

E2SHB 1099 - S COMM AMD

By Committee on Housing & Local Government

OUT OF ORDER 03/03/2022

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 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. Plan for and accommodate housing affordable to all
25 economic segments of the population of this state, promote a variety
26 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, including the
27 participation of vulnerable populations and overburdened communities,
28 and ensure coordination between communities and jurisdictions to
29 reconcile conflicts.

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

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

38 (14) Climate change. Ensure that comprehensive plans, development
39 regulations, and regional policies, plans, and strategies under RCW
40 36.70A.210 and chapter 47.80 RCW adapt to and mitigate the effects of

1 a changing climate, support state greenhouse gas emissions reduction
2 requirements and state per capita vehicle miles traveled goals,
3 prepare for climate impact scenarios, foster resiliency to climate
4 impacts and natural hazards, protect and enhance environmental,
5 economic, and human health and safety, and advance environmental
6 justice.

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

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

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

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

29 (b) Except as otherwise provided in (c) of this subsection,
30 development regulations adopted under this chapter to protect
31 critical areas within shorelines of the state apply within shorelines
32 of the state until the department of ecology approves one of the
33 following: A comprehensive master program update, as defined in RCW
34 90.58.030; a segment of a master program relating to critical areas,
35 as provided in RCW 90.58.090; or a new or amended master program
36 approved by the department of ecology on or after March 1, 2002, as
37 provided in RCW 90.58.080. The adoption or update of development
38 regulations to protect critical areas under this chapter prior to
39 department of ecology approval of a master program update as provided

1 in this subsection is not a comprehensive or segment update to the
2 master program.

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

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

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

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

38 (4) Shoreline master programs shall provide a level of protection
39 to critical areas located within shorelines of the state that assures
40 no net loss of shoreline ecological functions necessary to sustain

1 shoreline natural resources as defined by department of ecology
2 guidelines adopted pursuant to RCW 90.58.060.

3 (5) Shorelines of the state shall not be considered critical
4 areas under this chapter except to the extent that specific areas
5 located within shorelines of the state qualify for critical area
6 designation based on the definition of critical areas provided by RCW
7 36.70A.030(~~((5))~~) (6) and have been designated as such by a local
8 government pursuant to RCW 36.70A.060(2).

9 (6) If a local jurisdiction's master program does not include
10 land necessary for buffers for critical areas that occur within
11 shorelines of the state, as authorized by RCW 90.58.030(2)(~~((f))~~)
12 (d), then the local jurisdiction shall continue to regulate those
13 critical areas and their required buffers pursuant to RCW
14 36.70A.060(2).

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

17 (1) The requirements of the greenhouse gas emissions reduction
18 subelement of the climate change and resiliency element set forth in
19 RCW 36.70A.070(9) apply only to those counties that are required or
20 that choose to plan under RCW 36.70A.040 and that also meet either of
21 the criteria set forth in (a) or (b) of this subsection (1) on or
22 after April 1, 2021, and the cities with populations greater than
23 6,000 as of April 1, 2021, within those counties:

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

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

29 (2) The requirements of the amendments to the transportation
30 element of RCW 36.70A.070 set forth in this act apply only to: (a)
31 Counties and cities that meet the population criteria set forth in
32 subsection (1) of this section; and (b) cities with populations of
33 6,000 or greater as of April 1, 2021, that are located in a county
34 that is required or that chooses to plan under RCW 36.70A.040.

35 (3) The requirements of the amendments to the land use element of
36 RCW 36.70A.070 set forth in this act apply only to: (a) Counties and
37 cities that meet the population criteria set forth in subsection (1)
38 or (2) of this section; and (b) counties that have a population of

1 20,000 or greater as of April 1, 2021, and that are required or that
2 choose to plan under RCW 36.70A.040.

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

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

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

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

25 **Sec. 4.** RCW 36.70A.070 and 2021 c 254 s 2 are each amended to
26 read as follows:

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

36 (1) A land use element designating the proposed general
37 distribution and general location and extent of the uses of land,
38 where appropriate, for agriculture, timber production, housing,
39 commerce, industry, recreation, open spaces and greenspaces, general

1 aviation airports, public utilities, public facilities, and other
2 land uses. The land use element shall include population densities,
3 building intensities, and estimates of future population growth. The
4 land use element shall provide for protection of the quality and
5 quantity of groundwater used for public water supplies. The land use
6 element must give special consideration to achieving environmental
7 justice in its goals and policies, including efforts to avoid
8 creating or worsening environmental health disparities. Wherever
9 possible, the land use element should consider utilizing urban
10 planning approaches that promote physical activity and reduce per
11 capita vehicle miles traveled within the jurisdiction, but without
12 increasing greenhouse gas emissions elsewhere in the state. Where
13 applicable, the land use element shall review drainage, flooding, and
14 stormwater runoff in the area and nearby jurisdictions and provide
15 guidance for corrective actions to mitigate or cleanse those
16 discharges that pollute waters of the state, including Puget Sound or
17 waters entering Puget Sound. The land use element must reduce and
18 mitigate the risk to lives and property posed by wildfires by using
19 land use planning tools, including, but not limited to, reducing
20 residential development pressure in the wildland urban interface
21 area, creating open space buffers between human development and
22 wildfire-prone landscapes, and protecting existing residential
23 development through community wildfire preparedness and fire
24 adaptation measures.

