
SUBSTITUTE SENATE BILL 6140

State of Washington

68th Legislature

2024 Regular Session

By Senate Local Government, Land Use & Tribal Affairs (originally sponsored by Senators Short, Lovelett, Braun, and Kuderer)

READ FIRST TIME 01/26/24.

1 AN ACT Relating to limited areas of more intensive rural
2 development; and amending RCW 36.70A.070.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 36.70A.070 and 2023 c 228 s 3 are each amended to
5 read as follows:

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

15 (1) A land use element designating the proposed general
16 distribution and general location and extent of the uses of land,
17 where appropriate, for agriculture, timber production, housing,
18 commerce, industry, recreation, open spaces and green spaces, urban
19 and community forests within the urban growth area, general aviation
20 airports, public utilities, public facilities, and other land uses.
21 The land use element shall include population densities, building

1 intensities, and estimates of future population growth. The land use
2 element shall provide for protection of the quality and quantity of
3 groundwater used for public water supplies. The land use element must
4 give special consideration to achieving environmental justice in its
5 goals and policies, including efforts to avoid creating or worsening
6 environmental health disparities. Wherever possible, the land use
7 element should consider utilizing urban planning approaches that
8 promote physical activity and reduce per capita vehicle miles
9 traveled within the jurisdiction, but without increasing greenhouse
10 gas emissions elsewhere in the state. Where applicable, the land use
11 element shall review drainage, flooding, and stormwater runoff in the
12 area and nearby jurisdictions and provide guidance for corrective
13 actions to mitigate or cleanse those discharges that pollute waters
14 of the state, including Puget Sound or waters entering Puget Sound.
15 The land use element must reduce and mitigate the risk to lives and
16 property posed by wildfires by using land use planning tools, which
17 may include, but are not limited to, adoption of portions or all of
18 the wildland urban interface code developed by the international code
19 council or developing building and maintenance standards consistent
20 with the firewise USA program or similar program designed to reduce
21 wildfire risk, reducing wildfire risks to residential development in
22 high risk areas and the wildland urban interface area, separating
23 human development from wildfire prone landscapes, and protecting
24 existing residential development and infrastructure through community
25 wildfire preparedness and fire adaptation measures.

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

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

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

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

36 (b) Includes a statement of goals, policies, objectives, and
37 mandatory provisions for the preservation, improvement, and
38 development of housing, including single-family residences, and
39 within an urban growth area boundary, moderate density housing

1 options including, but not limited to, duplexes, triplexes, and
2 townhomes;

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

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

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

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

17 (iii) Consideration of housing locations in relation to
18 employment location; and

19 (iv) Consideration of the role of accessory dwelling units in
20 meeting housing needs;

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

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

25 (ii) Disinvestment; and

26 (iii) Infrastructure availability;

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

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

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

1 In counties and cities subject to the review and evaluation
2 requirements of RCW 36.70A.215, any revision to the housing element
3 shall include consideration of prior review and evaluation reports
4 and any reasonable measures identified. The housing element should
5 link jurisdictional goals with overall county goals to ensure that
6 the housing element goals are met.

7 The adoption of ordinances, development regulations and
8 amendments to such regulations, and other nonproject actions taken by
9 a city that is required or chooses to plan under RCW 36.70A.040 that
10 increase housing capacity, increase housing affordability, and
11 mitigate displacement as required under this subsection (2) and that
12 apply outside of critical areas are not subject to administrative or
13 judicial appeal under chapter 43.21C RCW unless the adoption of such
14 ordinances, development regulations and amendments to such
15 regulations, or other nonproject actions has a probable significant
16 adverse impact on fish habitat.

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

31 The county or city shall identify all public entities that own
32 capital facilities and endeavor in good faith to work with other
33 public entities, such as special purpose districts, to gather and
34 include within its capital facilities element the information
35 required by this subsection. If, after a good faith effort, the
36 county or city is unable to gather the information required by this
37 subsection from the other public entities, the failure to include
38 such information in its capital facilities element cannot be grounds
39 for a finding of noncompliance or invalidity under chapter 228, Laws
40 of 2023. A good faith effort must, at a minimum, include consulting

1 the public entity's capital facility or system plans and emailing and
2 calling the staff of the public entity.

