

SSB 5374 - H COMM AMD  
By Committee on Local Government

**NOT CONSIDERED 04/27/2025**

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

3 **"Sec. 1.** RCW 36.70A.070 and 2024 c 135 s 1 are each amended to  
4 read as follows:

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

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

1 actions to mitigate or cleanse those discharges that pollute waters  
2 of the state, including Puget Sound or waters entering Puget Sound.  
3 The land use element must reduce and mitigate the risk to lives and  
4 property posed by wildfires by using land use planning tools, which  
5 may include, but are not limited to, adoption of portions or all of  
6 the wildland urban interface code developed by the international code  
7 council or developing building and maintenance standards consistent  
8 with the firewise USA program or similar program designed to reduce  
9 wildfire risk, reducing wildfire risks to residential development in  
10 high risk areas and the wildland urban interface area, separating  
11 human development from wildfire prone landscapes, and protecting  
12 existing residential development and infrastructure through community  
13 wildfire preparedness and fire adaptation measures.

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

16 (a) Includes an inventory and analysis of existing and projected  
17 housing needs that identifies the number of housing units necessary  
18 to manage projected growth, as provided by the department of  
19 commerce, including:

20 (i) Units for moderate, low, very low, and extremely low-income  
21 households; and

22 (ii) Emergency housing, emergency shelters, and permanent  
23 supportive housing;

24 (b) Includes a statement of goals, policies, objectives, and  
25 mandatory provisions for the preservation, improvement, and  
26 development of housing, including single-family residences, and  
27 within an urban growth area boundary, moderate density housing  
28 options including, but not limited to, duplexes, triplexes, and  
29 townhomes;

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

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

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

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

4 (iii) Consideration of housing locations in relation to  
5 employment location; and

6 (iv) Consideration of the role of accessory dwelling units in  
7 meeting housing needs;

8 (e) Identifies local policies and regulations that result in  
9 racially disparate impacts, displacement, and exclusion in housing,  
10 including:

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

12 (ii) Disinvestment; and

13 (iii) Infrastructure availability;

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

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

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

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

33 The adoption of ordinances, development regulations and  
34 amendments to such regulations, and other nonproject actions taken by  
35 a city that is required or chooses to plan under RCW 36.70A.040 that  
36 increase housing capacity, increase housing affordability, and  
37 mitigate displacement as required under this subsection (2) and that  
38 apply outside of critical areas are not subject to administrative or  
39 judicial appeal under chapter 43.21C RCW unless the adoption of such  
40 ordinances, development regulations and amendments to such

1 regulations, or other nonproject actions has a probable significant  
2 adverse impact on fish habitat.

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

17 The county or city shall identify all public entities that own  
18 capital facilities and endeavor in good faith to work with other  
19 public entities, such as special purpose districts, to gather and  
20 include within its capital facilities element the information  
21 required by this subsection. If, after a good faith effort, the  
22 county or city is unable to gather the information required by this  
23 subsection from the other public entities, the failure to include  
24 such information in its capital facilities element cannot be grounds  
25 for a finding of noncompliance or invalidity under chapter 228, Laws  
26 of 2023. A good faith effort must, at a minimum, include consulting  
27 the public entity's capital facility or system plans and emailing and  
28 calling the staff of the public entity.

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

33 (b) The county or city shall identify all public entities that  
34 own utility systems and endeavor in good faith to work with other  
35 public entities, such as special purpose districts, to gather and  
36 include within its utilities element the information required in (a)  
37 of this subsection. However, if, after a good faith effort, the  
38 county or city is unable to gather the information required in (a) of  
39 this subsection from the other public entities, the failure to  
40 include such information in the utilities element shall not be

1 grounds for a finding of noncompliance or invalidity under chapter  
2 228, Laws of 2023. A good faith effort must, at a minimum, include  
3 consulting the public entity's capital facility or system plans, and  
4 emailing and calling the staff of the public entity.

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

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

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

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

28 (i) Containing or otherwise controlling rural development;

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

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

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

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

37 (d) Limited areas of more intensive rural development. Subject to  
38 the requirements of this subsection and except as otherwise  
39 specifically provided in this subsection (5)(d), the rural element  
40 may allow for limited areas of more intensive rural development,

1 including necessary public facilities and public services to serve  
2 the limited area as follows:

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

8 (A) A commercial, industrial, residential, shoreline, or mixed-  
9 use area are subject to the requirements of (d)(iv) of this  
10 subsection, but are not subject to the requirements of (c)(ii) and  
11 (iii) of this subsection.