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

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

31 (i) Units for moderate, low, very low, and extremely low-income
32 households; and

33 (ii) Emergency housing, emergency shelters, and permanent
34 supportive housing;

35 (b) Includes a statement of goals, policies, objectives, and
36 mandatory provisions for the preservation, improvement, and
37 development of housing, including single-family residences, and
38 within an urban growth area boundary, moderate density housing
39 options including $(\{, \}$), but not limited to, duplexes, triplexes,
40 and townhomes;

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

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

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

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

15 (iii) Consideration of housing locations in relation to
16 employment location; and

17 (iv) Consideration of the role of accessory dwelling units in
18 meeting housing needs;

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

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

23 (ii) Disinvestment; and

24 (iii) Infrastructure availability;

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

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

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

38 In counties and cities subject to the review and evaluation
39 requirements of RCW 36.70A.215, any revision to the housing element
40 shall include consideration of prior review and evaluation reports

1 and any reasonable measures identified. The housing element should
2 link jurisdictional goals with overall county goals to ensure that
3 the housing element goals are met.

4 (3) A capital facilities plan element consisting of: (a) An
5 inventory of existing capital facilities owned by public entities,
6 including green infrastructure, showing the locations and capacities
7 of the capital facilities; (b) a forecast of the future needs for
8 such capital facilities; (c) the proposed locations and capacities of
9 expanded or new capital facilities; (d) at least a six-year plan that
10 will finance such capital facilities within projected funding
11 capacities and clearly identifies sources of public money for such
12 purposes; and (e) a requirement to reassess the land use element if
13 probable funding falls short of meeting existing needs and to ensure
14 that the land use element, capital facilities plan element, and
15 financing plan within the capital facilities plan element are
16 coordinated and consistent. Park and recreation facilities shall be
17 included in the capital facilities plan element.

18 (4) A utilities element consisting of the general location,
19 proposed location, and capacity of all existing and proposed
20 utilities, including, but not limited to, components of drinking
21 water, stormwater, wastewater, electrical (~~(lines)~~),
22 telecommunications (~~(lines)~~), and natural gas (~~(lines)~~) systems.

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

27 (a) Growth management act goals and local circumstances. Because
28 circumstances vary from county to county, in establishing patterns of
29 rural densities and uses, a county may consider local circumstances,
30 but shall develop a written record explaining how the rural element
31 harmonizes the planning goals in RCW 36.70A.020 and meets the
32 requirements of this chapter.

33 (b) Rural development. The rural element shall permit rural
34 development, forestry, and agriculture in rural areas. The rural
35 element shall provide for a variety of rural densities, uses,
36 essential public facilities, and rural governmental services needed
37 to serve the permitted densities and uses. To achieve a variety of
38 rural densities and uses, counties may provide for clustering,
39 density transfer, design guidelines, conservation easements, and
40 other innovative techniques that will accommodate appropriate rural

1 economic advancement, densities, and uses that are not characterized
2 by urban growth and that are consistent with rural character.

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

6 (i) Containing or otherwise controlling rural development;

7 (ii) Assuring visual compatibility of rural development with the
8 surrounding rural area;

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

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

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

16 (vi) Protecting existing natural areas, including native forests,
17 grasslands, and riparian areas. As used in this subsection, the term
18 "natural areas" excludes parcels enrolled as forestlands under RCW
19 84.33.035 or timberland under RCW 84.34.020. Nothing in this
20 subsection alters the designation or protection of critical areas
21 designated under RCW 36.70A.170 or the applicability of local
22 regulations adopted pursuant to RCW 76.09.240.

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

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

34 (A) A commercial, industrial, residential, shoreline, or mixed-
35 use area are subject to the requirements of (d)(iv) of this
36 subsection, but are not subject to the requirements of (c)(ii) and
37 (iii) of this subsection.

38 (B) Any development or redevelopment other than an industrial
39 area or an industrial use within a mixed-use area or an industrial

1 area under this subsection (5)(d)(i) must be principally designed to
2 serve the existing and projected rural population.

