
SUBSTITUTE SENATE BILL 5651

State of Washington

68th Legislature

2023 Regular Session

By Senate Local Government, Land Use & Tribal Affairs (originally sponsored by Senators Lovelett, Saldaña, Hasegawa, Hunt, Kuderer, Nguyen, Nobles, Pedersen, Stanford, Trudeau, Valdez, and Wellman)

READ FIRST TIME 02/17/23.

1 AN ACT Relating to equity and environmental justice in the growth
2 management act; amending RCW 36.70A.020, 36.70A.030, and 36.70A.140;
3 and reenacting and amending RCW 36.70A.070 and 36.70A.130.

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

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

7 The following goals are adopted to guide the development and
8 adoption of comprehensive plans and development regulations of those
9 counties and cities that are required or choose to plan under RCW
10 36.70A.040. The following goals are not listed in order of priority
11 and shall be used exclusively for the purpose of guiding the
12 development of comprehensive plans and development regulations:

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

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

18 (3) Transportation. Encourage efficient multimodal transportation
19 systems that are based on regional priorities and coordinated with
20 county and city comprehensive plans.

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

5 (5) Economic development. Encourage economic development
6 throughout the state that is consistent with adopted comprehensive
7 plans, promote economic opportunity for all citizens of this state,
8 especially for unemployed and for disadvantaged persons, promote the
9 retention and expansion of existing businesses and recruitment of new
10 businesses, recognize regional differences impacting economic
11 development opportunities, and encourage growth in areas experiencing
12 insufficient economic growth, all within the capacities of the
13 state's natural resources, public services, and public facilities.

14 (6) Property rights. Private property shall not be taken for
15 public use without just compensation having been made. The property
16 rights of landowners shall be protected from arbitrary and
17 discriminatory actions.

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

21 (8) Natural resource industries. Maintain and enhance natural
22 resource-based industries, including productive timber, agricultural,
23 and fisheries industries. Encourage the conservation of productive
24 forestlands and productive agricultural lands, and discourage
25 incompatible uses.

26 (9) Open space and recreation. Retain open space, enhance
27 recreational opportunities, conserve fish and wildlife habitat,
28 increase access to natural resource lands and water, and develop
29 parks and recreation facilities.

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

33 (11) Citizen participation and coordination. Encourage the
34 involvement of citizens in the planning process and ensure
35 coordination between communities and jurisdictions to reconcile
36 conflicts. Specific effort should be made to involve and collaborate
37 with vulnerable populations and overburdened communities.

38 (12) Public facilities and services. Ensure that those public
39 facilities and services necessary to support development shall be
40 adequate to serve the development at the time the development is

1 available for occupancy and use without decreasing current service
2 levels below locally established minimum standards.

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

6 (14) Environmental justice. Develop and apply fair land use and
7 environmental policy based on respect and justice for all peoples.
8 Identify and plan for the reduction and prevention of environmental
9 and health disparities and work towards eliminating disparate harms
10 and disproportionate environmental and health impacts by prioritizing
11 vulnerable populations and overburdened communities and the equitable
12 distribution of resources and benefits.

13 **Sec. 2.** RCW 36.70A.030 and 2021 c 254 s 6 are each amended to
14 read as follows:

15 Unless the context clearly requires otherwise, the definitions in
16 this section apply throughout this chapter.

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

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

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

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

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

39 (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) "Emergency housing" means temporary indoor accommodations for
26 individuals or families who are homeless or at imminent risk of
27 becoming homeless that is intended to address the basic health, food,
28 clothing, and personal hygiene needs of individuals or families.
29 Emergency housing may or may not require occupants to enter into a
30 lease or an occupancy agreement.

31 (10) "Emergency shelter" means a facility that provides a
32 temporary shelter for individuals or families who are currently
33 homeless. Emergency shelter may not require occupants to enter into a
34 lease or an occupancy agreement. Emergency shelter facilities may
35 include day and warming centers that do not provide overnight
36 accommodations.

37 (11) "Extremely low-income household" means a single person,
38 family, or unrelated persons living together whose adjusted income is
39 at or below thirty percent of the median household income adjusted
40 for household size, for the county where the household is located, as

1 reported by the United States department of housing and urban
2 development.

