

E2SHB 1099 - S COMM AMD

By Committee on Housing & Local Government

NOT CONSIDERED 04/26/2021

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

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

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

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

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

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

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

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

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

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

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

1 requirements and state per capita vehicle miles traveled goals,
2 prepare for climate impact scenarios, foster resiliency to climate
3 impacts and natural hazards, and protect and enhance environmental,
4 economic, and human health and safety.

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

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

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

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

27 (b) Except as otherwise provided in (c) of this subsection,
28 development regulations adopted under this chapter to protect
29 critical areas within shorelines of the state apply within shorelines
30 of the state until the department of ecology approves one of the
31 following: A comprehensive master program update, as defined in RCW
32 90.58.030; a segment of a master program relating to critical areas,
33 as provided in RCW 90.58.090; or a new or amended master program
34 approved by the department of ecology on or after March 1, 2002, as
35 provided in RCW 90.58.080. The adoption or update of development
36 regulations to protect critical areas under this chapter prior to
37 department of ecology approval of a master program update as provided
38 in this subsection is not a comprehensive or segment update to the
39 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, including efforts to avoid creating or
6 worsening environmental health disparities. Wherever possible, the
7 land use element should consider utilizing urban planning approaches
8 that promote physical activity and reduce per capita vehicle miles
9 traveled within the jurisdiction, but without increasing greenhouse
10 gas emissions elsewhere in the state. Where applicable, the land use
11 element shall review drainage, flooding, and stormwater runoff in the
12 area and nearby jurisdictions and provide guidance for corrective
13 actions to mitigate or cleanse those discharges that pollute waters
14 of the state, including Puget Sound or waters entering Puget Sound.
15 The land use element must reduce and mitigate the risk to lives and
16 property posed by wildfires by using land use planning tools, which
17 may include reducing residential development pressure in the wildland
18 urban interface area.

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

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

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

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

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

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

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

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

36 (i) Containing or otherwise controlling rural development;

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

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

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

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

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

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

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

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

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

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

34 (ii) The intensification of development on lots containing, or
35 new development of, small-scale recreational or tourist uses,
36 including commercial facilities to serve those recreational or
37 tourist uses, that rely on a rural location and setting, but that do
38 not include new residential development. A small-scale recreation or
39 tourist use is not required to be principally designed to serve the
40 existing and projected rural population. Public services and public

1 facilities shall be limited to those necessary to serve the
2 recreation or tourist use and shall be provided in a manner that does
3 not permit low-density sprawl;

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

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

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

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

3 (B) On the date the county adopted a resolution under RCW
4 36.70A.040(2), in a county that is planning under all of the
5 provisions of this chapter under RCW 36.70A.040(2); or

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

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

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

16 (a) The transportation element shall include the following
17 subelements:

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

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

25 (iii) Facilities and services needs, including:

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

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

39 (C) For state-owned transportation facilities, level of service
40 standards for highways, as prescribed in chapters 47.06 and 47.80

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

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

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

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

33 (iv) Finance, including:

34 (A) An analysis of funding capability to judge needs against
35 probable funding resources;

36 (B) A multiyear financing plan based on the needs identified in
37 the comprehensive plan, the appropriate parts of which shall serve as
38 the basis for the six-year street, road, or transit program required
39 by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW
40 35.58.2795 for public transportation systems. The multiyear financing

1 plan should be coordinated with the ten-year investment program
2 developed by the office of financial management as required by RCW
3 47.05.030;

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

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

12 (vi) Demand-management strategies;

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

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

1 development, a development approval may not be denied because it
2 fails to meet traffic level of service standards.

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

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

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

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

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

36 (A) Result in reductions in overall greenhouse gas emissions
37 generated by the transportation and land use systems within the
38 jurisdiction but without increasing greenhouse gas emissions
39 elsewhere in the state;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 (V) Either does not establish parking regulations for middle
13 housing types, or, if the action does establish parking regulations
14 for middle housing types, the action:

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

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

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

24 (4) May allow on-street parking credits to satisfy off-street
25 parking requirements;

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

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

31 (b) (i) The resiliency subelement must equitably enhance
32 resiliency to, and avoid or substantially reduce the adverse impacts
33 of, climate change on people, property, and ecological systems
34 through goals, policies, and programs consistent with the best
35 available science and scientifically credible climate projections and
36 impact scenarios that moderate or avoid harm, enhance the resiliency
37 of natural and human systems, and enhance beneficial opportunities.
38 The resiliency subelement must prioritize actions in communities that
39 will disproportionately suffer from compounding environmental impacts
40 and will be most impacted by natural hazards due to climate change. A