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

8 (ii) The intensification of development on lots containing, or
9 new development of, small-scale recreational or tourist uses,
10 including commercial facilities to serve those recreational or
11 tourist uses, that rely on a rural location and setting, but that do
12 not include new residential development. A small-scale recreation or
13 tourist use is not required to be principally designed to serve the
14 existing and projected rural population. Public services and public
15 facilities shall be limited to those necessary to serve the
16 recreation or tourist use and shall be provided in a manner that does
17 not permit low-density sprawl;

18 (iii) The intensification of development on lots containing
19 isolated nonresidential uses or new development of isolated cottage
20 industries and isolated small-scale businesses that are not
21 principally designed to serve the existing and projected rural
22 population and nonresidential uses, but do provide job opportunities
23 for rural residents. Rural counties may allow the expansion of small-
24 scale businesses as long as those small-scale businesses conform with
25 the rural character of the area as defined by the local government
26 according to RCW 36.70A.030(23). Rural counties may also allow new
27 small-scale businesses to utilize a site previously occupied by an
28 existing business as long as the new small-scale business conforms to
29 the rural character of the area as defined by the local government
30 according to RCW 36.70A.030(23). Public services and public
31 facilities shall be limited to those necessary to serve the isolated
32 nonresidential use and shall be provided in a manner that does not
33 permit low-density sprawl;

34 (iv) A county shall adopt measures to minimize and contain the
35 existing areas or uses of more intensive rural development, as
36 appropriate, authorized under this subsection. Lands included in such
37 existing areas or uses shall not extend beyond the logical outer
38 boundary of the existing area or use, thereby allowing a new pattern
39 of low-density sprawl. Existing areas are those that are clearly
40 identifiable and contained and where there is a logical boundary

1 delineated predominately by the built environment, but that may also
2 include undeveloped lands if limited as provided in this subsection.
3 The county shall establish the logical outer boundary of an area of
4 more intensive rural development. In establishing the logical outer
5 boundary, the county shall address (A) the need to preserve the
6 character of existing natural neighborhoods and communities, (B)
7 physical boundaries, such as bodies of water, streets and highways,
8 and land forms and contours, (C) the prevention of abnormally
9 irregular boundaries, and (D) the ability to provide public
10 facilities and public services in a manner that does not permit low-
11 density sprawl;

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

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

16 (B) On the date the county adopted a resolution under RCW
17 36.70A.040(2), in a county that is planning under all of the
18 provisions of this chapter under RCW 36.70A.040(2); or

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

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

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

29 (a) The transportation element shall include the following
30 subelements:

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

32 (ii) Estimated traffic impacts to state-owned transportation
33 facilities resulting from land use assumptions to assist (~~the~~
34 ~~department of transportation~~) in monitoring the performance of state
35 facilities, to plan improvements for the facilities, and to assess
36 the impact of land-use decisions on state-owned transportation
37 facilities;

38 (iii) Facilities and services needs, including:

39 (A) An inventory of air, water, and ground transportation
40 facilities and services, including transit alignments, active

1 transportation facilities, and general aviation airport facilities,
2 to define existing capital facilities and travel levels (~~(as a basis~~
3 ~~for~~) to inform future planning. This inventory must include state-
4 owned transportation facilities within the city or county's
5 jurisdictional boundaries;

6 (B) Level of service standards for all locally owned arterials
7 (~~and~~), locally and regionally operated transit routes that serve
8 urban growth areas, state-owned or operated transit routes that serve
9 urban areas if the department of transportation has prepared such
10 standards, and active transportation facilities to serve as a gauge
11 to judge performance of the system and success in helping to achieve
12 the goals of this chapter consistent with environmental justice.
13 These standards should be regionally coordinated;

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

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

32 (E) Forecasts of (~~(traffic)~~) multimodal transportation demand and
33 needs within cities and urban growth areas, and forecasts of traffic
34 demand and needs outside of cities and urban growth areas, for at
35 least ten years based on the adopted land use plan to (~~(provide~~
36 ~~information on the location, timing, and capacity needs of future~~
37 ~~growth)~~) inform the development of a transportation element that
38 balances transportation system safety and convenience to accommodate
39 all users of the transportation system to safely, reliably, and
40 efficiently provide access and mobility to people and goods;

1 (F) Identification of state and local system needs to equitably
2 meet current and future demands. Identified needs on state-owned
3 transportation facilities must be consistent with the statewide
4 multimodal transportation plan required under chapter 47.06 RCW.
5 Local system needs should reflect the regional transportation system,
6 local goals, and strive to equitably implement the multimodal
7 network;

8 (iv) Finance, including:

9 (A) An analysis of funding capability to judge needs against
10 probable funding resources;

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

19 (C) If probable funding falls short of meeting the identified
20 needs of the transportation system, including state transportation
21 facilities, a discussion of how additional funding will be raised, or
22 how land use assumptions will be reassessed to ensure that level of
23 service standards will be met;

