

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

ADOPTED AS AMENDED 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
32 retention and expansion of existing businesses and recruitment of new

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

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

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

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

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

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

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

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

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

37 (14) Environmental Resiliency. Ensure that comprehensive plans,
38 development regulations, and regional policies, plans, and strategies
39 under RCW 36.70A.210 and chapter 47.80 RCW, address and plan to
40 create systems to address jurisdictional needs for resilience to

1 changing conditions including, but not limited to, wildfire, drought,
2 flooding, air quality, other natural hazards, and protect and enhance
3 environmental, economic, and human health and safety.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 (1) A land use element designating the proposed general
19 distribution and general location and extent of the uses of land,
20 where appropriate, for agriculture, timber production, housing,
21 commerce, industry, recreation, open spaces and greenspaces, general
22 aviation airports, public utilities, public facilities, and other
23 land uses. The land use element shall include population densities,
24 building intensities, and estimates of future population growth. The
25 land use element shall provide for protection of the quality and
26 quantity of groundwater used for public water supplies. The land use
27 element must give special consideration to achieving environmental
28 justice in its goals and policies, including efforts to avoid
29 creating or worsening environmental health disparities. Wherever
30 possible, the land use element should consider utilizing urban
31 planning approaches that promote physical activity and reduce per
32 capita vehicle miles traveled within the jurisdiction, but without
33 increasing greenhouse gas emissions elsewhere in the state. Where
34 applicable, the land use element shall review drainage, flooding, and
35 stormwater runoff in the area and nearby jurisdictions and provide
36 guidance for corrective actions to mitigate or cleanse those
37 discharges that pollute waters of the state, including Puget Sound or
38 waters entering Puget Sound. The land use element must reduce and
39 mitigate the risk to lives and property posed by wildfires by using

1 land use planning tools, including, but not limited to, reducing
2 residential development pressure in the wildland urban interface
3 area, creating open space buffers between human development and
4 wildfire-prone landscapes, and protecting existing residential
5 development through community wildfire preparedness and fire
6 adaptation measures.

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

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

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

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

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

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

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

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

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

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

39 (iv) Consideration of the role of accessory dwelling units in
40 meeting housing needs;

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

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

5 (ii) Disinvestment; and

6 (iii) Infrastructure availability;

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

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

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

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

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

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

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

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

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

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

29 (i) Containing or otherwise controlling rural development;

30 (ii) Assuring visual compatibility of rural development with the
31 surrounding rural area;

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

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

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

39 (vi) Protecting existing natural areas, including native forests,
40 grasslands, and riparian areas. As used in this subsection, the term

1 "natural areas" excludes parcels enrolled as forestlands under RCW
2 84.33.035 or timberland under RCW 84.34.020. Nothing in this
3 subsection alters the designation or protection of critical areas
4 designated under RCW 36.70A.170 or the applicability of local
5 regulations adopted pursuant to RCW 76.09.240.

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

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

17 (A) A commercial, industrial, residential, shoreline, or mixed-
18 use area are subject to the requirements of (d)(iv) of this
19 subsection, but are not subject to the requirements of (c)(ii) and
20 (iii) of this subsection.

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

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

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

1 (iii) The intensification of development on lots containing
2 isolated nonresidential uses or new development of isolated cottage
3 industries and isolated small-scale businesses that are not
4 principally designed to serve the existing and projected rural
5 population and nonresidential uses, but do provide job opportunities
6 for rural residents. Rural counties may allow the expansion of small-
7 scale businesses as long as those small-scale businesses conform with
8 the rural character of the area as defined by the local government
9 according to RCW 36.70A.030(23). Rural counties may also allow new
10 small-scale businesses to utilize a site previously occupied by an
11 existing business as long as the new small-scale business conforms to
12 the rural character of the area as defined by the local government
13 according to RCW 36.70A.030(23). Public services and public
14 facilities shall be limited to those necessary to serve the isolated
15 nonresidential use and shall be provided in a manner that does not
16 permit low-density sprawl;

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

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

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

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

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

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

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

14 (a) The transportation element shall include the following
15 subelements:

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

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

23 (iii) Facilities and services needs, including:

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

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

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

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

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

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

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

33 (iv) Finance, including:

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

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

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

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

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

12 (vi) Demand-management strategies;

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

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

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

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

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

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

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

26 (i) A jurisdiction may not restrict population growth or limit
27 population allocation in order to achieve the requirements set forth
28 in this subsection (9) (a).