3 (12) "Forestland" means land primarily devoted to growing trees
4 for long-term commercial timber production on land that can be
5 economically and practically managed for such production, including
6 Christmas trees subject to the excise tax imposed under RCW 84.33.100
7 through 84.33.140, and that has long-term commercial significance. In
8 determining whether forestland is primarily devoted to growing trees
9 for long-term commercial timber production on land that can be
10 economically and practically managed for such production, the
11 following factors shall be considered: (a) The proximity of the land
12 to urban, suburban, and rural settlements; (b) surrounding parcel
13 size and the compatibility and intensity of adjacent and nearby land
14 uses; (c) long-term local economic conditions that affect the ability
15 to manage for timber production; and (d) the availability of public
16 facilities and services conducive to conversion of forestland to
17 other uses.

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

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

32 (15) "Long-term commercial significance" includes the growing
33 capacity, productivity, and soil composition of the land for long-
34 term commercial production, in consideration with the land's
35 proximity to population areas, and the possibility of more intense
36 uses of the land.

37 (16) "Low-income household" means a single person, family, or
38 unrelated persons living together whose adjusted income is at or
39 below eighty percent of the median household income adjusted for
40 household size, for the county where the household is located, as

1 reported by the United States department of housing and urban
2 development.

3 (17) "Minerals" include gravel, sand, and valuable metallic
4 substances.

5 (18) "Moderate-income household" means a single person, family,
6 or unrelated persons living together whose adjusted income is at or
7 below 120 percent of the median household income adjusted for
8 household size, for the county where the household is located, as
9 reported by the United States department of housing and urban
10 development.

11 (19) "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 (20) "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 (21) "Public services" include fire protection and suppression,
32 law enforcement, public health, education, recreation, environmental
33 protection, and other governmental services.

34 (22) "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 (23) "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 (24) "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 (25) "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 (26) "Short line railroad" means those railroad lines designated
36 class II or class III by the United States surface transportation
37 board.

38 (27) "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 (28) "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 (29) "Urban growth areas" means those areas designated by a
19 county pursuant to RCW 36.70A.110.

20 (30) "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 (31) "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 (32) "Environmental benefits" means activities that:

2 (a) Prevent or reduce existing environmental harms or associated
3 risks that contribute significantly to cumulative environmental
4 health impacts; or

5 (b) Prevent or mitigate impacts to overburdened communities or
6 vulnerable populations from, or support community response to, the
7 impacts of environmental harm.

8 (33) "Environmental harm" has the same meaning as in RCW
9 70A.02.010.

10 (34) "Environmental justice" means the fair treatment and
11 meaningful involvement of all people, regardless of race, color,
12 national origin, or income with respect to development,
13 implementation, and enforcement of environmental laws, regulations,
14 and policies. "Environmental justice" includes addressing
15 disproportionate environmental and health impacts in all laws, rules,
16 and policies with environmental impacts by prioritizing vulnerable
17 populations and overburdened communities, and the equitable
18 distribution of resources and benefits, and eliminating harm.

19 (35) "Equitable distribution" has the same meaning as in RCW
20 70A.02.010.

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

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

34 (b) "Vulnerable populations" includes, but is not limited to:

35 (i) Racial or ethnic minorities;

36 (ii) Low-income populations; and

37 (iii) Populations disproportionately impacted by environmental
38 harms.

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

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

12 (1) A land use element designating the proposed general
13 distribution and general location and extent of the uses of land,
14 where appropriate, for agriculture, timber production, housing,
15 commerce, industry, recreation, open spaces, general aviation
16 airports, public utilities, public facilities, and other land uses.
17 The land use element shall include population densities, building
18 intensities, and estimates of future population growth. The land use
19 element shall provide for protection of the quality and quantity of
20 groundwater used for public water supplies. Wherever possible, the
21 land use element should consider utilizing urban planning approaches
22 that promote physical activity. Where applicable, the land use
23 element shall review drainage, flooding, and stormwater runoff in the
24 area and nearby jurisdictions and provide guidance for corrective
25 actions to mitigate or cleanse those discharges that pollute waters
26 of the state, including Puget Sound or waters entering Puget Sound.