1 natural hazard mitigation plan or similar plan that is guided by RCW
2 36.70A.020(14) and complies with the applicable requirements of this
3 act, including the requirements set forth in this subsection (9)(b),
4 may be adopted by reference to satisfy those requirements; except
5 that, to the extent that any of the substantive requirements of this
6 subsection (9)(b) are not addressed, or are inadequately addressed,
7 in the referenced natural hazard mitigation plan, a county or city
8 must supplement the natural hazard mitigation plan accordingly so
9 that the adopted resiliency subelement complies fully with the
10 substantive requirements set forth in this subsection (9)(b).
11 Specific goals, policies, and programs of the resiliency subelement
12 must include, but are not limited to, those designed to:

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

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

20 (ii) If a county or city intends to incorporate by reference a
21 federal emergency management agency natural hazard mitigation plan in
22 order to meet the requirement of the resiliency subelement set forth
23 in this subsection (9)(b), and the natural hazard mitigation plan is
24 not adopted within three years prior to the required update set forth
25 in RCW 36.70A.130 but is intended to be adopted no later than two
26 years after the required update set forth in RCW 36.70A.130, the
27 county or city may be granted an extension to meeting the
28 requirements of this subsection (9)(b) by providing notice to the
29 department. If a county or city incorporates by reference a federal
30 emergency management agency natural hazard mitigation plan in order
31 to meet the requirement of this subsection (9)(b), the plan must be
32 guided by RCW 36.70A.020(14) and must comply with the requirements of
33 this act, including the requirements set forth in this subsection
34 (9)(b).

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

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

7 ~~((9))~~ (10) It is the intent that new or amended elements
8 required after January 1, 2002, be adopted concurrent with the
9 scheduled update provided in RCW 36.70A.130. Requirements to
10 incorporate any such new or amended elements shall be null and void
11 until funds sufficient to cover applicable local government costs are
12 appropriated and distributed by the state at least two years before
13 local government must update comprehensive plans as required in RCW
14 36.70A.130.

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

17 (1) The department of commerce, in consultation with the
18 department of ecology, the department of health, and the department
19 of transportation, shall publish guidelines that specify a set of
20 measures counties and cities have available to them to take through
21 updates to their comprehensive plans and development regulations that
22 have a demonstrated ability to reduce greenhouse gas emissions in
23 order to achieve the statewide greenhouse gas emissions reductions
24 set forth in RCW 70A.45.020(1), allowing for consideration of the
25 emissions reductions achieved through the adoption of statewide
26 programs. The guidelines must prioritize reductions in communities
27 that have experienced disproportionate harm due to air pollution and
28 may draw upon the most recent health disparities data from the
29 department of health to identify high pollution areas and
30 disproportionately burdened communities. The guidelines must be based
31 on:

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

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

37 (c) The locations of major employment centers and transit
38 corridors, for the purpose of increasing housing supply in these
39 areas.

1 (2) The department of commerce, in consultation with the
2 department of transportation, shall publish guidelines that specify a
3 set of measures counties and cities have available to them to take
4 through updates to their comprehensive plans and development
5 regulations that have a demonstrated ability to reduce per capita
6 vehicle miles traveled, including measures that are designed to be
7 achievable throughout the state, including in small cities and rural
8 cities.

9 The guidelines must be based on:

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

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

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

17 (3) The department of commerce shall first publish the full set
18 of guidelines described in subsections (1) and (2) of this section no
19 later than December 31, 2025. The department of commerce shall update
20 these guidelines at least every four years thereafter based on the
21 most recently available data, and shall provide for a process for
22 local governments and other parties to submit alternative actions for
23 consideration for inclusion into the guidelines at least once per
24 year. The department of commerce shall publish an intermediate set of
25 guidelines no later than December 31, 2022, in order to be available
26 for use by jurisdictions whose periodic updates are required by RCW
27 36.70A.130(5) to occur prior to December 31, 2025.

28 (4) In any updates to the guidelines published after 2025, the
29 department of commerce shall include a determination of whether
30 adequate progress has been made toward the statewide greenhouse gas
31 and per capita vehicle miles traveled reduction goals. If adequate
32 progress is not being made, the department must identify in the
33 guidelines what additional measures cities and counties must take in
34 order to make further progress.

