

**E2SHB 1099** - S COMM AMD  
By Committee on Ways & Means

**ADOPTED AND ENGROSSED 3/3/2022**

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

3 **"Sec. 1.** RCW 36.70A.020 and 2021 c 254 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 are based on regional priorities and coordinated with  
21 county and city comprehensive plans.

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

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

1 insufficient economic growth, all within the capacities of the  
2 state's natural resources, public services, and public facilities.

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

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

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

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

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

22 (11) Citizen participation and coordination. Encourage the  
23 involvement of citizens in the planning process, including the  
24 participation of vulnerable populations and overburdened communities,  
25 and ensure coordination between communities and jurisdictions to  
26 reconcile conflicts.

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

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

35 (14) Environmental Resiliency. Ensure that comprehensive plans,  
36 development regulations, and regional policies, plans, and strategies  
37 under RCW 36.70A.210 and chapter 47.80 RCW, address and plan to  
38 create systems to address jurisdictional needs for resilience to  
39 changing conditions including, but not limited to, wildfire, drought,

1 flooding, air quality, other natural hazards, and protect and enhance  
2 environmental, economic, and human health and safety.

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

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

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

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

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

38 (c)(i) Until the department of ecology approves a master program  
39 or segment of a master program as provided in (b) of this subsection,

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

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

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

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

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

39 (5) Shorelines of the state shall not be considered critical  
40 areas under this chapter except to the extent that specific areas

1 located within shorelines of the state qualify for critical area  
2 designation based on the definition of critical areas provided by RCW  
3 36.70A.030(~~((5))~~) (6) and have been designated as such by a local  
4 government pursuant to RCW 36.70A.060(2).

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

11 **Sec. 3.** RCW 36.70A.070 and 2021 c 254 s 2 are each amended to  
12 read as follows:

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

22 (1) A land use element designating the proposed general  
23 distribution and general location and extent of the uses of land,  
24 where appropriate, for agriculture, timber production, housing,  
25 commerce, industry, recreation, open spaces, general aviation  
26 airports, public utilities, public facilities, and other land uses.  
27 The land use element shall include population densities, building  
28 intensities, and estimates of future population growth. The land use  
29 element shall provide for protection of the quality and quantity of  
30 groundwater used for public water supplies. The land use element must  
31 give special consideration to achieving environmental justice in its  
32 goals and policies, including efforts to avoid creating or worsening  
33 environmental health disparities. Wherever possible, the land use  
34 element should consider utilizing urban planning approaches that  
35 promote physical activity. Where applicable, the land use element  
36 shall review drainage, flooding, and stormwater runoff in the area  
37 and nearby jurisdictions and provide guidance for corrective actions  
38 to mitigate or cleanse those discharges that pollute waters of the  
39 state, including Puget Sound or waters entering Puget Sound. The land

1 use element must reduce and mitigate the risk to lives and property  
2 posed by wildfires by using land use planning tools, which may  
3 include, but are not limited to, appropriate development standards  
4 for residential development in the wildland urban interface area,  
5 creating open space buffers between human development and wildfire-  
6 prone landscapes, and protecting existing residential development  
7 through community wildfire preparedness and fire adaptation measures.

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

10 (a) Includes an inventory and analysis of existing and projected  
11 housing needs that identifies the number of housing units necessary  
12 to manage projected growth, as provided by the department of  
13 commerce, including:

14 (i) Units for moderate, low, very low, and extremely low-income  
15 households; and

16 (ii) Emergency housing, emergency shelters, and permanent  
17 supportive housing;

18 (b) Includes a statement of goals, policies, objectives, and  
19 mandatory provisions for the preservation, improvement, and  
20 development of housing, including single-family residences, and  
21 within an urban growth area boundary, moderate density housing  
22 options including ~~((+,+))~~, but not limited to, duplexes, triplexes,  
23 and townhomes;

24 (c) Identifies sufficient capacity of land for housing including,  
25 but not limited to, government-assisted housing, housing for  
26 moderate, low, very low, and extremely low-income households,  
27 manufactured housing, multifamily housing, group homes, foster care  
28 facilities, emergency housing, emergency shelters, permanent  
29 supportive housing, and within an urban growth area boundary,  
30 consideration of duplexes, triplexes, and townhomes;

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

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

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

38 (iii) Consideration of housing locations in relation to  
39 employment location; and

1 (iv) Consideration of the role of accessory dwelling units in  
2 meeting housing needs;

3 (e) Identifies local policies and regulations that result in  
4 racially disparate impacts, displacement, and exclusion in housing,  
5 including:

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

7 (ii) Disinvestment; and

8 (iii) Infrastructure availability;

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

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

15 (h) Establishes antidisplacement policies, with consideration  
16 given to the preservation of historical and cultural communities as  
17 well as investments in low, very low, extremely low, and moderate-  
18 income housing; equitable development initiatives; inclusionary  
19 zoning; community planning requirements; tenant protections; land  
20 disposition policies; and consideration of land that may be used for  
21 affordable housing.

