

**2SHB 1099 - H AMD 341**

By Representative Duerr

**ADOPTED AS AMENDED 03/05/2021**

1 Strike everything after the enacting clause and insert the  
2 following:

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

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

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

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

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

24 (4) Housing. Encourage the availability of affordable housing to  
25 all economic segments of the population of this state, promote a  
26 variety of residential densities and housing types, and encourage  
27 preservation of existing housing stock.

28 (5) Economic development. Encourage economic development  
29 throughout the state that is consistent with adopted comprehensive  
30 plans, promote economic opportunity for all citizens of this state,  
31 especially for unemployed and for disadvantaged persons, promote the  
32 retention and expansion of existing businesses and recruitment of new

1 businesses, recognize regional differences impacting economic  
2 development opportunities, and encourage growth in areas experiencing  
3 insufficient economic growth, all within the capacities of the  
4 state's natural resources, public services, and public facilities.

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

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

12 (8) Natural resource industries. Maintain and enhance natural  
13 resource-based industries, including productive timber, agricultural,  
14 and fisheries industries. Encourage the conservation of productive  
15 forestlands and productive agricultural lands, and discourage  
16 incompatible uses.

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

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

24 (11) Citizen participation and coordination. Encourage the  
25 involvement of citizens in the planning process and ensure  
26 coordination between communities and jurisdictions to reconcile  
27 conflicts.

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

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

36 (14) Climate change. Ensure that comprehensive plans, development  
37 regulations, and regional policies, plans, and strategies under RCW  
38 36.70A.210 and chapter 47.80 RCW adapt to and mitigate the effects of  
39 a changing climate, support state greenhouse gas emissions reduction  
40 requirements and state per capita vehicle miles traveled goals,

1 prepare for climate impact scenarios, foster resiliency to climate  
2 impacts and natural hazards, and protect and enhance environmental,  
3 economic, and human health and safety.

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

6 (1) For shorelines of the state, the goals and policies of the  
7 shoreline management act as set forth in RCW 90.58.020 are added as  
8 one of the goals of this chapter as set forth in RCW 36.70A.020  
9 without creating an order of priority among the (~~fourteen~~) 15  
10 goals. The goals and policies of a shoreline master program for a  
11 county or city approved under chapter 90.58 RCW shall be considered  
12 an element of the county or city's comprehensive plan. All other  
13 portions of the shoreline master program for a county or city adopted  
14 under chapter 90.58 RCW, including use regulations, shall be  
15 considered a part of the county or city's development regulations.

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

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

26 (b) Except as otherwise provided in (c) of this subsection,  
27 development regulations adopted under this chapter to protect  
28 critical areas within shorelines of the state apply within shorelines  
29 of the state until the department of ecology approves one of the  
30 following: A comprehensive master program update, as defined in RCW  
31 90.58.030; a segment of a master program relating to critical areas,  
32 as provided in RCW 90.58.090; or a new or amended master program  
33 approved by the department of ecology on or after March 1, 2002, as  
34 provided in RCW 90.58.080. The adoption or update of development  
35 regulations to protect critical areas under this chapter prior to  
36 department of ecology approval of a master program update as provided  
37 in this subsection is not a comprehensive or segment update to the  
38 master program.

1 (c)(i) Until the department of ecology approves a master program  
2 or segment of a master program as provided in (b) of this subsection,  
3 a use or structure legally located within shorelines of the state  
4 that was established or vested on or before the effective date of the  
5 local government's development regulations to protect critical areas  
6 may continue as a conforming use and may be redeveloped or modified  
7 if: (A) The redevelopment or modification is consistent with the  
8 local government's master program; and (B) the local government  
9 determines that the proposed redevelopment or modification will  
10 result in no net loss of shoreline ecological functions. The local  
11 government may waive this requirement if the redevelopment or  
12 modification is consistent with the master program and the local  
13 government's development regulations to protect critical areas.

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

19 (d) Upon department of ecology approval of a shoreline master  
20 program or critical area segment of a shoreline master program,  
21 critical areas within shorelines of the state are protected under  
22 chapter 90.58 RCW and are not subject to the procedural and  
23 substantive requirements of this chapter, except as provided in  
24 subsection (6) of this section. Nothing in chapter 321, Laws of 2003  
25 or chapter 107, Laws of 2010 is intended to affect whether or to what  
26 extent agricultural activities, as defined in RCW 90.58.065, are  
27 subject to chapter 36.70A RCW.