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

27 (vi) Demand-management strategies;

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

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

1 concurrent with the development. These strategies may include active
2 transportation facility improvements, increased or enhanced public
3 transportation service, ride-sharing programs, demand management, and
4 other transportation systems management strategies. For the purposes
5 of this subsection (6), "concurrent with the development" means that
6 improvements or strategies are in place at the time of development,
7 or that a financial commitment is in place to complete the
8 improvements or strategies within six years. If the collection of
9 impact fees is delayed under RCW 82.02.050(3), the six-year period
10 required by this subsection (6)(b) must begin after full payment of
11 all impact fees is due to the county or city. If it is possible to
12 provide for the transportation needs of a development through active
13 transportation facility improvements, increased or enhanced public
14 transportation service, ride-sharing programs, demand management, or
15 other transportation systems management strategies funded by the
16 development, a development approval may not be denied because it
17 fails to meet traffic level of service standards.

18 (c) The transportation element described in this subsection (6),
19 the six-year plans required by RCW 35.77.010 for cities, RCW
20 36.81.121 for counties, and RCW 35.58.2795 for public transportation
21 systems, and the ten-year investment program required by RCW
22 47.05.030 for the state, must be consistent.

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

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

35 (9) A climate change and resiliency element that is designed to
36 result in reductions in overall greenhouse gas emissions and that
37 must enhance resiliency to and avoid the adverse impacts of climate
38 change, which must include efforts to reduce localized greenhouse gas
39 emissions and avoid creating or worsening localized climate impacts
40 to vulnerable populations and overburdened communities. The

1 greenhouse gas emissions reduction subelement of the climate change
2 and resiliency element is mandatory for the jurisdictions specified
3 in section 3(1) of this act and is encouraged for all other
4 jurisdictions, including those planning under RCW 36.70A.040 and
5 those planning under chapter 36.70 RCW. The resiliency subelement of
6 the climate change and resiliency element is mandatory for all
7 jurisdictions planning under RCW 36.70A.040 and is encouraged for
8 those jurisdictions planning under chapter 36.70 RCW.

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

14 (A) Result in reductions in overall greenhouse gas emissions
15 generated by transportation and land use within the jurisdiction but
16 without increasing greenhouse gas emissions elsewhere in the state;

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

20 (C) Prioritize reductions in overburdened communities in order to
21 maximize the cobenefits of reduced air pollution and environmental
22 justice consistent with chapter 70A.02 RCW.

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

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

30 (B) They are supported by scientifically credible projections and
31 scenarios that indicate their adoption is likely to result in
32 reductions of greenhouse gas emissions or per capita vehicle miles
33 traveled consistent with the reduction requirements set forth in RCW
34 70A.45.020.

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

38 (iv) (A) Until December 31, 2034, actions not specifically
39 identified in the guidelines developed by the department pursuant to
40 section 5 of this act, or considered to be consistent with those

1 guidelines according to the process established in (a)(ii) of this
2 subsection (9), must still be considered to be sufficient to meet the
3 requirements of the greenhouse gas emissions reduction subelement,
4 and must be approved by the department pursuant to section 6 of this
5 act, if the actions provide for the authorization of the development
6 of middle housing types within urban growth areas.

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

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

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

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

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

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

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

28 (V) Either does not establish parking regulations for middle
29 housing types, or, if the action does establish parking regulations
30 for middle housing types, the action:

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

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

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

1 (4) May allow on-street parking credits to satisfy off-street
2 parking requirements;

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

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

8 (b)(i) The resiliency subelement must equitably enhance
9 resiliency to, and avoid or substantially reduce the adverse impacts
10 of, climate change in human communities and ecological systems
11 through goals, policies, and programs consistent with the best
12 available science and scientifically credible climate projections and
13 impact scenarios that moderate or avoid harm, enhance the resiliency
14 of natural and human systems, and enhance beneficial opportunities.
15 The resiliency subelement must prioritize actions in overburdened
16 communities as defined in chapter 70A.02 RCW that will
17 disproportionately suffer from compounding environmental impacts and
18 will be most impacted by natural hazards due to climate change.
19 Specific goals, policies, and programs of the resiliency subelement
20 must include, but are not limited to, those designed to:

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

24 (B) Identify, protect, and enhance community resiliency to
25 climate change impacts, including social, economic, and built
26 factors, that support adaptation to climate impacts consistent with
27 environmental justice; and

28 (C) Address natural hazards created or aggravated by climate
29 change, including sea level rise, landslides, flooding, drought,
30 heat, smoke, wildfire, and other effects of changes to temperature
31 and precipitation patterns.