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

16 (C) Any development or redevelopment in terms of building size,  
17 scale, use, or intensity may be permitted subject to confirmation  
18 from all existing providers of public facilities and public services  
19 of sufficient capacity of existing public facilities and public  
20 services to serve any new or additional demand from the new  
21 development or redevelopment. Development and redevelopment may  
22 include changes in use from vacant land or a previously existing use  
23 so long as the new use conforms to the requirements of this  
24 subsection (5) and is consistent with the local character. Any  
25 commercial development or redevelopment within a mixed-use area must  
26 be principally designed to serve the existing and projected rural  
27 population and must meet the following requirements:

28 (I) Any included retail or food service space must not exceed the  
29 footprint of previously occupied space or 5,000 square feet,  
30 whichever is greater, for the same or similar use, unless the retail  
31 space is for an essential rural retail service and the designated  
32 limited area is located at least 10 miles from an existing urban  
33 growth area, then the retail space must not exceed the footprint of  
34 the previously occupied space or 10,000 square feet, whichever is  
35 greater; and

36 (II) Any included retail or food service space must not exceed  
37 2,500 square feet for a new use, unless the new retail space is for  
38 an essential rural retail service and the designated limited area is  
39 located at least 10 miles from an existing urban growth area, then  
40 the new retail space must not exceed 10,000 square feet;

1 For the purposes of this subsection (5)(d), "essential rural  
2 retail services" means services including grocery, pharmacy,  
3 hardware, automotive parts, and similar uses that sell or provide  
4 products necessary for health and safety, such as food, medication,  
5 sanitation supplies, and products to maintain habitability and  
6 mobility;

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

17 (iii) The intensification of development on lots containing  
18 isolated nonresidential uses or new development of isolated cottage  
19 industries and isolated small-scale businesses that are not  
20 principally designed to serve the existing and projected rural  
21 population and nonresidential uses, but do provide job opportunities  
22 for rural residents. Rural counties may allow the expansion of small-  
23 scale businesses as long as those small-scale businesses conform with  
24 the rural character of the area as defined by the local government  
25 according to RCW 36.70A.030(35). Rural counties may also allow new  
26 small-scale businesses to utilize a site previously occupied by an  
27 existing business as long as the new small-scale business conforms to  
28 the rural character of the area as defined by the local government  
29 according to RCW 36.70A.030(35). Public services and public  
30 facilities shall be limited to those necessary to serve the isolated  
31 nonresidential use and shall be provided in a manner that does not  
32 permit low-density sprawl;

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

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

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

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

14 (B) On the date the county adopted a resolution under RCW  
15 36.70A.040(2), in a county that is planning under all of the  
16 provisions of this chapter under RCW 36.70A.040(2); or

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

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

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

27 (a) The transportation element shall include the following  
28 subelements:

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

30 (ii) Estimated multimodal level of service impacts to state-owned  
31 transportation facilities resulting from land use assumptions to  
32 assist in monitoring the performance of state facilities, to plan  
33 improvements for the facilities, and to assess the impact of land-use  
34 decisions on state-owned transportation facilities;

35 (iii) Facilities and services needs, including:

36 (A) An inventory of air, water, and ground transportation  
37 facilities and services, including transit alignments, active  
38 transportation facilities, and general aviation airport facilities,  
39 to define existing capital facilities and travel levels to inform  
40 future planning. This inventory must include state-owned

1 transportation facilities within the city or county's jurisdictional  
2 boundaries;

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

11 (C) For state-owned transportation facilities, multimodal level  
12 of service standards for highways, as prescribed in chapters 47.06  
13 and 47.80 RCW, to gauge the performance of the system. The purposes  
14 of reflecting multimodal level of service standards for state  
15 highways in the local comprehensive plan are to monitor the  
16 performance of the system, to evaluate improvement strategies, and to  
17 facilitate coordination between the county's or city's six-year  
18 street, road, active transportation, or transit program and the  
19 office of financial management's (~~ten-year~~) 10-year investment  
20 program. The concurrency requirements of (b) of this subsection do  
21 not apply to transportation facilities and services of statewide  
22 significance except for counties consisting of islands whose only  
23 connection to the mainland are state highways or ferry routes. In  
24 these island counties, state highways and ferry route capacity must  
25 be a factor in meeting the concurrency requirements in (b) of this  
26 subsection;