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

29 (a) Includes an inventory and analysis of existing and projected
30 housing needs that identifies the number of housing units necessary
31 to manage projected growth, as provided by the department of
32 commerce, including:

33 (i) Units for moderate, low, very low, and extremely low-income
34 households; and

35 (ii) Emergency housing, emergency shelters, and permanent
36 supportive housing;

37 (b) Includes a statement of goals, policies, objectives, and
38 mandatory provisions for the preservation, improvement, and
39 development of housing, including single-family residences, and
40 within an urban growth area boundary, moderate density housing

1 options including, but not limited to, duplexes, triplexes, and
2 townhomes;

3 (c) Identifies sufficient capacity of land for housing including,
4 but not limited to, government-assisted housing, housing for
5 moderate, low, very low, and extremely low-income households,
6 manufactured housing, multifamily housing, group homes, foster care
7 facilities, emergency housing, emergency shelters, permanent
8 supportive housing, and within an urban growth area boundary,
9 consideration of duplexes, triplexes, and townhomes;

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

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

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

17 (iii) Consideration of housing locations in relation to
18 employment location; and

19 (iv) Consideration of the role of accessory dwelling units in
20 meeting housing needs;

21 (e) Identifies local policies and regulations that result in
22 racially disparate impacts, displacement, and exclusion in housing,
23 including:

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

25 (ii) Disinvestment; and

26 (iii) Infrastructure availability;

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

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

33 (h) Establishes antidisplacement policies, with consideration
34 given to the preservation of historical and cultural communities as
35 well as investments in low, very low, extremely low, and moderate-
36 income housing; equitable development initiatives; inclusionary
37 zoning; community planning requirements; tenant protections; land
38 disposition policies; and consideration of land that may be used for
39 affordable housing.

1 In counties and cities subject to the review and evaluation
2 requirements of RCW 36.70A.215, any revision to the housing element
3 shall include consideration of prior review and evaluation reports
4 and any reasonable measures identified. The housing element should
5 link jurisdictional goals with overall county goals to ensure that
6 the housing element goals are met.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 (iii) Facilities and services needs, including:

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

21 (B) Level of service standards for all locally owned arterials
22 and transit routes to serve as a gauge to judge performance of the
23 system. These standards should be regionally coordinated;

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

1 (D) Specific actions and requirements for bringing into
2 compliance locally owned transportation facilities or services that
3 are below an established level of service standard;

4 (E) Forecasts of traffic for at least ten years based on the
5 adopted land use plan to provide information on the location, timing,
6 and capacity needs of future growth;

7 (F) Identification of state and local system needs to meet
8 current and future demands. Identified needs on state-owned
9 transportation facilities must be consistent with the statewide
10 multimodal transportation plan required under chapter 47.06 RCW;

11 (iv) Finance, including:

12 (A) An analysis of funding capability to judge needs against
13 probable funding resources;

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

22 (C) If probable funding falls short of meeting identified needs,
23 a discussion of how additional funding will be raised, or how land
24 use assumptions will be reassessed to ensure that level of service
25 standards will be met;

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

29 (vi) Demand-management strategies;

30 (vii) Pedestrian and bicycle component to include collaborative
31 efforts to identify and designate planned improvements for pedestrian
32 and bicycle facilities and corridors that address and encourage
33 enhanced community access and promote healthy lifestyles.

34 (b) After adoption of the comprehensive plan by jurisdictions
35 required to plan or who choose to plan under RCW 36.70A.040, local
36 jurisdictions must adopt and enforce ordinances which prohibit
37 development approval if the development causes the level of service
38 on a locally owned transportation facility to decline below the
39 standards adopted in the transportation element of the comprehensive
40 plan, unless transportation improvements or strategies to accommodate

1 the impacts of development are made concurrent with the development.
2 These strategies may include increased public transportation service,
3 ride-sharing programs, demand management, and other transportation
4 systems management strategies. For the purposes of this subsection
5 (6), "concurrent with the development" means that improvements or
6 strategies are in place at the time of development, or that a
7 financial commitment is in place to complete the improvements or
8 strategies within six years. If the collection of impact fees is
9 delayed under RCW 82.02.050(3), the six-year period required by this
10 subsection (6)(b) must begin after full payment of all impact fees is
11 due to the county or city.