32 (ii) A natural hazard mitigation plan or similar plan that is
33 guided by RCW 36.70A.020(14), that prioritizes actions in
34 overburdened communities as defined in RCW 70A.02.010, and that
35 complies with the applicable requirements of this chapter, including
36 the requirements set forth in this subsection (9)(b), may be adopted
37 by reference to satisfy these requirements, except that to the extent
38 any of the substantive requirements of this subsection (9)(b) are not
39 addressed, or are inadequately addressed, in the referenced natural
40 hazard mitigation plan, a county or city must supplement the natural

1 hazard mitigation plan accordingly so that the adopted resiliency
2 subelement complies fully with the substantive requirements of this
3 subsection (9)(b).

4 (A) If a county or city intends to adopt by reference a federal
5 emergency management agency natural hazard mitigation plan in order
6 to meet all or part of the substantive requirements set forth in this
7 subsection (9)(b), and the most recently adopted federal emergency
8 management agency natural hazard mitigation plan does not comply with
9 the requirements of this subsection (9)(b), the department may grant
10 the county or city an extension of time in which to submit a natural
11 hazard mitigation plan.

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

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

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

28 (E) Upon the submission of such a request to the department, the
29 city or county may have an additional 36 months from the date
30 provided in RCW 36.70A.130 in which to either adopt by reference an
31 updated federal emergency management agency natural hazard mitigation
32 plan or adopt its own natural hazard mitigation plan, and to then
33 submit that plan to the department.

34 (F) No later than 36 months from the date provided in RCW
35 36.70A.130, the city or county must adopt a natural hazard mitigation
36 plan that complies with this subsection (9)(b).

37 (c) For the jurisdictions set forth in section 3 of this act,
38 updates to comprehensive plans and related development regulations
39 made during the update cycle that begins in 2024 must adopt measures
40 identified by the department pursuant to section 5 of this act that

1 are likely to result in reductions of greenhouse gas emissions and
2 per capita vehicle miles traveled.

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

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

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

18 (1) The department of commerce, in consultation with the
19 department of ecology, the department of health, and the department
20 of transportation, shall publish guidelines that specify a set of
21 measures counties and cities have available to them to take through
22 updates to their comprehensive plans and development regulations that
23 have a demonstrated ability to reduce greenhouse gas emissions in
24 order to achieve the statewide greenhouse gas emissions reductions
25 set forth in RCW 70A.45.020(1), allowing for consideration of the
26 emissions reductions achieved through the adoption of statewide
27 programs. The guidelines must prioritize reductions in overburdened
28 communities as defined in RCW 70A.02.010, including communities that
29 have experienced disproportionate harm due to air pollution and may
30 draw upon the most recent health disparities data from the department
31 of health to identify high pollution areas and disproportionately
32 burdened communities. These guidelines must be developed using an
33 environmental justice assessment pursuant to RCW 70A.02.060 and the
34 guidelines must include environmental justice assessment processes.
35 The guidelines must be based on:

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

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

3 (c) The locations of major employment centers and transit
4 corridors, for the purpose of increasing housing supply in these
5 areas; and

6 (d) Available environmental justice data and data regarding
7 access to public transportation for people with disabilities and for
8 vulnerable populations as defined in RCW 70A.02.010.

9 (2) The department of commerce, in consultation with the
10 department of transportation, shall publish guidelines that specify a
11 set of measures counties and cities have available to them to take
12 through updates to their comprehensive plans and development
13 regulations that have a demonstrated ability to reduce per capita
14 vehicle miles traveled, including measures that are designed to be
15 achievable throughout the state, including in small cities and rural
16 cities.

17 The guidelines must be based on:

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

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

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

25 (3) The department of commerce shall first publish the full set
26 of guidelines described in subsections (1) and (2) of this section no
27 later than December 31, 2025. The department of commerce shall update
28 these guidelines at least every four years thereafter based on the
29 most recently available data, and shall provide for a process for
30 local governments and other parties to submit alternative actions for
31 consideration for inclusion into the guidelines at least once per
32 year. The department of commerce shall publish an intermediate set of
33 guidelines no later than December 31, 2022, in order to be available
34 for use by jurisdictions whose periodic updates are required by RCW
35 36.70A.130(5) to occur prior to December 31, 2025.

36 (4) In any updates to the guidelines published after 2025, the
37 department of commerce shall include a determination of whether
38 adequate progress has been made toward the statewide greenhouse gas
39 and per capita vehicle miles traveled reduction goals. If adequate
40 progress is not being made, the department must identify in the

1 guidelines what additional measures cities and counties must take in
2 order to make further progress.

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

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

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

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

17 (1) A county or city required to complete a greenhouse gas
18 emissions reduction subelement may submit the subelement to the
19 department for approval. When submitted to the department for
20 approval, the subelement becomes effective when approved by the
21 department as provided in this section. If a county or city does not
22 seek department approval of the subelement, the effective date of the
23 subelement is the date on which the comprehensive plan is adopted by
24 the county or city.