28 (e) The provisions of RCW 36.70A.172 shall not apply to the  
29 adoption or subsequent amendment of a local government's shoreline  
30 master program and shall not be used to determine compliance of a  
31 local government's shoreline master program with chapter 90.58 RCW  
32 and applicable guidelines. Nothing in this section, however, is  
33 intended to limit or change the quality of information to be applied  
34 in protecting critical areas within shorelines of the state, as  
35 required by chapter 90.58 RCW and applicable guidelines.

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

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

7 (6) If a local jurisdiction's master program does not include  
8 land necessary for buffers for critical areas that occur within  
9 shorelines of the state, as authorized by RCW 90.58.030(2)(~~((f))~~)  
10 (d), then the local jurisdiction shall continue to regulate those  
11 critical areas and their required buffers pursuant to RCW  
12 36.70A.060(2).

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

15 (1) The requirements of the greenhouse gas emissions reduction  
16 subelement of the climate change and resiliency element set forth in  
17 RCW 36.70A.070(9) apply only to those counties that are required or  
18 that choose to plan under RCW 36.70A.040 and that also meet either of  
19 the criteria set forth in (a) or (b) of this subsection (1) on or  
20 after January 1, 2021, and the cities with populations greater than  
21 6,000 as of January 1, 2021, within those counties:

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

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

27 (2) The requirements of the amendments to the transportation  
28 element of RCW 36.70A.070 set forth in this act apply only to: (a)  
29 Counties and cities that meet the population criteria set forth in  
30 subsection (1) of this section; and (b) cities with populations of  
31 6,000 or greater as of January 1, 2021, that are located in a county  
32 that is required or that chooses to plan under RCW 36.70A.040.

33 (3) The requirements of the amendments to the land use element of  
34 RCW 36.70A.070 set forth in this act apply only to: (a) Counties and  
35 cities that meet the population criteria set forth in subsection (1)  
36 or (2) of this section; and (b) counties that have a population of  
37 20,000 or greater as of January 1, 2021, and that are required or  
38 that choose to plan under RCW 36.70A.040.

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

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

11 (6) If the population of a county that previously had not been  
12 required to conform with the greenhouse gas emissions reduction  
13 subelement of the climate change and resiliency element set forth in  
14 RCW 36.70A.070 changes sufficiently to meet either of the sets of  
15 criteria set forth in subsection (1) of this section, the county, and  
16 the cities with populations greater than 6,000 as of January 1, 2021,  
17 within that county, shall adopt a greenhouse gas emissions reduction  
18 subelement of the climate change and resiliency element set forth in  
19 RCW 36.70A.070 at the next scheduled update of the comprehensive plan  
20 as set forth in RCW 36.70A.130.

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

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

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

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

1 intensities, and estimates of future population growth. The land use  
2 element shall provide for protection of the quality and quantity of  
3 groundwater used for public water supplies. The land use element  
4 should give special consideration to achieving environmental justice  
5 in its goals and policies. In addition, the land use element must  
6 avoid creating or worsening environmental health disparities.  
7 Wherever possible, the land use element should consider utilizing  
8 urban planning approaches that promote physical activity and reduce  
9 per capita vehicle miles traveled within the jurisdiction, but  
10 without increasing greenhouse gas emissions elsewhere in the state.  
11 Where applicable, the land use element shall review drainage,  
12 flooding, and stormwater runoff in the area and nearby jurisdictions  
13 and provide guidance for corrective actions to mitigate or cleanse  
14 those discharges that pollute waters of the state, including Puget  
15 Sound or waters entering Puget Sound. The land use element must  
16 reduce and mitigate the risk to lives and property posed by wildfires  
17 by using land use planning tools, which may include reducing  
18 residential development pressure in the wildland urban interface  
19 area.