29 (ii) (A) Until December 31, 2034, actions not specifically
30 identified in the guidelines developed by the department pursuant to
31 section 5 of this act, or considered to be consistent with those
32 guidelines according to the process established in (a) (ii) of this
33 subsection (9), must still be considered to be sufficient to meet the
34 requirements of the greenhouse gas emissions reduction subelement,
35 and must be approved by the department pursuant to section 6 of this
36 act, if the actions provide for the authorization of the development
37 of middle housing types within urban growth areas.

38 (B) Nothing in this subsection (9) (a) (ii) prohibits the
39 authorization of the development of single-family residences.

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

6 (D) For the purposes of this subsection (9)(a)(ii), an action
7 must be deemed to provide for the authorization of the development of
8 middle housing types, if the action:

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

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

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

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

20 (V) Either does not establish parking regulations for middle
21 housing types, or, if the action does establish parking regulations
22 for middle housing types, the action:

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

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

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

32 (4) May allow on-street parking credits to satisfy off-street
33 parking requirements;

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

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

39 (b)(i) The resiliency subelement must equitably enhance
40 resiliency to, and avoid or substantially reduce the adverse impacts

1 of, climate change in human communities and ecological systems
2 through goals, policies, and programs consistent with the best
3 available science and scientifically credible climate projections and
4 impact scenarios that moderate or avoid harm, enhance the resiliency
5 of natural and human systems, and enhance beneficial opportunities.
6 The resiliency subelement must prioritize actions in overburdened
7 communities as defined in chapter 70A.02 RCW that will
8 disproportionately suffer from compounding environmental impacts and
9 will be most impacted by natural hazards due to extreme weather
10 events. Specific goals, policies, and programs of the resiliency
11 subelement must include, but are not limited to, those designed to:

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

15 (B) Identify, protect, and enhance community resiliency to
16 climate change impacts, including social, economic, and built
17 factors, that support adaptation to changing conditions consistent
18 with environmental justice; and

19 (C) Address natural hazards created or aggravated by extreme
20 weather events, including sea level rise, landslides, flooding,
21 drought, heat, smoke, wildfire, and other effects of changes to
22 temperature and precipitation patterns.

23 (ii) A natural hazard mitigation plan or similar plan that is
24 guided by RCW 36.70A.020(14), that prioritizes actions in
25 overburdened communities as defined in RCW 70A.02.010, and that
26 complies with the applicable requirements of this chapter, including
27 the requirements set forth in this subsection (9)(b), may be adopted
28 by reference to satisfy these requirements, except that to the extent
29 any of the substantive requirements of this subsection (9)(b) are not
30 addressed, or are inadequately addressed, in the referenced natural
31 hazard mitigation plan, a county or city must supplement the natural
32 hazard mitigation plan accordingly so that the adopted resiliency
33 subelement complies fully with the substantive requirements of this
34 subsection (9)(b).

35 (A) If a county or city intends to adopt by reference a federal
36 emergency management agency natural hazard mitigation plan in order
37 to meet all or part of the substantive requirements set forth in this
38 subsection (9)(b), and the most recently adopted federal emergency
39 management agency natural hazard mitigation plan does not comply with
40 the requirements of this subsection (9)(b), the department may grant

1 the county or city an extension of time in which to submit a natural
2 hazard mitigation plan.

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

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

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

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

25 (F) No later than 36 months from the date provided in RCW
26 36.70A.130, the city or county must adopt a natural hazard mitigation
27 plan that complies with this subsection (9)(b).