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

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

31 (a) Provide notice to and opportunity for written comment by all
32 interested parties of record as a part of the local government review
33 process for the proposal and to all persons, groups, and agencies
34 that have requested in writing notice of proposed greenhouse gas
35 emissions reduction subelements. The comment period shall be at least
36 30 days, unless the department determines that the level of
37 complexity or controversy involved supports a shorter period;

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

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

8 (d) Within 30 days after receipt of the local government response
9 pursuant to (c) of this subsection, make written findings and
10 conclusions regarding the consistency of the proposal with the policy
11 of RCW 36.70A.070 and, after they are adopted, the applicable
12 guidelines adopted by the department pursuant to section 5 of this
13 act and any reduction allocations made pursuant to RCW 36.70A.100,
14 provide a response to the issues identified in (c) of this
15 subsection, and either approve the greenhouse gas emissions reduction
16 subelement as submitted, recommend specific changes necessary to make
17 the greenhouse gas emissions reduction subelement approvable, or deny
18 approval of the greenhouse gas emissions reduction subelement in
19 those instances where no alteration of the greenhouse gas emissions
20 reduction subelement appears likely to be consistent with the policy
21 of RCW 36.70A.070 and the applicable guidelines. The written findings
22 and conclusions shall be provided to the local government, and made
23 available to all interested persons, parties, groups, and agencies of
24 record on the proposal;

25 (e) If the department recommends changes to the proposed
26 greenhouse gas emissions reduction subelement, within 90 days after
27 the department mails the written findings and conclusions to the
28 local government, require the local government to:

29 (i) Agree to the proposed changes by written notice to the
30 department; or

31 (ii) Submit an alternative greenhouse gas emissions reduction
32 subelement. If, in the opinion of the department, the alternative is
33 consistent with the purpose and intent of the changes originally
34 submitted by the department and with this chapter it shall approve
35 the changes and provide notice to all recipients of the written
36 findings and conclusions. If the department determines the proposed
37 greenhouse gas emissions reduction subelement is not consistent with
38 the purpose and intent of the changes proposed by the department, the
39 department may resubmit the proposed greenhouse gas emissions
40 reduction subelement for public and agency review pursuant to this

1 section or reject the proposed greenhouse gas emissions reduction
2 subelement.

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

8 (5) A greenhouse gas emissions reduction subelement takes effect
9 when and in such form as approved or adopted by the department. The
10 effective date is 14 days from the date of the department's written
11 notice of final action to the local government stating the department
12 has approved or rejected the proposed greenhouse gas emissions
13 reduction subelement. The department's written notice to the local
14 government must conspicuously and plainly state that it is the
15 department's final decision and that there will be no further
16 modifications to the proposed greenhouse gas emissions reduction
17 subelement. The department shall maintain a record of each greenhouse
18 gas emissions reduction subelement, the action taken on any proposed
19 greenhouse gas emissions reduction subelement, and any appeal of the
20 department's action. The department's approved document of record
21 constitutes the official greenhouse gas emissions reduction
22 subelement.

23 (6) Promptly after approval or disapproval of a local
24 government's greenhouse gas emissions reduction subelement, the
25 department shall publish a notice consistent with RCW 36.70A.290 that
26 the greenhouse gas emissions reduction subelement has been approved
27 or disapproved. This notice must be filed for all greenhouse gas
28 emissions reduction subelements.

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

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

38 (b) A decision of the growth management hearings board concerning
39 an appeal of the department's final decision to approve or reject a
40 proposed greenhouse gas emissions reduction subelement or amendment

1 must be based solely on whether or not the adopted or amended
2 greenhouse gas emissions reduction subelement, any adopted amendments
3 to other elements of the comprehensive plan necessary to carry out
4 the subelement, and any adopted or amended development regulations
5 necessary to implement the subelement, comply with the goal set forth
6 in RCW 36.70A.020(14) as it applies to greenhouse gas emissions
7 reductions, RCW 36.70A.070(9) excluding RCW 36.70A.070(9)(b), the
8 guidelines adopted under section 5 of this act applicable to the
9 greenhouse gas emissions reduction subelement, or chapter 43.21C RCW.

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

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

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

20 (3) In any petition under this chapter, the board, after full
21 consideration of the petition, shall determine whether there is
22 compliance with the requirements of this chapter. In making its
23 determination, the board shall consider the criteria adopted by the
24 department under RCW 36.70A.190(4). The board shall find compliance
25 unless it determines that the action by the state agency, county, or
26 city is clearly erroneous in view of the entire record before the
27 board and in light of the goals and requirements of this chapter.