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

36 (3) A capital facilities plan element consisting of: (a) An  
37 inventory of existing capital facilities owned by public entities,  
38 showing the locations and capacities of the capital facilities; (b) a  
39 forecast of the future needs for such capital facilities; (c) the  
40 proposed locations and capacities of expanded or new capital

1 facilities; (d) at least a six-year plan that will finance such  
2 capital facilities within projected funding capacities and clearly  
3 identifies sources of public money for such purposes; and (e) a  
4 requirement to reassess the land use element if probable funding  
5 falls short of meeting existing needs and to ensure that the land use  
6 element, capital facilities plan element, and financing plan within  
7 the capital facilities plan element are coordinated and consistent.  
8 Park and recreation facilities shall be included in the capital  
9 facilities plan element.

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

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

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

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

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

37 (i) Containing or otherwise controlling rural development;

38 (ii) Assuring visual compatibility of rural development with the  
39 surrounding rural area;

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

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

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

8 (vi) Protecting existing natural areas, including native forests,  
9 grasslands, wetlands, and riparian areas, but excluding forestland,  
10 as that term is defined in RCW 84.33.035, and timberland, as that  
11 term is defined in RCW 84.34.020.

12 (d) Limited areas of more intensive rural development. Subject to  
13 the requirements of this subsection and except as otherwise  
14 specifically provided in this subsection (5)(d), the rural element  
15 may allow for limited areas of more intensive rural development,  
16 including necessary public facilities and public services to serve  
17 the limited area as follows:

18 (i) Rural development consisting of the infill, development, or  
19 redevelopment of existing commercial, industrial, residential, or  
20 mixed-use areas, whether characterized as shoreline development,  
21 villages, hamlets, rural activity centers, or crossroads  
22 developments.

23 (A) A commercial, industrial, residential, shoreline, or mixed-  
24 use area are subject to the requirements of (d)(iv) of this  
25 subsection, but are not subject to the requirements of (c)(ii) and  
26 (iii) of this subsection.

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

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

36 (ii) The intensification of development on lots containing, or  
37 new development of, small-scale recreational or tourist uses,  
38 including commercial facilities to serve those recreational or  
39 tourist uses, that rely on a rural location and setting, but that do  
40 not include new residential development. A small-scale recreation or

1 tourist use is not required to be principally designed to serve the  
2 existing and projected rural population. Public services and public  
3 facilities shall be limited to those necessary to serve the  
4 recreation or tourist use and shall be provided in a manner that does  
5 not permit low-density sprawl;

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

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

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

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

5 (B) On the date the county adopted a resolution under RCW  
6 36.70A.040(2), in a county that is planning under all of the  
7 provisions of this chapter under RCW 36.70A.040(2); or

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

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

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

18 (a) The transportation element shall include the following  
19 subelements:

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

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

27 (iii) Facilities and services needs, including:

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

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

1 (C) For state-owned transportation facilities, level of service  
2 standards for highways, as prescribed in chapters 47.06 and 47.80  
3 RCW, to gauge the performance of the system. The purposes of  
4 reflecting level of service standards for state highways in the local  
5 comprehensive plan are to monitor the performance of the system, to  
6 evaluate improvement strategies, and to facilitate coordination  
7 between the county's or city's six-year street, road, active  
8 transportation, or transit program and the office of financial  
9 management's ten-year investment program. The concurrency  
10 requirements of (b) of this subsection do not apply to transportation  
11 facilities and services of statewide significance except for counties  
12 consisting of islands whose only connection to the mainland are state  
13 highways or ferry routes. In these island counties, state highways  
14 and ferry route capacity must be a factor in meeting the concurrency  
15 requirements in (b) of this subsection;

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

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

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

35 (iv) Finance, including:

36 (A) An analysis of funding capability to judge needs against  
37 probable funding resources;

38 (B) A multiyear financing plan based on the needs identified in  
39 the comprehensive plan, the appropriate parts of which shall serve as  
40 the basis for the six-year street, road, or transit program required

1 by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW  
2 35.58.2795 for public transportation systems. The multiyear financing  
3 plan should be coordinated with the ten-year investment program  
4 developed by the office of financial management as required by RCW  
5 47.05.030;

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

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

14 (vi) Demand-management strategies;

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

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

1 transportation service, ride-sharing programs, demand management, or  
2 other transportation systems management strategies funded by the  
3 development, a development approval may not be denied because it  
4 fails to meet traffic level of service standards.

5 (c) The transportation element described in this subsection (6),  
6 the six-year plans required by RCW 35.77.010 for cities, RCW  
7 36.81.121 for counties, and RCW 35.58.2795 for public transportation  
8 systems, and the ten-year investment program required by RCW  
9 47.05.030 for the state, must be consistent.