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

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

1 NEW SECTION. **Sec. 5.** A new section is added to chapter 70A.45

2 RCW to read as follows:

3 (1) The department of commerce, in consultation with the
4 department of ecology, the department of health, and the department
5 of transportation, shall publish guidelines that specify a set of
6 measures counties and cities have available to them to take through
7 updates to their comprehensive plans and development regulations that
8 have a demonstrated ability to reduce greenhouse gas emissions in
9 order to achieve the statewide greenhouse gas emissions reductions
10 set forth in RCW 70A.45.020(1), allowing for consideration of the
11 emissions reductions achieved through the adoption of statewide
12 programs. The guidelines must prioritize reductions in overburdened
13 communities as defined in RCW 70A.02.010, including communities that
14 have experienced disproportionate harm due to air pollution and may
15 draw upon the most recent health disparities data from the department
16 of health to identify high pollution areas and disproportionately
17 burdened communities. These guidelines must be developed using an
18 environmental justice assessment pursuant to RCW 70A.02.060 and the
19 guidelines must include environmental justice assessment processes.
20 The guidelines must be based on:

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

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

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

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

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

40 The guidelines must be based on:

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

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

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

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

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

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

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

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

38 (8) The provisions of this section as applied to the department
39 of transportation are subject to the availability of amounts
40 appropriated for this specific purpose.

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

3 (1) A county or city required to complete a greenhouse gas
4 emissions reduction subelement may submit the subelement to the
5 department for approval. When submitted to the department for
6 approval, the subelement becomes effective when approved by the
7 department as provided in this section. If a county or city does not
8 seek department approval of the subelement, the effective date of the
9 subelement is the date on which the comprehensive plan is adopted by
10 the county or city.

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

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

17 (a) Provide notice to and opportunity for written comment by all
18 interested parties of record as a part of the local government review
19 process for the proposal and to all persons, groups, and agencies
20 that have requested in writing notice of proposed greenhouse gas
21 emissions reduction subelements. The comment period shall be at least
22 30 days, unless the department determines that the level of
23 complexity or controversy involved supports a shorter period;

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

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

31 (d) Within 30 days after receipt of the local government response
32 pursuant to (c) of this subsection, make written findings and
33 conclusions regarding the consistency of the proposal with the policy
34 of RCW 36.70A.070 and, after they are adopted, the applicable
35 guidelines adopted by the department pursuant to section 5 of this
36 act and any reduction allocations made pursuant to RCW 36.70A.100,
37 provide a response to the issues identified in (c) of this
38 subsection, and either approve the greenhouse gas emissions reduction
39 subelement as submitted, recommend specific changes necessary to make
40 the greenhouse gas emissions reduction subelement approvable, or deny

1 approval of the greenhouse gas emissions reduction subelement in
2 those instances where no alteration of the greenhouse gas emissions
3 reduction subelement appears likely to be consistent with the policy
4 of RCW 36.70A.070 and the applicable guidelines. The written findings
5 and conclusions shall be provided to the local government, and made
6 available to all interested persons, parties, groups, and agencies of
7 record on the proposal;

8 (e) If the department recommends changes to the proposed
9 greenhouse gas emissions reduction subelement, within 90 days after
10 the department mails the written findings and conclusions to the
11 local government, require the local government to:

12 (i) Agree to the proposed changes by written notice to the
13 department; or

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

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

31 (5) A greenhouse gas emissions reduction subelement takes effect
32 when and in such form as approved or adopted by the department. The
33 effective date is 14 days from the date of the department's written
34 notice of final action to the local government stating the department
35 has approved or rejected the proposed greenhouse gas emissions
36 reduction subelement. The department's written notice to the local
37 government must conspicuously and plainly state that it is the
38 department's final decision and that there will be no further
39 modifications to the proposed greenhouse gas emissions reduction
40 subelement. The department shall maintain a record of each greenhouse

1 gas emissions reduction subelement, the action taken on any proposed
2 greenhouse gas emissions reduction subelement, and any appeal of the
3 department's action. The department's approved document of record
4 constitutes the official greenhouse gas emissions reduction
5 subelement.

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

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

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

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

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

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

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

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

13 (4) A county or city subject to a determination of invalidity
14 made under RCW 36.70A.300 or 36.70A.302 has the burden of
15 demonstrating that the ordinance or resolution it has enacted in
16 response to the determination of invalidity will no longer
17 substantially interfere with the fulfillment of the goals of this
18 chapter under the standard in RCW 36.70A.302(1).

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

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

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

27 (1) The department shall establish a program of technical and
28 financial assistance and incentives to counties and cities to
29 encourage and facilitate the adoption and implementation of
30 comprehensive plans and development regulations throughout the state.