3 (4) (a) A utilities element consisting of the general location,
4 proposed location, and capacity of all existing and proposed
5 utilities including, but not limited to, electrical,
6 telecommunications, and natural gas systems.

7 (b) The county or city shall identify all public entities that
8 own utility systems and endeavor in good faith to work with other
9 public entities, such as special purpose districts, to gather and
10 include within its utilities element the information required in (a)
11 of this subsection. However, if, after a good faith effort, the
12 county or city is unable to gather the information required in (a) of
13 this subsection from the other public entities, the failure to
14 include such information in the utilities element shall not be
15 grounds for a finding of noncompliance or invalidity under chapter
16 228, Laws of 2023. A good faith effort must, at a minimum, include
17 consulting the public entity's capital facility or system plans, and
18 emailing and calling the staff of the public entity.

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

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

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

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

4 (i) Containing or otherwise controlling rural development;

5 (ii) Assuring visual compatibility of rural development with the
6 surrounding rural area;

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

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

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

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

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

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

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

32 (C) Any development or redevelopment in terms of building size,
33 scale, use, or intensity may be permitted subject to confirmation
34 from all existing providers of public facilities and public services
35 of sufficient capacity of existing public facilities and public
36 services to serve any new or additional demand from the new
37 development or redevelopment. Development and redevelopment may
38 include changes in use from vacant land or a previously existing use
39 so long as the new use conforms to the requirements of this
40 subsection (5) and is consistent with the local character. Any

1 commercial development or redevelopment within a mixed-use area must
2 be principally designed to serve the existing and projected rural
3 population and must meet the following requirements:

4 (I) Any included retail or food service space must not exceed the
5 footprint of previously occupied space or 5,000 square feet,
6 whichever is greater, for the same or similar use, unless the retail
7 space is for an essential rural retail service and the designated
8 limited area is located at least 10 miles from an existing urban
9 growth area, then the retail space must not exceed the footprint of
10 the previously occupied space or 10,000 square feet, whichever is
11 greater; and

12 (II) Any included retail or food service space must not exceed
13 2,500 square feet for a new use, unless the new retail space is for
14 an essential rural retail service and the designated limited area is
15 located at least 10 miles from an existing urban growth area, then
16 the new retail space must not exceed 10,000 square feet;

17 For the purposes of this subsection (5)(d), "essential rural
18 retail services" means services including grocery, pharmacy,
19 hardware, automotive parts, and similar uses that sell or provide
20 products necessary for health and safety, such as food, medication,
21 sanitation supplies, and products to maintain habitability and
22 mobility.

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

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

1 according to RCW 36.70A.030(~~((+23))~~) (35). Rural counties may also
2 allow new small-scale businesses to utilize a site previously
3 occupied by an existing business as long as the new small-scale
4 business conforms to the rural character of the area as defined by
5 the local government according to RCW 36.70A.030(~~((+23))~~) (35). Public
6 services and public facilities shall be limited to those necessary to
7 serve the isolated nonresidential use and shall be provided in a
8 manner that does not permit low-density sprawl;

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

26 (v) For purposes of this subsection (5)(d), an existing area or
27 existing use is one that was in existence:

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

30 (B) On the date the county adopted a resolution under RCW
31 36.70A.040(2), in a county that is planning under all of the
32 provisions of this chapter under RCW 36.70A.040(2); or

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

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

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

3 (a) The transportation element shall include the following
4 subelements:

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

6 (ii) Estimated multimodal level of service impacts to state-owned
7 transportation facilities resulting from land use assumptions to
8 assist in monitoring the performance of state facilities, to plan
9 improvements for the facilities, and to assess the impact of land-use
10 decisions on state-owned transportation facilities;

11 (iii) Facilities and services needs, including:

12 (A) An inventory of air, water, and ground transportation
13 facilities and services, including transit alignments, active
14 transportation facilities, and general aviation airport facilities,
15 to define existing capital facilities and travel levels to inform
16 future planning. This inventory must include state-owned
17 transportation facilities within the city or county's jurisdictional
18 boundaries;