22 In counties and cities subject to the review and evaluation  
23 requirements of RCW 36.70A.215, any revision to the housing element  
24 shall include consideration of prior review and evaluation reports  
25 and any reasonable measures identified. The housing element should  
26 link jurisdictional goals with overall county goals to ensure that  
27 the housing element goals are met.

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

1 coordinated and consistent. Park and recreation facilities shall be  
2 included in the capital facilities plan element.

3 (4) A utilities element consisting of the general location,  
4 proposed location, and capacity of all existing and proposed  
5 utilities, including, but not limited to, components of drinking  
6 water, stormwater, wastewater, electrical (~~(lines)~~),  
7 telecommunications (~~(lines)~~), and natural gas (~~(lines)~~) systems.

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

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

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

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

31 (i) Containing or otherwise controlling rural development;

32 (ii) Assuring visual compatibility of rural development with the  
33 surrounding rural area;

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 (iii) Facilities and services needs, including:

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

24 (B) Level of service standards for all locally owned arterials  
25 (~~and~~), locally and regionally operated transit routes that serve  
26 urban growth areas, state-owned or operated transit routes that serve  
27 urban areas if the department of transportation has prepared such  
28 standards, and active transportation facilities to serve as a gauge  
29 to judge performance of the system and success in helping to achieve  
30 the goals of this chapter consistent with environmental justice.  
31 These standards should be regionally coordinated;

32 (C) For state-owned transportation facilities, level of service  
33 standards for highways, as prescribed in chapters 47.06 and 47.80  
34 RCW, to gauge the performance of the system. The purposes of  
35 reflecting level of service standards for state highways in the local  
36 comprehensive plan are to monitor the performance of the system, to  
37 evaluate improvement strategies, and to facilitate coordination  
38 between the county's or city's six-year street, road, active  
39 transportation, or transit program and the office of financial  
40 management's ten-year investment program. The concurrency

1 requirements of (b) of this subsection do not apply to transportation  
2 facilities and services of statewide significance except for counties  
3 consisting of islands whose only connection to the mainland are state  
4 highways or ferry routes. In these island counties, state highways  
5 and ferry route capacity must be a factor in meeting the concurrency  
6 requirements in (b) of this subsection;

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

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

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

26 (iv) Finance, including:

27 (A) An analysis of funding capability to judge needs against  
28 probable funding resources;

29 (B) A multiyear financing plan based on the needs identified in  
30 the comprehensive plan, the appropriate parts of which shall serve as  
31 the basis for the six-year street, road, or transit program required  
32 by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW  
33 35.58.2795 for public transportation systems. The multiyear financing  
34 plan should be coordinated with the ten-year investment program  
35 developed by the office of financial management as required by RCW  
36 47.05.030;

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

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

4 (vi) Demand-management strategies;

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

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

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

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

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

13 (9) (a) A resiliency element designed to address environmental  
14 related problems specific to the jurisdiction. These problems may  
15 include but are not limited to limiting damage from wildfires, sea  
16 level rise, addressing air quality issues, designing transportation  
17 systems that balance the needs of the jurisdiction and its people as  
18 well as environmental impacts.

19 (b) (i) The resiliency subelement must equitably enhance  
20 resiliency to, and avoid or substantially reduce the adverse impacts  
21 of, climate change in human communities and ecological systems  
22 through goals, policies, and programs consistent with the best  
23 available science and scientifically credible climate projections and  
24 impact scenarios that moderate or avoid harm, enhance the resiliency  
25 of natural and human systems, and enhance beneficial opportunities.  
26 The resiliency subelement must prioritize actions in overburdened  
27 communities as defined in chapter 70A.02 RCW that will  
28 disproportionately suffer from compounding environmental impacts and  
29 will be most impacted by natural hazards due to extreme weather  
30 events. Specific goals, policies, and programs of the resiliency  
31 subelement must include, but are not limited to, those designed to:

32 (A) Identify, protect, and enhance natural areas to foster  
33 resiliency to changing conditions, as well as areas of vital habitat  
34 for safe passage and species migration;

35 (B) Identify, protect, and enhance community resiliency to  
36 climate change impacts, including social, economic, and built  
37 factors, that support adaptation to changing conditions consistent  
38 with environmental justice; and

39 (C) Address natural hazards created or aggravated by extreme  
40 weather events, including sea level rise, landslides, flooding,

1 drought, heat, smoke, wildfire, and other effects of changes to  
2 temperature and precipitation patterns.