31 (2) The department shall develop a priority list and establish
32 funding levels for planning and technical assistance grants both for
33 counties and cities that plan under RCW 36.70A.040. Priority for
34 assistance shall be based on a county's or city's population growth
35 rates, commercial and industrial development rates, the existence and
36 quality of a comprehensive plan and development regulations, (~~and~~
37 ~~other relevant factors~~) presence of overburdened communities, and
38 other relevant factors. The department shall establish funding levels
39 for grants to community-based organizations for the specific purpose

1 of advancing participation of vulnerable populations and overburdened
2 communities in the planning process.

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

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

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

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

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

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

34 (7) The department shall develop, in collaboration with the
35 department of ecology, the department of fish and wildlife, the
36 department of natural resources, the department of health, the
37 emergency management division of the military department, as well as
38 any federally recognized tribe who chooses to voluntarily
39 participate, and adopt by rule guidance that creates a model
40 resiliency element that may be used by counties, cities, and

1 multiple-county planning regions for developing and implementing
2 climate change and resiliency plans and policies required by RCW
3 36.70A.070(9), subject to the following provisions:

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

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

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

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

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

26 NEW SECTION. Sec. 9. A new section is added to chapter 90.58
27 RCW to read as follows:

28 The department shall update its shoreline master program
29 guidelines to require shoreline master programs to address the impact
30 of sea level rise and increased storm severity on people, property,
31 and shoreline natural resources and the environment.

32 **Sec. 10.** RCW 36.70A.030 and 2021 c 254 s 6 are each amended to
33 read as follows:

34 Unless the context clearly requires otherwise, the definitions in
35 this section apply throughout this chapter.

36 (1) "Adopt a comprehensive land use plan" means to enact a new
37 comprehensive land use plan or to update an existing comprehensive
38 land use plan.

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

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

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

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

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

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

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

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

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

35 (8) "Development regulations" or "regulation" means the controls
36 placed on development or land use activities by a county or city,
37 including, but not limited to, zoning ordinances, critical areas
38 ordinances, shoreline master programs, official controls, planned
39 unit development ordinances, subdivision ordinances, and binding site
40 plan ordinances together with any amendments thereto. A development

1 regulation does not include a decision to approve a project permit
2 application, as defined in RCW 36.70B.020, even though the decision
3 may be expressed in a resolution or ordinance of the legislative body
4 of the county or city.

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

11 (10) "Emergency shelter" means a facility that provides a
12 temporary shelter for individuals or families who are currently
13 homeless. Emergency shelter may not require occupants to enter into a
14 lease or an occupancy agreement. Emergency shelter facilities may
15 include day and warming centers that do not provide overnight
16 accommodations.

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

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

38 (13) "Freight rail dependent uses" means buildings and other
39 infrastructure that are used in the fabrication, processing, storage,
40 and transport of goods where the use is dependent on and makes use of

1 an adjacent short line railroad. Such facilities are both urban and
2 rural development for purposes of this chapter. "Freight rail
3 dependent uses" does not include buildings and other infrastructure
4 that are used in the fabrication, processing, storage, and transport
5 of coal, liquefied natural gas, or "crude oil" as defined in RCW
6 90.56.010.

7 (14) "Geologically hazardous areas" means areas that because of
8 their susceptibility to erosion, sliding, earthquake, or other
9 geological events, are not suited to the siting of commercial,
10 residential, or industrial development consistent with public health
11 or safety concerns.

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

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

23 (17) "Minerals" include gravel, sand, and valuable metallic
24 substances.

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

31 (19) "Permanent supportive housing" is subsidized, leased housing
32 with no limit on length of stay that prioritizes people who need
33 comprehensive support services to retain tenancy and utilizes
34 admissions practices designed to use lower barriers to entry than
35 would be typical for other subsidized or unsubsidized rental housing,
36 especially related to rental history, criminal history, and personal
37 behaviors. Permanent supportive housing is paired with on-site or
38 off-site voluntary services designed to support a person living with
39 a complex and disabling behavioral health or physical health
40 condition who was experiencing homelessness or was at imminent risk

1 of homelessness prior to moving into housing to retain their housing
2 and be a successful tenant in a housing arrangement, improve the
3 resident's health status, and connect the resident of the housing
4 with community-based health care, treatment, or employment services.
5 Permanent supportive housing is subject to all of the rights and
6 responsibilities defined in chapter 59.18 RCW.