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

27 (C) For state-owned transportation facilities, multimodal level
28 of service standards for highways, as prescribed in chapters 47.06
29 and 47.80 RCW, to gauge the performance of the system. The purposes
30 of reflecting multimodal level of service standards for state
31 highways in the local comprehensive plan are to monitor the
32 performance of the system, to evaluate improvement strategies, and to
33 facilitate coordination between the county's or city's six-year
34 street, road, active transportation, or transit program and the
35 office of financial management's ten-year investment program. The
36 concurrency requirements of (b) of this subsection do not apply to
37 transportation facilities and services of statewide significance
38 except for counties consisting of islands whose only connection to
39 the mainland are state highways or ferry routes. In these island

1 counties, state highways and ferry route capacity must be a factor in
2 meeting the concurrency requirements in (b) of this subsection;

3 (D) Specific actions and requirements for bringing into
4 compliance transportation facilities or services that are below an
5 established multimodal level of service standard;

6 (E) Forecasts of multimodal transportation demand and needs
7 within cities and urban growth areas, and forecasts of multimodal
8 transportation demand and needs outside of cities and urban growth
9 areas, for at least ten years based on the adopted land use plan to
10 inform the development of a transportation element that balances
11 transportation system safety and convenience to accommodate all users
12 of the transportation system to safely, reliably, and efficiently
13 provide access and mobility to people and goods. Priority must be
14 given to inclusion of transportation facilities and services
15 providing the greatest multimodal safety benefit to each category of
16 roadway users for the context and speed of the facility;

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

24 (G) A transition plan for transportation as required in Title II
25 of the Americans with disabilities act of 1990 (ADA). As a necessary
26 step to a program access plan to provide accessibility under the ADA,
27 state and local government, public entities, and public agencies are
28 required to perform self-evaluations of their current facilities,
29 relative to accessibility requirements of the ADA. The agencies are
30 then required to develop a program access plan, which can be called a
31 transition plan, to address any deficiencies. The plan is intended to
32 achieve the following:

33 (I) Identify physical obstacles that limit the accessibility of
34 facilities to individuals with disabilities;

35 (II) Describe the methods to be used to make the facilities
36 accessible;

37 (III) Provide a schedule for making the access modifications; and

38 (IV) Identify the public officials responsible for implementation
39 of the transition plan;

40 (iv) Finance, including:

1 (A) An analysis of funding capability to judge needs against
2 probable funding resources;

3 (B) A multiyear financing plan based on the needs identified in
4 the comprehensive plan, the appropriate parts of which shall serve as
5 the basis for the six-year street, road, or transit program required
6 by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW
7 35.58.2795 for public transportation systems. The multiyear financing
8 plan should be coordinated with the ten-year investment program
9 developed by the office of financial management as required by RCW
10 47.05.030;

11 (C) If probable funding falls short of meeting the identified
12 needs of the transportation system, including state transportation
13 facilities, a discussion of how additional funding will be raised, or
14 how land use assumptions will be reassessed to ensure that level of
15 service standards will be met;

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

19 (vi) Demand-management strategies;

20 (vii) Active transportation component to include collaborative
21 efforts to identify and designate planned improvements for active
22 transportation facilities and corridors that address and encourage
23 enhanced community access and promote healthy lifestyles.

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

1 required by this subsection (6)(b) must begin after full payment of
2 all impact fees is due to the county or city. A development proposal
3 may not be denied for causing the level of service on a locally owned
4 or locally or regionally operated transportation facility to decline
5 below the standards adopted in the transportation element of the
6 comprehensive plan where such impacts could be adequately mitigated
7 through active transportation facility improvements, increased or
8 enhanced public transportation service, ride-sharing programs, demand
9 management, or other transportation systems management strategies
10 funded by the development.

11 (c) The transportation element described in this subsection (6),
12 the six-year plans required by RCW 35.77.010 for cities, RCW
13 36.81.121 for counties, and RCW 35.58.2795 for public transportation
14 systems, and the ten-year investment program required by RCW
15 47.05.030 for the state, must be consistent.

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

21 (8) A park and recreation element that implements, and is
22 consistent with, the capital facilities plan element as it relates to
23 park and recreation facilities. The element shall include: (a)
24 Estimates of park and recreation demand for at least a ten-year
25 period; (b) an evaluation of facilities and service needs; (c) an
26 evaluation of tree canopy coverage within the urban growth area; and
27 (d) an evaluation of intergovernmental coordination opportunities to
28 provide regional approaches for meeting park and recreational demand.