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

30 (E) Forecasts of multimodal transportation demand and needs  
31 within cities and urban growth areas, and forecasts of multimodal  
32 transportation demand and needs outside of cities and urban growth  
33 areas, for at least (~~ten~~) 10 years based on the adopted land use  
34 plan to inform the development of a transportation element that  
35 balances transportation system safety and convenience to accommodate  
36 all users of the transportation system to safely, reliably, and  
37 efficiently provide access and mobility to people and goods. Priority  
38 must be given to inclusion of transportation facilities and services  
39 providing the greatest multimodal safety benefit to each category of  
40 roadway users for the context and speed of the facility;

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

8 (G) A transition plan for transportation as required in Title II  
9 of the Americans with disabilities act of 1990 (ADA). As a necessary  
10 step to a program access plan to provide accessibility under the ADA,  
11 state and local government, public entities, and public agencies are  
12 required to perform self-evaluations of their current facilities,  
13 relative to accessibility requirements of the ADA. The agencies are  
14 then required to develop a program access plan, which can be called a  
15 transition plan, to address any deficiencies. The plan is intended to  
16 achieve the following:

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

19 (II) Describe the methods to be used to make the facilities  
20 accessible;

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

22 (IV) Identify the public officials responsible for implementation  
23 of the transition plan;

24 (iv) Finance, including:

25 (A) An analysis of funding capability to judge needs against  
26 probable funding resources;

27 (B) A multiyear financing plan based on the needs identified in  
28 the comprehensive plan, the appropriate parts of which shall serve as  
29 the basis for the six-year street, road, or transit program required  
30 by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW  
31 35.58.2795 for public transportation systems. The multiyear financing  
32 plan should be coordinated with the (~~ten-year~~) 10-year investment  
33 program developed by the office of financial management as required  
34 by RCW 47.05.030;

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

1 (v) Intergovernmental coordination efforts, to include affected  
2 tribal governments, including an assessment of the impacts of the  
3 transportation plan and land use assumptions on the transportation  
4 systems of adjacent jurisdictions, including affected tribal areas;

5 (vi) Demand-management strategies;

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

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

37 (c) The transportation element described in this subsection (6),  
38 the six-year plans required by RCW 35.77.010 for cities, RCW  
39 36.81.121 for counties, and RCW 35.58.2795 for public transportation

1 systems, and the (~~ten-year~~) 10-year investment program required by  
2 RCW 47.05.030 for the state, must be consistent.

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

8 (8) A park and recreation element that implements, and is  
9 consistent with, the capital facilities plan element as it relates to  
10 park and recreation facilities. The element shall include: (a)  
11 Estimates of park and recreation demand for at least a (~~ten-year~~)  
12 10-year period; (b) an evaluation of facilities and service needs;  
13 (c) an evaluation of tree canopy coverage within the urban growth  
14 area; and (d) an evaluation of intergovernmental coordination  
15 opportunities to provide regional approaches for meeting park and  
16 recreational demand.

17 (9)(a) A climate change and resiliency element that is designed  
18 to result in reductions in overall greenhouse gas emissions and that  
19 must enhance resiliency to and avoid the adverse impacts of climate  
20 change, which must include efforts to reduce localized greenhouse gas  
21 emissions and avoid creating or worsening localized climate impacts  
22 to vulnerable populations and overburdened communities.

23 (b) The climate change and resiliency element shall include the  
24 following subelements:

25 (i) A greenhouse gas emissions reduction subelement;

26 (ii) A resiliency subelement.

27 (c) The greenhouse gas emissions reduction subelement of the  
28 climate change and resiliency element is mandatory for the  
29 jurisdictions specified in RCW 36.70A.095 and is encouraged for all  
30 other jurisdictions, including those planning under RCW 36.70A.040  
31 and those planning under chapter 36.70 RCW. The resiliency subelement  
32 of the climate change and resiliency element is mandatory for all  
33 jurisdictions planning under RCW 36.70A.040 and is encouraged for  
34 those jurisdictions planning under chapter 36.70 RCW.

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

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

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

7 (C) Prioritize reductions that benefit overburdened communities  
8 in order to maximize the cobenefits of reduced air pollution and  
9 environmental justice.