3 (ii) A natural hazard mitigation plan or similar plan that is  
4 guided by RCW 36.70A.020(14), that prioritizes actions in  
5 overburdened communities as defined in RCW 70A.02.010, and that  
6 complies with the applicable requirements of this chapter, including  
7 the requirements set forth in this subsection (9)(b), may be adopted  
8 by reference to satisfy these requirements, except that to the extent  
9 any of the substantive requirements of this subsection (9)(b) are not  
10 addressed, or are inadequately addressed, in the referenced natural  
11 hazard mitigation plan, a county or city must supplement the natural  
12 hazard mitigation plan accordingly so that the adopted resiliency  
13 subelement complies fully with the substantive requirements of this  
14 subsection (9)(b).

15 (A) If a county or city intends to adopt by reference a federal  
16 emergency management agency natural hazard mitigation plan in order  
17 to meet all or part of the substantive requirements set forth in this  
18 subsection (9)(b), and the most recently adopted federal emergency  
19 management agency natural hazard mitigation plan does not comply with  
20 the requirements of this subsection (9)(b), the department may grant  
21 the county or city an extension of time in which to submit a natural  
22 hazard mitigation plan.

23 (B) Eligibility for an extension under this subsection prior to  
24 July 1, 2027, is limited to a city or county required to review and,  
25 if needed, revise its comprehensive plan on or before June 30, 2025,  
26 as provided in RCW 36.70A.130, or for a city or county with an  
27 existing, unexpired federal emergency management agency natural  
28 hazard mitigation plan scheduled to expire before December 31, 2024.

29 (C) Extension requests after July 1, 2027, may be granted if  
30 requirements for the resiliency subelement are amended or added by  
31 the legislature or if the department finds other circumstances that  
32 may result in a potential finding of noncompliance with a  
33 jurisdiction's existing and approved federal emergency management  
34 agency natural hazard mitigation plan.

35 (D) A city or county that wishes to request an extension of time  
36 must submit a request in writing to the department no later than the  
37 date on which the city or county is required to review and, if  
38 needed, revise its comprehensive plan as provided in RCW 36.70A.130.

39 (E) Upon the submission of such a request to the department, the  
40 city or county may have an additional 48 months from the date

1 provided in RCW 36.70A.130 in which to either adopt by reference an  
2 updated federal emergency management agency natural hazard mitigation  
3 plan or adopt its own natural hazard mitigation plan, and to then  
4 submit that plan to the department.

5 (F) No later than 48 months from the date provided in RCW  
6 36.70A.130, the city or county must adopt a natural hazard mitigation  
7 plan that complies with this subsection (9)(b).

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

15 **Sec. 4.** 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~~) presence of overburdened communities, and  
28 other relevant factors. The department shall establish funding levels  
29 for grants to community-based organizations for the specific purpose  
30 of advancing participation of vulnerable populations and overburdened  
31 communities in the planning process.

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



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

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

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

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

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

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

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

34 (a) The model element must establish minimum requirements, and  
35 may include model options or voluntary cross-jurisdictional  
36 strategies, or both, for fulfilling the requirements of RCW  
37 36.70A.070(9);

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

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

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

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

14 (e) The model element must not be required but may be implemented  
15 by any jurisdiction.

16 NEW SECTION. Sec. 5. A new section is added to chapter 90.58  
17 RCW to read as follows:

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

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

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

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

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

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

37 (b) For owner-occupied housing, eighty percent of the median  
38 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) "Emergency housing" means temporary indoor accommodations for  
36 individuals or families who are homeless or at imminent risk of  
37 becoming homeless that is intended to address the basic health, food,  
38 clothing, and personal hygiene needs of individuals or families.  
39 Emergency housing may or may not require occupants to enter into a  
40 lease or an occupancy agreement.

1 (10) "Emergency shelter" means a facility that provides a  
2 temporary shelter for individuals or families who are currently  
3 homeless. Emergency shelter may not require occupants to enter into a  
4 lease or an occupancy agreement. Emergency shelter facilities may  
5 include day and warming centers that do not provide overnight  
6 accommodations.