12 (c) The transportation element described in this subsection (6),
13 the six-year plans required by RCW 35.77.010 for cities, RCW
14 36.81.121 for counties, and RCW 35.58.2795 for public transportation
15 systems, and the ten-year investment program required by RCW
16 47.05.030 for the state, must be consistent.

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

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

29 (9)(a) An environmental justice element that includes goals,
30 objectives, timelines, policies, and measures, and their application
31 in appropriate elements that reduce environmental harms, that create
32 environmental benefits, that work toward eliminating environmental
33 health disparities, and that promote public participation in decision
34 making by vulnerable populations and overburdened communities.

35 (b) The environmental justice element must identify overburdened
36 communities and vulnerable populations within the planning area using
37 guidance developed by the department.

38 (c) The environmental justice element must address how each
39 mandatory element under this section individually, and how the
40 entirety of the comprehensive plan collectively, reflects

1 considerations of environmental justice, addresses any cumulative
2 environmental health impacts faced by vulnerable populations or
3 overburdened communities, and how the elements and overall plan
4 advance the equitable distribution of environmental benefits.

5 (d) The environmental justice element may address subjects
6 including, but not limited to, regulations, decisions on siting and
7 permitting, resource allocations, enforcement, and the monitoring and
8 reporting of exposures to environmental health hazards.

9 (10) It is the intent that new or amended elements required after
10 January 1, 2002, be adopted concurrent with the scheduled update
11 provided in RCW 36.70A.130, unless another time of adoption is
12 specified in RCW 36.70A.130(10). Requirements to incorporate any such
13 new or amended elements shall be null and void until funds sufficient
14 to cover applicable local government costs are appropriated and
15 distributed by the state at least two years before local government
16 must update comprehensive plans as required in RCW 36.70A.130 or at
17 least two years prior to the time for adoption of new or amended
18 elements specified in RCW 36.70A.130(10).

19 **Sec. 4.** RCW 36.70A.130 and 2022 c 287 s 1 and 2022 c 192 s 1 are
20 each reenacted and amended to read as follows:

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

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

1 (c) The review and evaluation required by this subsection shall
2 include, but is not limited to, consideration of critical area
3 ordinances and, if planning under RCW 36.70A.040, an analysis of the
4 population allocated to a city or county from the most recent (~~ten~~)
5 10-year population forecast by the office of financial management.

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

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

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

27 (ii) The development of an initial subarea plan for economic
28 development located outside of the (~~one hundred~~) 100-year
29 floodplain in a county that has completed a state-funded pilot
30 project that is based on watershed characterization and local habitat
31 assessment;

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

34 (iv) The amendment of the capital facilities element of a
35 comprehensive plan that occurs concurrently with the adoption or
36 amendment of a county or city budget; or

37 (v) The adoption of comprehensive plan amendments necessary to
38 enact a planned action under RCW 43.21C.440, provided that amendments
39 are considered in accordance with the public participation program
40 established by the county or city under this subsection (2)(a) and

1 all persons who have requested notice of a comprehensive plan update
2 are given notice of the amendments and an opportunity to comment.

3 (b) Except as otherwise provided in (a) of this subsection, all
4 proposals shall be considered by the governing body concurrently so
5 the cumulative effect of the various proposals can be ascertained.
6 However, after appropriate public participation a county or city may
7 adopt amendments or revisions to its comprehensive plan that conform
8 with this chapter whenever an emergency exists or to resolve an
9 appeal of a comprehensive plan filed with the growth management
10 hearings board or with the court.