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

38 (6) The department of commerce may not propose or adopt any
39 guidelines that would direct or require local governments to regulate

1 or tax, in any form, transportation service providers, delivery
2 vehicles, or passenger vehicles.

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

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

10 (1) A county or city required to complete a greenhouse gas
11 emissions reduction subelement may submit the subelement for approval
12 to the department. When submitted to the department for approval the
13 subelement becomes effective as provided in this section. If a local
14 jurisdiction does not seek approval of the subelement the effective
15 date is the date in which the comprehensive plan is adopted by the
16 local jurisdiction.

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

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

23 (a) Provide notice to and opportunity for written comment by all
24 interested parties of record as a part of the local government review
25 process for the proposal and to all persons, groups, and agencies
26 that have requested in writing notice of proposed greenhouse gas
27 emissions reduction subelements. The comment period shall be at least
28 30 days, unless the department determines that the level of
29 complexity or controversy involved supports a shorter period;

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

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

37 (d) Within 30 days after receipt of the local government response
38 pursuant to (c) of this subsection, make written findings and
39 conclusions regarding the consistency of the proposal with the policy

1 of RCW 36.70A.070 and, after they are adopted, the applicable
2 guidelines adopted by the department pursuant to section 5 of this
3 act and any reduction allocations made pursuant to RCW 36.70A.100,
4 provide a response to the issues identified in (c) of this
5 subsection, and either approve the greenhouse gas emissions reduction
6 subelement as submitted, recommend specific changes necessary to make
7 the greenhouse gas emissions reduction subelement approvable, or deny
8 approval of the greenhouse gas emissions reduction subelement in
9 those instances where no alteration of the greenhouse gas emissions
10 reduction subelement appears likely to be consistent with the policy
11 of RCW 36.70A.070 and the applicable guidelines. The written findings
12 and conclusions shall be provided to the local government, and made
13 available to all interested persons, parties, groups, and agencies of
14 record on the proposal;

15 (e) If the department recommends changes to the proposed
16 greenhouse gas emissions reduction subelement, within 90 days after
17 the department mails the written findings and conclusions to the
18 local government, require the local government to:

19 (i) Agree to the proposed changes by written notice to the
20 department; or

21 (ii) Submit an alternative greenhouse gas emissions reduction
22 subelement. If, in the opinion of the department, the alternative is
23 consistent with the purpose and intent of the changes originally
24 submitted by the department and with this chapter it shall approve
25 the changes and provide notice to all recipients of the written
26 findings and conclusions. If the department determines the proposed
27 greenhouse gas emissions reduction subelement is not consistent with
28 the purpose and intent of the changes proposed by the department, the
29 department may resubmit the proposed greenhouse gas emissions
30 reduction subelement for public and agency review pursuant to this
31 section or reject the proposed greenhouse gas emissions reduction
32 subelement.

33 (4) The department shall approve a proposed greenhouse gas
34 emissions reduction subelement unless it determines that the proposed
35 greenhouse gas emissions reduction subelement is not consistent with
36 the policy of RCW 36.70A.070 and, after they are adopted, the
37 applicable guidelines.

38 (5) A greenhouse gas emissions reduction subelement takes effect
39 when and in such form as approved or adopted by the department. The
40 effective date is 14 days from the date of the department's written

1 notice of final action to the local government stating the department
2 has approved or rejected the proposed greenhouse gas emissions
3 reduction subelement. The department's written notice to the local
4 government must conspicuously and plainly state that it is the
5 department's final decision and that there will be no further
6 modifications to the proposed greenhouse gas emissions reduction
7 subelement. The department shall maintain a record of each greenhouse
8 gas emissions reduction subelement, the action taken on any proposed
9 greenhouse gas emissions reduction subelement, and any appeal of the
10 department's action. The department's approved document of record
11 constitutes the official greenhouse gas emissions reduction
12 subelement.

13 (6) Promptly after approval or disapproval of a local
14 government's greenhouse gas emissions reduction subelement, the
15 department shall publish a notice consistent with RCW 36.70A.290 that
16 the greenhouse gas emissions reduction subelement has been approved
17 or disapproved. This notice must be filed for all greenhouse gas
18 emissions reduction subelements.