29 (9)(a) A climate change and resiliency element that is designed
30 to result in reductions in overall greenhouse gas emissions and that
31 must enhance resiliency to and avoid the adverse impacts of climate
32 change, which must include efforts to reduce localized greenhouse gas
33 emissions and avoid creating or worsening localized climate impacts
34 to vulnerable populations and overburdened communities.

35 (b) The climate change and resiliency element shall include the
36 following subelements:

37 (i) A greenhouse gas emissions reduction subelement;

38 (ii) A resiliency subelement.

39 (c) The greenhouse gas emissions reduction subelement of the
40 climate change and resiliency element is mandatory for the

1 jurisdictions specified in RCW 36.70A.095 and is encouraged for all
2 other jurisdictions, including those planning under RCW 36.70A.040
3 and those planning under chapter 36.70 RCW. The resiliency subelement
4 of the climate change and resiliency element is mandatory for all
5 jurisdictions planning under RCW 36.70A.040 and is encouraged for
6 those jurisdictions planning under chapter 36.70 RCW.

7 (d) (i) The greenhouse gas emissions reduction subelement of the
8 comprehensive plan, and its related development regulations, must
9 identify the actions the jurisdiction will take during the planning
10 cycle consistent with the guidelines published by the department
11 pursuant to RCW 70A.45.120 that will:

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

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

18 (C) Prioritize reductions that benefit overburdened communities
19 in order to maximize the cobenefits of reduced air pollution and
20 environmental justice.

21 (ii) Actions not specifically identified in the guidelines
22 developed by the department pursuant to RCW 70A.45.120 may be
23 considered consistent with these guidelines only if:

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

28 (B) They are supported by scientifically credible projections and
29 scenarios that indicate their adoption is likely to result in
30 reductions of greenhouse gas emissions or per capita vehicle miles
31 traveled.

32 (iii) A jurisdiction may not restrict population growth or limit
33 population allocation in order to achieve the requirements set forth
34 in this subsection (9) (d).

35 (e) (i) The resiliency subelement must equitably enhance
36 resiliency to, and avoid or substantially reduce the adverse impacts
37 of, climate change in human communities and ecological systems
38 through goals, policies, and programs consistent with the best
39 available science and scientifically credible climate projections and
40 impact scenarios that moderate or avoid harm, enhance the resiliency

1 of natural and human systems, and enhance beneficial opportunities.
2 The resiliency subelement must prioritize actions that benefit
3 overburdened communities that will disproportionately suffer from
4 compounding environmental impacts and will be most impacted by
5 natural hazards due to climate change. Specific goals, policies, and
6 programs of the resiliency subelement must include, but are not
7 limited to, those designed to:

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

11 (B) Identify, protect, and enhance community resiliency to
12 climate change impacts, including social, economic, and built
13 environment factors, that support adaptation to climate impacts
14 consistent with environmental justice; and

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

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

30 (A) If a county or city intends to adopt by reference a federal
31 emergency management agency natural hazard mitigation plan in order
32 to meet all or part of the substantive requirements set forth in this
33 subsection (9)(e), and the most recently adopted federal emergency
34 management agency natural hazard mitigation plan does not comply with
35 the requirements of this subsection (9)(e), the department may grant
36 the county or city an extension of time in which to submit a natural
37 hazard mitigation plan.

38 (B) Eligibility for an extension under this subsection prior to
39 July 1, 2027, is limited to a city or county required to review and,
40 if needed, revise its comprehensive plan on or before June 30, 2025,

1 as provided in RCW 36.70A.130, or for a city or county with an
2 existing, unexpired federal emergency management agency natural
3 hazard mitigation plan scheduled to expire before December 31, 2024.

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

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

14 (E) Upon the submission of such a request to the department, the
15 city or county may have an additional 48 months from the date
16 provided in RCW 36.70A.130 in which to either adopt by reference an
17 updated federal emergency management agency natural hazard mitigation
18 plan or adopt its own natural hazard mitigation plan, and to then
19 submit that plan to the department.

20 (F) The adoption of ordinances, amendments to comprehensive
21 plans, amendments to development regulations, and other nonproject
22 actions taken by a county or city pursuant to (d) of this subsection
23 in order to implement measures specified by the department pursuant
24 to RCW 70A.45.120 are not subject to administrative or judicial
25 appeal under chapter 43.21C RCW.

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

--- END ---