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

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

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

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

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

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

6 (iv) The areas added to the urban growth areas are suitable for
7 urban growth;

8 (v) The transportation element and capital facility plan element
9 have identified the transportation facilities, and public facilities
10 and services needed to serve the urban growth area and the funding to
11 provide the transportation facilities and public facilities and
12 services;

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

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

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

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

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

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

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

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

38 (5) Except as otherwise provided in subsections (6) and (8) of
39 this section, following the review of comprehensive plans and
40 development regulations required by subsection (4) of this section,

1 counties and cities shall take action to review and, if needed,
2 revise their comprehensive plans and development regulations to
3 ensure the plan and regulations comply with the requirements of this
4 chapter as follows:

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

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

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

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

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

28 (b) A county that is subject to a deadline established in
29 subsection (5)(b) through (d) of this section and meets the following
30 criteria may comply with the requirements of this section at any time
31 within the (~~twenty-four~~) 24 months following the deadline
32 established in subsection (5) of this section: The county has a
33 population of less than (~~fifty-thousand~~) 50,000 and has had its
34 population increase by no more than (~~seventeen~~) 17 percent in the
35 (~~ten~~) 10 years preceding the deadline established in subsection (5)
36 of this section as of that date.

37 (c) A city that is subject to a deadline established in
38 subsection (5)(b) through (d) of this section and meets the following
39 criteria may comply with the requirements of this section at any time
40 within the (~~twenty-four~~) 24 months following the deadline

1 established in subsection (5) of this section: The city has a
2 population of no more than (~~five thousand~~) 5,000 and has had its
3 population increase by the greater of either no more than (~~one~~
4 ~~hundred~~) 100 persons or no more than (~~seventeen~~) 17 percent in the
5 (~~ten~~) 10 years preceding the deadline established in subsection (5)
6 of this section as of that date.

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

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

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

16 (ii) Demonstrating substantial progress towards compliance with
17 the schedules in this section for development regulations that
18 protect critical areas.

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

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

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

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

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

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

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

6 (v) Three or more years have elapsed since the receipt of
7 funding.

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

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

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

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

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

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

4 (ii) Permit processing timelines; and

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

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

22 (10)(a) Any county or city that is required to include in its
23 comprehensive plan an environmental justice element and that is also
24 required by subsection (5)(a) of this section to review and, if
25 necessary, revise its comprehensive plan on or before December 31,
26 2024, must incorporate an environmental justice element into its
27 comprehensive plan on or before June 30, 2029.

28 (b) Any county or city that is required to include in its
29 comprehensive plan an environmental justice element and that is also
30 required by subsection (5)(b) of this section to review and, if
31 necessary, revise its comprehensive plan on or before June 30, 2025,
32 must incorporate an environmental justice element into its
33 comprehensive plan on or before June 30, 2030.

34 **Sec. 5.** RCW 36.70A.140 and 1995 c 347 s 107 are each amended to
35 read as follows:

36 (1) Each county and city that is required or chooses to plan
37 under RCW 36.70A.040 shall establish and broadly disseminate to the
38 public a public participation program identifying procedures
39 providing for early and continuous public participation in the

1 development and amendment of comprehensive land use plans and
2 development regulations implementing such plans. The procedures shall
3 provide for broad dissemination of proposals and alternatives,
4 opportunity for written comments, public meetings after effective
5 notice, provision for open discussion, communication programs,
6 information services, and consideration of and response to public
7 comments. In enacting legislation in response to the board's decision
8 pursuant to RCW 36.70A.300 declaring part or all of a comprehensive
9 plan or development regulation invalid, the county or city shall
10 provide for public participation that is appropriate and effective
11 under the circumstances presented by the board's order. Errors in
12 exact compliance with the established program and procedures shall
13 not render the comprehensive land use plan or development regulations
14 invalid if the spirit of the program and procedures is observed.

15 (2) (a) The department must prepare and disseminate to counties
16 and cities that are required or choose to plan under RCW 36.70A.040
17 best practices to achieve equitable and inclusive public
18 participation in order to engage those members of the public and
19 populations who have historically been underserved and
20 underrepresented in the formation of public policy.

21 (b) Best practices must emphasize and provide resources to
22 support the participation of overburdened communities and vulnerable
23 populations, including community-based organizations, and with
24 special consideration for people with limited English proficiency,
25 low incomes, and other barriers to participation. Procedures should
26 also support the voluntary collaboration and coordination with any
27 federally recognized Indian tribe that has entered into a memorandum
28 of agreement pursuant to RCW 36.70A.040 and whose reservation or
29 ceded lands lie within the county or city.

30 (c) By no later than June 30, 2025, counties and cities must
31 determine which of these practices to incorporate in updated public
32 participation programs.

--- END ---