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

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

28 (13) "Freight rail dependent uses" means buildings and other  
29 infrastructure that are used in the fabrication, processing, storage,  
30 and transport of goods where the use is dependent on and makes use of  
31 an adjacent short line railroad. Such facilities are both urban and  
32 rural development for purposes of this chapter. "Freight rail  
33 dependent uses" does not include buildings and other infrastructure  
34 that are used in the fabrication, processing, storage, and transport  
35 of coal, liquefied natural gas, or "crude oil" as defined in RCW  
36 90.56.010.

37 (14) "Geologically hazardous areas" means areas that because of  
38 their susceptibility to erosion, sliding, earthquake, or other  
39 geological events, are not suited to the siting of commercial,

1 residential, or industrial development consistent with public health  
2 or safety concerns.

3 (15) "Long-term commercial significance" includes the growing  
4 capacity, productivity, and soil composition of the land for long-  
5 term commercial production, in consideration with the land's  
6 proximity to population areas, and the possibility of more intense  
7 uses of the land.

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

14 (17) "Minerals" include gravel, sand, and valuable metallic  
15 substances.

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

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

38 (20) "Public facilities" include streets, roads, highways,  
39 sidewalks, street and road lighting systems, traffic signals,

1 domestic water systems, storm and sanitary sewer systems, parks and  
2 recreational facilities, and schools.

3 (21) "Public services" include fire protection and suppression,  
4 law enforcement, public health, education, recreation, environmental  
5 protection, and other governmental services.

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

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

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

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

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

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

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

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

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

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

38 (25) "Rural governmental services" or "rural services" include  
39 those public services and public facilities historically and  
40 typically delivered at an intensity usually found in rural areas, and

1 may include domestic water systems, fire and police protection  
2 services, transportation and public transit services, and other  
3 public utilities associated with rural development and normally not  
4 associated with urban areas. Rural services do not include storm or  
5 sanitary sewers, except as otherwise authorized by RCW 36.70A.110(4).

6 (26) "Short line railroad" means those railroad lines designated  
7 class II or class III by the United States surface transportation  
8 board.

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

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

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

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

37 (31) "Wetland" or "wetlands" means areas that are inundated or  
38 saturated by surface water or groundwater at a frequency and duration  
39 sufficient to support, and that under normal circumstances do  
40 support, a prevalence of vegetation typically adapted for life in

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

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

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

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

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

38 (36) "Greenspace" means an area of land, vegetated by natural  
39 features such as grass, trees, or shrubs, within an urban context and



1 less than one acre in size that creates public value through one or  
2 more of the following attributes:

3 (a) Is accessible to the public;

4 (b) Promotes physical and mental health of residents;

5 (c) Provides relief from the urban heat island effects;

6 (d) Promotes recreational and aesthetic values;

7 (e) Protects streams or water supply; or

8 (f) Preserves visual quality along highway, road, or street  
9 corridors.

10 (37) "Green infrastructure" means a wide array of natural assets,  
11 built structures, and management practices at multiple scales that  
12 manage wet weather and that maintain and restore natural hydrology by  
13 storing, infiltrating, evapotranspiring, and harvesting and using  
14 stormwater.

15 **Sec. 7.** RCW 86.12.200 and 1991 c 322 s 3 are each amended to  
16 read as follows:

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

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

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

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

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

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

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

14 (6) Consideration of changing conditions, including the impact of  
15 sea level rise and increased storm severity on people, property,  
16 natural resources, and the environment.

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

28 NEW SECTION. **Sec. 8.** (1) The obligation of local governments to  
29 comply with the requirements established in the updated shoreline  
30 master program guidelines adopted pursuant to section 5 of this act,  
31 is contingent on the provision of state funding to local governments  
32 for the specific purpose of complying with these requirements.

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

1        NEW SECTION.    **Sec. 9.**    If specific funding for the purposes of  
2 this act, referencing this act by bill or chapter number, is not  
3 provided by June 30, 2022, in the omnibus appropriations act, this  
4 act is null and void."

**E2SHB 1099** - S COMM AMD  
By Committee on Ways & Means

**ADOPTED AND ENGROSSED 3/3/2022**

5        On page 1, line 2 of the title, after "framework;" strike the  
6 remainder of the title and insert "amending RCW 36.70A.020,  
7 36.70A.480, 36.70A.070, 36.70A.190, 36.70A.030, and 86.12.200; adding  
8 a new section to chapter 90.58 RCW; and creating new sections."

**--- END ---**