7 (20) "Public facilities" include streets, roads, highways,
8 sidewalks, street and road lighting systems, traffic signals,
9 domestic water systems, storm and sanitary sewer systems, parks and
10 recreational facilities, and schools.

11 (21) "Public services" include fire protection and suppression,
12 law enforcement, public health, education, recreation, environmental
13 protection, and other governmental services.

14 (22) "Recreational land" means land so designated under RCW
15 36.70A.1701 and that, immediately prior to this designation, was
16 designated as agricultural land of long-term commercial significance
17 under RCW 36.70A.170. Recreational land must have playing fields and
18 supporting facilities existing before July 1, 2004, for sports played
19 on grass playing fields.

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

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

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

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

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

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

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

35 (g) That are consistent with the protection of natural surface
36 water flows and groundwater and surface water recharge and discharge
37 areas.

38 (24) "Rural development" refers to development outside the urban
39 growth area and outside agricultural, forest, and mineral resource
40 lands designated pursuant to RCW 36.70A.170. Rural development can

1 consist of a variety of uses and residential densities, including
2 clustered residential development, at levels that are consistent with
3 the preservation of rural character and the requirements of the rural
4 element. Rural development does not refer to agriculture or forestry
5 activities that may be conducted in rural areas.

6 (25) "Rural governmental services" or "rural services" include
7 those public services and public facilities historically and
8 typically delivered at an intensity usually found in rural areas, and
9 may include domestic water systems, fire and police protection
10 services, transportation and public transit services, and other
11 public utilities associated with rural development and normally not
12 associated with urban areas. Rural services do not include storm or
13 sanitary sewers, except as otherwise authorized by RCW 36.70A.110(4).

14 (26) "Short line railroad" means those railroad lines designated
15 class II or class III by the United States surface transportation
16 board.

17 (27) "Urban governmental services" or "urban services" include
18 those public services and public facilities at an intensity
19 historically and typically provided in cities, specifically including
20 storm and sanitary sewer systems, domestic water systems, street
21 cleaning services, fire and police protection services, public
22 transit services, and other public utilities associated with urban
23 areas and normally not associated with rural areas.

24 (28) "Urban growth" refers to growth that makes intensive use of
25 land for the location of buildings, structures, and impermeable
26 surfaces to such a degree as to be incompatible with the primary use
27 of land for the production of food, other agricultural products, or
28 fiber, or the extraction of mineral resources, rural uses, rural
29 development, and natural resource lands designated pursuant to RCW
30 36.70A.170. A pattern of more intensive rural development, as
31 provided in RCW 36.70A.070(5)(d), is not urban growth. When allowed
32 to spread over wide areas, urban growth typically requires urban
33 governmental services. "Characterized by urban growth" refers to land
34 having urban growth located on it, or to land located in relationship
35 to an area with urban growth on it as to be appropriate for urban
36 growth.

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

39 (30) "Very low-income household" means a single person, family,
40 or unrelated persons living together whose adjusted income is at or

1 below fifty percent of the median household income adjusted for
2 household size, for the county where the household is located, as
3 reported by the United States department of housing and urban
4 development.

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

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

24 (33) "Active transportation" means forms of pedestrian mobility
25 including walking or running, the use of a mobility assistive device
26 such as a wheelchair, bicycling and cycling irrespective of the
27 number of wheels, and the use of small personal devices such as foot
28 scooters or skateboards. Active transportation includes both
29 traditional and electric assist bicycles and other devices. Planning
30 for active transportation must consider and address accommodation
31 pursuant to the Americans with disabilities act and the distinct
32 needs of each form of active transportation.

33 (34) "Transportation system" means all infrastructure and
34 services for all forms of transportation within a geographical area,
35 irrespective of the responsible jurisdiction or transportation
36 provider.

37 (35) "Environmental justice" means the fair treatment and
38 meaningful involvement of all people regardless of race, color,
39 national origin, or income with respect to development,
40 implementation, and enforcement of environmental laws, regulations,

1 and policies; with a focus on the equitable distribution of
2 resources, benefits, and burdens in a manner that prioritizes
3 communities that experience the greatest inequities, disproportionate
4 impacts, and have the greatest unmet needs.