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

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

22 (9) A climate change and resiliency element that is designed to  
23 result in reductions in overall greenhouse gas emissions and that  
24 must enhance resiliency to and avoid the adverse impacts of climate  
25 change. The greenhouse gas emissions reduction subelement of the  
26 climate change and resiliency element is mandatory for the  
27 jurisdictions specified in section 3(1) of this act and is encouraged  
28 for all other jurisdictions, including those planning under RCW  
29 36.70A.040 and those planning under chapter 36.70 RCW. The resiliency  
30 subelement of the climate change and resiliency element is mandatory  
31 for all jurisdictions planning under RCW 36.70A.040 and is encouraged  
32 for those jurisdictions planning under chapter 36.70 RCW.

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

38 (A) Result in reductions in overall greenhouse gas emissions  
39 generated by the transportation and land use systems within the

1 jurisdiction but without increasing greenhouse gas emissions  
2 elsewhere in the state;

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

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

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

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

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

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

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

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

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

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

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

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

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

1 local government must update comprehensive plans as required in RCW  
2 36.70A.130.

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

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

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

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

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

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

36 The guidelines must be based on:

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

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

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

5 (3) The department of commerce shall first publish the full set  
6 of guidelines described in subsections (1) and (2) of this section no  
7 later than December 31, 2025. The department of commerce shall update  
8 these guidelines at least every four years thereafter based on the  
9 most recently available data, and shall provide for a process for  
10 local governments and other parties to submit alternative actions for  
11 consideration for inclusion into the guidelines at least once per  
12 year. The department of commerce shall publish an intermediate set of  
13 guidelines no later than December 31, 2022, in order to be available  
14 for use by jurisdictions whose periodic updates are required by RCW  
15 36.70A.130(5) to occur prior to December 31, 2025.

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

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

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

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

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

37 (1) A greenhouse gas emissions reduction subelement required by  
38 RCW 36.70A.070 becomes effective when approved by the department as  
39 provided in this section. The department shall strive to achieve

1 final action on a submitted greenhouse gas emissions reduction  
2 subelement within 180 days of receipt and shall post an annual  
3 assessment related to this performance benchmark on the agency  
4 website.

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

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

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

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

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

38 (e) If the department recommends changes to the proposed  
39 greenhouse gas emissions reduction subelement, within 90 days after

1 the department mails the written findings and conclusions to the  
2 local government, require the local government to:

3 (i) Agree to the proposed changes by written notice to the  
4 department; or

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

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

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

37 (5) Promptly after approval or disapproval of a local  
38 government's greenhouse gas emissions reduction subelement, the  
39 department shall publish a notice consistent with RCW 36.70A.290 that  
40 the greenhouse gas emissions reduction subelement has been approved

1 or disapproved. This notice must be filed for all greenhouse gas  
2 emissions reduction subelements.

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

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

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

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

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

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

34 (3) In any petition under this chapter, the board, after full  
35 consideration of the petition, shall determine whether there is  
36 compliance with the requirements of this chapter. In making its  
37 determination, the board shall consider the criteria adopted by the  
38 department under RCW 36.70A.190(4). The board shall find compliance  
39 unless it determines that the action by the state agency, county, or

1 city is clearly erroneous in view of the entire record before the  
2 board and in light of the goals and requirements of this chapter.

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

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

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

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

17 (1) The department shall establish a program of technical and  
18 financial assistance and incentives to counties and cities to  
19 encourage and facilitate the adoption and implementation of  
20 comprehensive plans and development regulations throughout the state.

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

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

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

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

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

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

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

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

31 (a) The model element must establish minimum requirements or  
32 include model options for fulfilling the requirements of RCW  
33 36.70A.070(9);

34 (b) The model element should provide guidance on identifying,  
35 designing, and investing in infrastructure that supports community  
36 resilience to climate impacts, including the protection, restoration,  
37 and enhancement of natural infrastructure as well as traditional  
38 infrastructure and protecting and enhancing natural areas to foster  
39 resiliency to climate impacts, as well as areas of vital habitat for  
40 safe passage and species migration;

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

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

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

11 The department shall compile, maintain, and publish a summary of  
12 the per capita vehicle miles traveled annually in each city in the  
13 state, and in the unincorporated portions of each county in the  
14 state.