28 (4) A county or city subject to a determination of invalidity
29 made under RCW 36.70A.300 or 36.70A.302 has the burden of
30 demonstrating that the ordinance or resolution it has enacted in
31 response to the determination of invalidity will no longer
32 substantially interfere with the fulfillment of the goals of this
33 chapter under the standard in RCW 36.70A.302(1).

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

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

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

3 (1) The department shall establish a program of technical and
4 financial assistance and incentives to counties and cities to
5 encourage and facilitate the adoption and implementation of
6 comprehensive plans and development regulations throughout the state.

7 (2) The department shall develop a priority list and establish
8 funding levels for planning and technical assistance grants both for
9 counties and cities that plan under RCW 36.70A.040. Priority for
10 assistance shall be based on a county's or city's population growth
11 rates, commercial and industrial development rates, the existence and
12 quality of a comprehensive plan and development regulations, (~~and~~
13 ~~other relevant factors~~) presence of overburdened communities, and
14 other relevant factors. The department shall establish funding levels
15 for grants to community-based organizations for the specific purpose
16 of advancing participation of vulnerable populations and overburdened
17 communities in the planning process.

18 (3) The department shall develop and administer a grant program
19 to provide direct financial assistance to counties and cities for the
20 preparation of comprehensive plans under this chapter. The department
21 may establish provisions for county and city matching funds to
22 conduct activities under this subsection. Grants may be expended for
23 any purpose directly related to the preparation of a county or city
24 comprehensive plan as the county or city and the department may
25 agree, including, without limitation, the conducting of surveys,
26 inventories and other data gathering and management activities, the
27 retention of planning consultants, contracts with regional councils
28 for planning and related services, and other related purposes.

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

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

37 (b) Adopting by rule procedural criteria to assist counties and
38 cities in adopting comprehensive plans and development regulations
39 that meet the goals and requirements of this chapter. These criteria
40 shall reflect regional and local variations and the diversity that

1 exists among different counties and cities that plan under this
2 chapter.

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

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

9 (7) The department shall develop, in collaboration with the
10 department of ecology, the department of fish and wildlife, the
11 department of natural resources, the department of health, the
12 emergency management division of the military department, as well as
13 any federally recognized tribe who chooses to voluntarily
14 participate, and adopt by rule guidance that creates a model climate
15 change and resiliency element that may be used by counties, cities,
16 and multiple-county planning regions for developing and implementing
17 climate change and resiliency plans and policies required by RCW
18 36.70A.070(9), subject to the following provisions:

19 (a) The model element must establish minimum requirements, and
20 may include model options or voluntary cross-jurisdictional
21 strategies, or both, for fulfilling the requirements of RCW
22 36.70A.070(9);

23 (b) The model element should provide guidance on identifying,
24 designing, and investing in infrastructure that supports community
25 resilience to climate impacts, including the protection, restoration,
26 and enhancement of natural infrastructure as well as traditional
27 infrastructure and protecting and enhancing natural areas to foster
28 resiliency to climate impacts, as well as areas of vital habitat for
29 safe passage and species migration;

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

35 (d) The rule must recognize and promote as many cobenefits of
36 climate resilience as possible such as climate change mitigation,
37 salmon recovery, forest health, ecosystem services, and socioeconomic
38 health and resilience.

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

3 The department shall compile, maintain, and publish a summary of
4 the per capita vehicle miles traveled annually in each city in the
5 state, and in the unincorporated portions of each county in the
6 state.

7 NEW SECTION. **Sec. 10.** A new section is added to chapter 90.58
8 RCW to read as follows:

9 The department shall update its shoreline master program
10 guidelines to require shoreline master programs to address the impact
11 of sea level rise and increased storm severity on people, property,
12 and shoreline natural resources and the environment.

13 **Sec. 11.** RCW 36.70A.030 and 2021 c 254 s 6 are each amended to
14 read as follows:

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

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

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

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

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

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

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

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

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

7 (a) Wetlands; (b) areas with a critical recharging effect on aquifers
8 used for potable water; (c) fish and wildlife habitat conservation
9 areas; (d) frequently flooded areas; and (e) geologically hazardous
10 areas. "Fish and wildlife habitat conservation areas" does not
11 include such artificial features or constructs as irrigation delivery
12 systems, irrigation infrastructure, irrigation canals, or drainage
13 ditches that lie within the boundaries of and are maintained by a
14 port district or an irrigation district or company.

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

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

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

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

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

1 for household size, for the county where the household is located, as
2 reported by the United States department of housing and urban
3 development.

