD (S-2308.1/21) **804**
By Senator Kuderer

NOT CONSIDERED 04/26/2021

5 On page 30, line 7, after "36.70A.190," strike "and"

6 On page 30, line 8, after "36.70A.210" insert "36.70A.020,
7 36.70A.480, 36.70A.320, 36.70A.030, and 86.12.200"

8 On page 30, line 8, after "36.70A.130" insert "and 36.70A.070;
9 adding new sections to chapter 36.70A RCW; adding a new section to
10 chapter 70A.45 RCW; adding a new section to chapter 47.80 RCW; adding
11 a new section to chapter 90.58 RCW; adding a new section to chapter
12 43.21C RCW; creating new sections"

EFFECT: (1) Adds a goal of climate change mitigation to the listed goals of the Growth Management Act (GMA).

(2) Adds a climate change and resiliency element to the list of elements that must be included within the comprehensive plans certain counties and cities must adopt under the GMA.

(3) Requires the Department of Commerce, in consultation with other state agencies, to publish guidelines that specify a set of actions counties and cities have available to take related to greenhouse gas (GHG) emissions reductions and vehicle miles traveled (VMT) reductions.

(4) Requires the climate change and resiliency element of the comprehensive plan of certain counties and cities to identify actions the jurisdiction will take, consistent with guidelines adopted by Commerce, to reduce GHG emissions and VMT.

(5) Requires the climate change and resiliency element of the comprehensive plan of certain counties and cities to address the adverse impacts of climate change on people, property, and ecological systems.

(6) Specifies the process by which the GHG emissions reduction subelement of the climate change and resiliency element takes effect.

(7) Requires Commerce to adopt guidance that creates a model climate change and resiliency element.

(8) Requires the Department of Ecology to update its Shoreline Master Program guidelines to require Shoreline Master Programs to address the impact of sea level rise and increased storm severity.

(9) Adds consideration of climate change impacts to the list of elements that must be contained in optional comprehensive flood control management plans.

(10) Adds vulnerable populations and overburdened communities to the public participation goal.

(11) Adds efforts to reduce greenhouse gas emissions and creating or worsening climate impacts to vulnerable populations and overburdened communities to the climate change element.

(12) Replaces a tiered parking requirement with a standard .75 spaces per unit.

(13) Defines "overburdened community," "vulnerable population," and "active transportation."

(14) Includes accommodation for people with disabilities within the active transportation component.

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