15 NEW SECTION. Sec. 10. A new section is added to chapter 90.58  
16 RCW to read as follows:

17 The department shall update its shoreline master program  
18 guidelines to require shoreline master programs to address the impact  
19 of sea level rise and increased storm severity on people, property,  
20 and shoreline natural resources and the environment.

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

23 Unless the context clearly requires otherwise, the definitions in  
24 this section apply throughout this chapter.

25 (1) "Adopt a comprehensive land use plan" means to enact a new  
26 comprehensive land use plan or to update an existing comprehensive  
27 land use plan.

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

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

36 (b) For owner-occupied housing, eighty percent of the median  
37 household income adjusted for household size, for the county where

1 the household is located, as reported by the United States department  
2 of housing and urban development.

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

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

11 (5) "Comprehensive land use plan," "comprehensive plan," or  
12 "plan" means a generalized coordinated land use policy statement of  
13 the governing body of a county or city that is adopted pursuant to  
14 this chapter.

15 (6) "Critical areas" include the following areas and ecosystems:  
16 (a) Wetlands; (b) areas with a critical recharging effect on aquifers  
17 used for potable water; (c) fish and wildlife habitat conservation  
18 areas; (d) frequently flooded areas; and (e) geologically hazardous  
19 areas. "Fish and wildlife habitat conservation areas" does not  
20 include such artificial features or constructs as irrigation delivery  
21 systems, irrigation infrastructure, irrigation canals, or drainage  
22 ditches that lie within the boundaries of and are maintained by a  
23 port district or an irrigation district or company.

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

25 (8) "Development regulations" or "regulation" means the controls  
26 placed on development or land use activities by a county or city,  
27 including, but not limited to, zoning ordinances, critical areas  
28 ordinances, shoreline master programs, official controls, planned  
29 unit development ordinances, subdivision ordinances, and binding site  
30 plan ordinances together with any amendments thereto. A development  
31 regulation does not include a decision to approve a project permit  
32 application, as defined in RCW 36.70B.020, even though the decision  
33 may be expressed in a resolution or ordinance of the legislative body  
34 of the county or city.

35 (9) "Extremely low-income household" means a single person,  
36 family, or unrelated persons living together whose adjusted income is  
37 at or below thirty percent of the median household income adjusted  
38 for household size, for the county where the household is located, as  
39 reported by the United States department of housing and urban  
40 development.

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

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

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

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

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

1 (15) "Minerals" include gravel, sand, and valuable metallic  
2 substances.

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

19 (17) "Public facilities" include streets, roads, highways,  
20 sidewalks, street and road lighting systems, traffic signals,  
21 domestic water systems, storm and sanitary sewer systems, parks and  
22 recreational facilities, and schools.

23 (18) "Public services" include fire protection and suppression,  
24 law enforcement, public health, education, recreation, environmental  
25 protection, and other governmental services.

26 (19) "Recreational land" means land so designated under RCW  
27 36.70A.1701 and that, immediately prior to this designation, was  
28 designated as agricultural land of long-term commercial significance  
29 under RCW 36.70A.170. Recreational land must have playing fields and  
30 supporting facilities existing before July 1, 2004, for sports played  
31 on grass playing fields.

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

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

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

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

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

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

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

7 (g) That are consistent with the protection of natural surface  
8 water flows and groundwater and surface water recharge and discharge  
9 areas.

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

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

26 (23) "Short line railroad" means those railroad lines designated  
27 class II or class III by the United States surface transportation  
28 board.

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

36 (25) "Urban growth" refers to growth that makes intensive use of  
37 land for the location of buildings, structures, and impermeable  
38 surfaces to such a degree as to be incompatible with the primary use  
39 of land for the production of food, other agricultural products, or  
40 fiber, or the extraction of mineral resources, rural uses, rural

1 development, and natural resource lands designated pursuant to RCW  
2 36.70A.170. A pattern of more intensive rural development, as  
3 provided in RCW 36.70A.070(5)(d), is not urban growth. When allowed  
4 to spread over wide areas, urban growth typically requires urban  
5 governmental services. "Characterized by urban growth" refers to land  
6 having urban growth located on it, or to land located in relationship  
7 to an area with urban growth on it as to be appropriate for urban  
8 growth.