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

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

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

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

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

1 household size, for the county where the household is located, as
2 reported by the United States department of housing and urban
3 development.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 (33) "Active transportation" means forms of pedestrian mobility
6 including walking or running, the use of a mobility assistive device
7 such as a wheelchair, bicycling and cycling irrespective of the
8 number of wheels, and the use of small personal devices such as foot
9 scooters or skateboards. Active transportation includes both
10 traditional and electric assist bicycles and other devices. Planning
11 for active transportation must consider and address accommodation
12 pursuant to the Americans with disabilities act and the distinct
13 needs of each form of active transportation.

14 (34) "Transportation system" means all infrastructure and
15 services for all forms of transportation within a geographical area,
16 irrespective of the responsible jurisdiction or transportation
17 provider.

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

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

31 (37) "Greenspace" means an area of land, vegetated by natural
32 features such as grass, trees, or shrubs, within an urban context and
33 less than one acre in size that creates public value through one or
34 more of the following attributes:

- 35 (a) Is accessible to the public;
- 36 (b) Promotes physical and mental health of residents;
- 37 (c) Provides relief from the urban heat island effects;
- 38 (d) Promotes recreational and aesthetic values;
- 39 (e) Protects streams or water supply; or

1 (f) Preserves visual quality along highway, road, or street
2 corridors.

3 (38) "Green infrastructure" means a wide array of natural assets,
4 built structures, and management practices at multiple scales that
5 manage wet weather and that maintain and restore natural hydrology by
6 storing, infiltrating, evapotranspiring, and harvesting and using
7 stormwater.

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

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

13 A comprehensive flood control management plan shall include the
14 following elements:

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

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

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

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

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

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

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

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

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

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

37 (2) The obligation of local governments to comply with the
38 requirements established in: (a) The amendments to RCW 36.70A.070 set

1 forth in this act; and (b) the updated shoreline master program
2 guidelines adopted pursuant to section 10 of this act, takes effect
3 two years after the date the legislature appropriates state funding
4 to provide to local governments for the purpose of complying with
5 these requirements.

6 NEW SECTION. **Sec. 15.** If specific funding for the purposes of
7 this act, referencing this act by bill or chapter number, is not
8 provided by June 30, 2022, in the omnibus appropriations act, this
9 act is null and void."

E2SHB 1099 - S COMM AMD

By Committee on Housing & Local Government

OUT OF ORDER 03/03/2022

10 On page 1, line 2 of the title, after "framework;" strike the
11 remainder of the title and insert "amending RCW 36.70A.020,
12 36.70A.480, 36.70A.070, 36.70A.320, 36.70A.190, 36.70A.030, and
13 86.12.200; adding new sections to chapter 36.70A RCW; adding a new
14 section to chapter 70A.45 RCW; adding a new section to chapter 47.80
15 RCW; adding a new section to chapter 90.58 RCW; adding a new section
16 to chapter 43.21C RCW; and creating new sections."

EFFECT: (1) Encourages the participation and consideration of
vulnerable populations and overburdened communities in comprehensive
plan updates, efforts to reduce localized greenhouse gas emissions
and climate impacts, cobenefits of reduced air pollution and
environmental justice, department of commerce guidelines with respect
to the additional greenhouse gas emission reduction goals, and grant
funding for planning processes.

(2) Modifies multiple goals of GMA elements, including:

(a) Land use element: Adds consideration of greenspaces,
reduction of residential development pressure in wildland urban
interface areas, and protecting existing residential development
through fire adaption measures;

(b) Capital facilities plan element: Includes green
infrastructure as part of a jurisdiction's inventory of existing
capital facilities;

(c) Utilities element: Provides additional utilities that must be
included in the comprehensive plan, including drinking water,
stormwater, and wastewater utilities;

(d) Transportation element: Includes state-owned or operated
transit routes that serve urban areas when measuring level of service
standards;

(e) Climate change and resiliency element: Adds that efforts to
reduce localized greenhouse gas emissions must avoid creating or

worsening localized climate impacts to vulnerable populations and overburdened communities; and

(f) Resiliency subelement: Clarifies the specific goals, policies, and programs of the subelement, as well as adds guidance for local governments that have adopted a federal emergency management agency natural hazard mitigation plan.

(3) Provides that the department of commerce must publish guidelines that prioritize reductions in overburdened communities, and guidelines must be developed using an environmental justice assessment.

(4) Alters the effective date for counties or cities that submit a greenhouse gas emission reduction subelement plan to the department of commerce.

(5) Requires the department of commerce to include the presence of overburdened communities as part of the priority list for providing planning, technical, or financial assistance for local governments planning under the GMA. Requires the department to establish funding levels for grants to community-based organizations for the purpose of advancing the participation of vulnerable populations and overburdened communities in the planning process.

(6) Clarifies that a model climate change and resiliency element must establish minimum requirements, including model options or voluntary cross-jurisdictional strategies, for fulfilling the new elements provided in this act.

(7) Defines "greenspace" and "green infrastructure" for purposes of this act.

--- END ---