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

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

28 (b) A decision of the growth management hearings board concerning
29 an appeal of the department's final decision to approve or reject a
30 proposed greenhouse gas emissions reduction subelement or amendment
31 must be based solely on whether or not the adopted or amended
32 greenhouse gas emissions reduction subelement, any adopted amendments
33 to other elements of the comprehensive plan necessary to carry out
34 the subelement, and any adopted or amended development regulations
35 necessary to implement the subelement, comply with the goal set forth
36 in RCW 36.70A.020(14) as it applies to greenhouse gas emissions
37 reductions, RCW 36.70A.070(9) excluding RCW 36.70A.070(9)(b), the
38 guidelines adopted under section 5 of this act applicable to the
39 greenhouse gas emissions reduction subelement, or chapter 43.21C RCW.

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

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

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

11 (3) In any petition under this chapter, the board, after full
12 consideration of the petition, shall determine whether there is
13 compliance with the requirements of this chapter. In making its
14 determination, the board shall consider the criteria adopted by the
15 department under RCW 36.70A.190(4). The board shall find compliance
16 unless it determines that the action by the state agency, county, or
17 city is clearly erroneous in view of the entire record before the
18 board and in light of the goals and requirements of this chapter.

19 (4) A county or city subject to a determination of invalidity
20 made under RCW 36.70A.300 or 36.70A.302 has the burden of
21 demonstrating that the ordinance or resolution it has enacted in
22 response to the determination of invalidity will no longer
23 substantially interfere with the fulfillment of the goals of this
24 chapter under the standard in RCW 36.70A.302(1).

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

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

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

33 (1) The department shall establish a program of technical and
34 financial assistance and incentives to counties and cities to
35 encourage and facilitate the adoption and implementation of
36 comprehensive plans and development regulations throughout the state.

37 (2) The department shall develop a priority list and establish
38 funding levels for planning and technical assistance grants both for
39 counties and cities that plan under RCW 36.70A.040. Priority for

1 assistance shall be based on a county's or city's population growth
2 rates, commercial and industrial development rates, the existence and
3 quality of a comprehensive plan and development regulations, and
4 other relevant factors.

5 (3) The department shall develop and administer a grant program
6 to provide direct financial assistance to counties and cities for the
7 preparation of comprehensive plans under this chapter. The department
8 may establish provisions for county and city matching funds to
9 conduct activities under this subsection. Grants may be expended for
10 any purpose directly related to the preparation of a county or city
11 comprehensive plan as the county or city and the department may
12 agree, including, without limitation, the conducting of surveys,
13 inventories and other data gathering and management activities, the
14 retention of planning consultants, contracts with regional councils
15 for planning and related services, and other related purposes.

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

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

24 (b) Adopting by rule procedural criteria to assist counties and
25 cities in adopting comprehensive plans and development regulations
26 that meet the goals and requirements of this chapter. These criteria
27 shall reflect regional and local variations and the diversity that
28 exists among different counties and cities that plan under this
29 chapter.

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

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

36 (7) The department shall develop, in collaboration with the
37 department of ecology, the department of fish and wildlife, the
38 department of natural resources, the department of health, the
39 emergency management division of the military department, as well as
40 any federally recognized tribe who chooses to voluntarily

1 participate, and adopt by rule guidance that creates a model climate
2 change and resiliency element that may be used by counties, cities,
3 and multiple-county planning regions for developing and implementing
4 climate change and resiliency plans and policies required by RCW
5 36.70A.070(9), subject to the following provisions:

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

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

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

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

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

26 The department shall compile, maintain, and publish a summary of
27 the per capita vehicle miles traveled annually in each city in the
28 state, and in the unincorporated portions of each county in the
29 state.

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

32 The department shall update its shoreline master program
33 guidelines to require shoreline master programs to address the impact
34 of sea level rise and increased storm severity on people, property,
35 and shoreline natural resources and the environment.

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

1 Unless the context clearly requires otherwise, the definitions in
2 this section apply throughout this chapter.

3 (1) "Adopt a comprehensive land use plan" means to enact a new
4 comprehensive land use plan or to update an existing comprehensive
5 land use plan.

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

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

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

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

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

26 (5) "Comprehensive land use plan," "comprehensive plan," or
27 "plan" means a generalized coordinated land use policy statement of
28 the governing body of a county or city that is adopted pursuant to
29 this chapter.

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

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

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

1 (8) "Development regulations" or "regulation" means the controls
2 placed on development or land use activities by a county or city,
3 including, but not limited to, zoning ordinances, critical areas
4 ordinances, shoreline master programs, official controls, planned
5 unit development ordinances, subdivision ordinances, and binding site
6 plan ordinances together with any amendments thereto. A development
7 regulation does not include a decision to approve a project permit
8 application, as defined in RCW 36.70B.020, even though the decision
9 may be expressed in a resolution or ordinance of the legislative body
10 of the county or city.