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

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

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

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

36 (30) "Active transportation" means forms of pedestrian mobility  
37 including walking or running, the use of a mobility assistive device  
38 such as a wheelchair, bicycling and cycling irrespective of the  
39 number of wheels, and the use of small personal devices such as foot  
40 scooters or skateboards. Active transportation includes both

1 traditional and electric assist bicycles and other devices. Planning  
2 for active transportation must consider and address accommodation  
3 pursuant to the Americans with disabilities act and the distinct  
4 needs of each form of active transportation.

5 (31) "Transportation system" means all infrastructure and  
6 services for all forms of transportation within a geographical area,  
7 irrespective of the responsible jurisdiction or transportation  
8 provider.

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

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

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

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

27 A comprehensive flood control management plan shall include the  
28 following elements:

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

32 (2) Establishment of a comprehensive scheme of flood control  
33 protection and improvements for the areas that are subject to such  
34 periodic flooding, that includes: (a) Determining the need for, and  
35 desirable location of, flood control improvements to protect or  
36 preclude flood damage to structures, works, and improvements, based  
37 upon a cost/benefit ratio between the expense of providing and  
38 maintaining these improvements and the benefits arising from these  
39 improvements; (b) establishing the level of flood protection that

1 each portion of the system of flood control improvements will be  
2 permitted; (c) identifying alternatives to in-stream flood control  
3 work; (d) identifying areas where flood waters could be directed  
4 during a flood to avoid damage to buildings and other structures; and  
5 (e) identifying sources of revenue that will be sufficient to finance  
6 the comprehensive scheme of flood control protection and  
7 improvements;

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

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

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

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

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

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

37 The adoption of ordinances, amendments to comprehensive plans,  
38 amendments to development regulations, and other nonproject actions  
39 taken by a county or city pursuant to RCW 36.70A.070(9) (a) or (c) in

1 order to implement measures specified by the department of commerce  
2 pursuant to section 5 of this act are not subject to administrative  
3 or judicial appeals under this chapter.

4 NEW SECTION. **Sec. 14.** (1) The obligation of local governments  
5 to comply with the requirements established in: (a) The amendments to  
6 RCW 36.70A.070 set forth in this act; and (b) the updated shoreline  
7 master program guidelines adopted pursuant to section 10 of this act,  
8 is contingent on the provision of state funding to local governments  
9 for the specific purpose of complying with these requirements.

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

17 NEW SECTION. **Sec. 15.** If specific funding for the purposes of  
18 this act, referencing this act by bill or chapter number, is not  
19 provided by June 30, 2021, in the omnibus appropriations act, this  
20 act is null and void."

21 Correct the title.

EFFECT: (1) Provides detail with regard to the classes of  
counties and cities that must comply with certain provisions in the  
act.

(2) Provides that the efforts of an individual county or city to  
reduce greenhouse gas emissions and vehicle miles traveled may not  
increase greenhouse gas emissions elsewhere in the state.

(3) Excludes forestland, as that term is defined in RCW  
84.33.035, and timberlands, as that term is defined in RCW 84.34.020,  
from the scope of the obligation in the act to protect native  
forests.

(4) Authorizes counties and cities to incorporate by reference a  
Federal Emergency Management Agency natural hazard mitigation plan in  
order to satisfy the requirements of the resiliency subelement  
established in the act, subject to certain requirements.

(5) Directs the Department of Commerce (Commerce) to consider the  
location of major employment centers and transit corridors when  
adopting greenhouse gas emissions and vehicle miles traveled  
reduction guidelines (guidelines).

(6) Requires that the guidelines be designed to be achievable  
throughout the state, including in small cities and rural cities.

(7) Requires that the guidelines provide and prioritize options  
that support housing diversity.

(8) Defines "active transportation facilities" to mean facilities provided for the safety and mobility of active transportation users, including, but not limited to, trails, as defined in RCW 47.30.005, sidewalks, bike lanes, shared-use paths, and other facilities in the public right-of-way.

(9) Modifies the subject-to-funding clause to provide that the obligation of local governments to comply with certain requirements established in the act is contingent on the provision of state funding to local governments for the specific purpose of complying with these requirements.

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