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

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

14 (a) Is accessible to the public;

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

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

17 (d) Promotes recreational and aesthetic values;

18 (e) Protects streams or water supply; or

19 (f) Preserves visual quality along highway, road, or street
20 corridors.

21 (38) "Green infrastructure" means a wide array of natural assets,
22 built structures, and management practices at multiple scales that
23 manage wet weather and that maintain and restore natural hydrology by
24 storing, infiltrating, evapotranspiring, and harvesting and using
25 stormwater.

26 **Sec. 11.** RCW 86.12.200 and 1991 c 322 s 3 are each amended to
27 read as follows:

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

31 A comprehensive flood control management plan shall include the
32 following elements:

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

36 (2) Establishment of a comprehensive scheme of flood control
37 protection and improvements for the areas that are subject to such
38 periodic flooding, that includes: (a) Determining the need for, and
39 desirable location of, flood control improvements to protect or

1 preclude flood damage to structures, works, and improvements, based
2 upon a cost/benefit ratio between the expense of providing and
3 maintaining these improvements and the benefits arising from these
4 improvements; (b) establishing the level of flood protection that
5 each portion of the system of flood control improvements will be
6 permitted; (c) identifying alternatives to in-stream flood control
7 work; (d) identifying areas where flood waters could be directed
8 during a flood to avoid damage to buildings and other structures; and
9 (e) identifying sources of revenue that will be sufficient to finance
10 the comprehensive scheme of flood control protection and
11 improvements;

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

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

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

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

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

1 NEW SECTION. **Sec. 12.** A new section is added to chapter 43.21C
2 RCW to read as follows:

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

9 NEW SECTION. **Sec. 13.** (1) The obligation of local governments
10 to comply with the requirements established in: (a) The amendments to
11 RCW 36.70A.070 set forth in this act; and (b) the updated shoreline
12 master program guidelines adopted pursuant to section 9 of this act,
13 is contingent on the provision of state funding to local governments
14 for the specific purpose of complying with these requirements.

15 (2) The obligation of local governments to comply with the
16 requirements established in: (a) The amendments to RCW 36.70A.070 set
17 forth in this act; and (b) the updated shoreline master program
18 guidelines adopted pursuant to section 9 of this act, takes effect
19 two years after the date the legislature appropriates state funding
20 to provide to local governments for the purpose of complying with
21 these requirements.

22 NEW SECTION. **Sec. 14.** If specific funding for the purposes of
23 this act, referencing this act by bill or chapter number, is not
24 provided by June 30, 2022, in the omnibus appropriations act, this
25 act is null and void."

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

ADOPTED AS AMENDED 03/03/2022

26 On page 1, line 2 of the title, after "framework;" strike the
27 remainder of the title and insert "amending RCW 36.70A.020,
28 36.70A.480, 36.70A.070, 36.70A.320, 36.70A.190, 36.70A.030, and
29 86.12.200; adding new sections to chapter 36.70A RCW; adding a new
30 section to chapter 70A.45 RCW; adding a new section to chapter 90.58
31 RCW; adding a new section to chapter 43.21C RCW; and creating new
32 sections."

EFFECT: (1) Strikes the climate change goal of the growth management act and inserts a goal focused on environmental resiliency.

(2) Strikes language requiring certain counties to meet the terms of the resiliency element once the county meets specific population thresholds even if the county no longer meets such thresholds.

(3) Strikes the climate change and resiliency element of the growth management act and replaces it with an element focused on environmental resiliency. Jurisdictions must identify, protect, and enhance natural areas and community resiliency to extreme weather events.

(4) Strikes the section requiring Commerce to compile, maintain, and publish per capita vehicle miles traveled.

(5) Encourages the participation and consideration of vulnerable populations and overburdened communities in comprehensive plan updates and grant funding for planning processes.

(6) 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; and

(e) 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.

(7) 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.

(8) 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.

(9) Clarifies that an environmental resiliency element must establish minimum requirements, including model options or voluntary cross-jurisdictional strategies, for fulfilling the new elements provided in this act and that adoption of this model is optional.

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

(11) Makes provisions that require Commerce in consultation with several other agencies to publish guidelines for updates to

comprehensive plans, that apply to the department of transportation
subject to appropriation.

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