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

32 (11) "Freight rail dependent uses" means buildings and other
33 infrastructure that are used in the fabrication, processing, storage,
34 and transport of goods where the use is dependent on and makes use of
35 an adjacent short line railroad. Such facilities are both urban and
36 rural development for purposes of this chapter. "Freight rail
37 dependent uses" does not include buildings and other infrastructure
38 that are used in the fabrication, processing, storage, and transport
39 of coal, liquefied natural gas, or "crude oil" as defined in RCW
40 90.56.010.

1 (12) "Geologically hazardous areas" means areas that because of
2 their susceptibility to erosion, sliding, earthquake, or other
3 geological events, are not suited to the siting of commercial,
4 residential, or industrial development consistent with public health
5 or safety concerns.

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

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

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

35 (17) "Public facilities" include streets, roads, highways,
36 sidewalks, street and road lighting systems, traffic signals,
37 domestic water systems, storm and sanitary sewer systems, parks and
38 recreational facilities, and schools.

1 (18) "Public services" include fire protection and suppression,
2 law enforcement, public health, education, recreation, environmental
3 protection, and other governmental services.

4 (19) "Recreational land" means land so designated under RCW
5 36.70A.1701 and that, immediately prior to this designation, was
6 designated as agricultural land of long-term commercial significance
7 under RCW 36.70A.170. Recreational land must have playing fields and
8 supporting facilities existing before July 1, 2004, for sports played
9 on grass playing fields.

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

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

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

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

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

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

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

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

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

36 (22) "Rural governmental services" or "rural services" include
37 those public services and public facilities historically and
38 typically delivered at an intensity usually found in rural areas, and
39 may include domestic water systems, fire and police protection
40 services, transportation and public transit services, and other

1 public utilities associated with rural development and normally not
2 associated with urban areas. Rural services do not include storm or
3 sanitary sewers, except as otherwise authorized by RCW 36.70A.110(4).

4 (23) "Short line railroad" means those railroad lines designated
5 class II or class III by the United States surface transportation
6 board.

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

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

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

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

35 (28) "Wetland" or "wetlands" means areas that are inundated or
36 saturated by surface water or groundwater at a frequency and duration
37 sufficient to support, and that under normal circumstances do
38 support, a prevalence of vegetation typically adapted for life in
39 saturated soil conditions. Wetlands generally include swamps,
40 marshes, bogs, and similar areas. Wetlands do not include those

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

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

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

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

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

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

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

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

6 A comprehensive flood control management plan shall include the
7 following elements:

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

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

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

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

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

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

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

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

17 The adoption of ordinances, amendments to comprehensive plans,
18 amendments to development regulations, and other nonproject actions
19 taken by a county or city pursuant to RCW 36.70A.070(9) (a) or (c) in
20 order to implement measures specified by the department of commerce
21 pursuant to section 5 of this act are not subject to administrative
22 or judicial appeals under this chapter.

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

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

36 NEW SECTION. **Sec. 15.** If specific funding for the purposes of
37 this act, referencing this act by bill or chapter number, is not

1 provided by June 30, 2021, in the omnibus appropriations act, this
2 act is null and void."

E2SHB 1099 - S COMM AMD

By Committee on Housing & Local Government

NOT CONSIDERED 04/26/2021

3 On page 1, line 2 of the title, after "framework;" strike the
4 remainder of the title and insert "amending RCW 36.70A.020,
5 36.70A.480, 36.70A.320, 36.70A.190, 36.70A.030, and 86.12.200;
6 reenacting and amending RCW 36.70A.070; adding new sections to
7 chapter 36.70A RCW; adding a new section to chapter 70A.45 RCW;
8 adding a new section to chapter 47.80 RCW; adding a new section to
9 chapter 90.58 RCW; adding a new section to chapter 43.21C RCW; and
10 creating new sections."

EFFECT: Makes avoiding creating or worsening environmental health disparities an encouragement rather than a mandatory requirement. Changes the mandatory approval of the GHG emissions reductions subelement to voluntary. Adds voluntary cross-jurisdictional strategies to address resiliency. Requires a supplement to a natural hazard mitigation plan adopted by reference if not all substantive requirements are met by the adopted plan.

--- END ---