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

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

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

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

24 (e)(i) The resiliency subelement must equitably enhance  
25 resiliency to, and avoid or substantially reduce the adverse impacts  
26 of, climate change in human communities and ecological systems  
27 through goals, policies, and programs consistent with the best  
28 available science and scientifically credible climate projections and  
29 impact scenarios that moderate or avoid harm, enhance the resiliency  
30 of natural and human systems, and enhance beneficial opportunities.  
31 The resiliency subelement must prioritize actions that benefit  
32 overburdened communities that will disproportionately suffer from  
33 compounding environmental impacts and will be most impacted by  
34 natural hazards due to climate change. Specific goals, policies, and  
35 programs of the resiliency subelement must include, but are not  
36 limited to, those designed to:

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

1 (B) Identify, protect, and enhance community resiliency to  
2 climate change impacts, including social, economic, and built  
3 environment factors, that support adaptation to climate impacts  
4 consistent with environmental justice; and

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

9 (ii) A natural hazard mitigation plan or similar plan that is  
10 guided by RCW 36.70A.020(14), that prioritizes actions that benefit  
11 overburdened communities, and that complies with the applicable  
12 requirements of this chapter, including the requirements set forth in  
13 this subsection (9)(e), may be adopted by reference to satisfy these  
14 requirements, except that to the extent any of the substantive  
15 requirements of this subsection (9)(e) are not addressed, or are  
16 inadequately addressed, in the referenced natural hazard mitigation  
17 plan, a county or city must supplement the natural hazard mitigation  
18 plan accordingly so that the adopted resiliency subelement complies  
19 fully with the substantive requirements of this subsection (9)(e).

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

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

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

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

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

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

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

24 **Sec. 2.** RCW 36.81.121 and 2005 c 360 s 3 are each amended to  
25 read as follows:

26 (1) At any time before adoption of the budget, the legislative  
27 authority of each county, after one or more public hearings thereon,  
28 shall prepare and adopt a comprehensive transportation program for  
29 the ensuing six calendar years. If the county has adopted a  
30 comprehensive plan pursuant to chapter 35.63 or 36.70 RCW, the  
31 inherent authority of a charter county derived from its charter, or  
32 chapter 36.70A RCW, the program shall be consistent with this  
33 comprehensive plan.

34 The program shall include proposed road and bridge construction  
35 work and other transportation facilities and programs deemed  
36 appropriate, and for those counties operating ferries shall also  
37 include a separate section showing proposed capital expenditures for  
38 ferries, docks, and related facilities. The program shall include any  
39 new or enhanced bicycle or pedestrian facilities identified pursuant

1 to RCW 36.70A.070(6) or other applicable changes that promote  
2 nonmotorized transit. Copies of the program shall be filed with the  
3 county road administration board and with the state secretary of  
4 transportation not more than (~~thirty~~) 30 days after its adoption by  
5 the legislative authority. The purpose of this section is to assure  
6 that each county shall perpetually have available advanced plans  
7 looking to the future for not less than six years as a guide in  
8 carrying out a coordinated transportation program. The program may at  
9 any time be revised by a majority of the legislative authority but  
10 only after a public hearing thereon.

11 (2) Each six-year transportation program forwarded to the  
12 secretary in compliance with subsection (1) of this section shall  
13 contain information as to how a county will expend its moneys,  
14 including funds made available pursuant to chapter 47.30 RCW, for  
15 nonmotorized transportation purposes.

16 (3) Each six-year transportation program forwarded to the  
17 secretary in compliance with subsection (1) of this section shall  
18 contain information as to how a county shall act to preserve railroad  
19 right-of-way in the event the railroad ceases to operate in the  
20 county's jurisdiction.

21 (4) The six-year plan for each county shall specifically set  
22 forth those projects and programs of regional significance for  
23 inclusion in the transportation improvement program within that  
24 region.

25 (5) The comprehensive transportation program under this section  
26 must be prepared in coordination with affected tribal governments to  
27 assess the impacts of the program on affected tribal areas and to  
28 incorporate transportation needs of affected tribal areas. Tribal  
29 governments and counties should follow the coordination process in  
30 RCW 36.70A.040(8) (a) through (c) and are eligible for technical  
31 assistance and facilitation services authorized by RCW 36.70A.190(6).

32 **Sec. 3.** RCW 43.59.156 and 2020 c 72 s 1 are each amended to read  
33 as follows:

34 (1) Within amounts appropriated to the traffic safety commission,  
35 the commission must convene the Cooper Jones active transportation  
36 safety council comprised of stakeholders who have a unique interest  
37 or expertise in the safety of pedestrians, bicyclists, and other  
38 nonmotorists.

1 (2) The purpose of the council is to review and analyze data and  
2 programs related to fatalities and serious injuries involving  
3 pedestrians, bicyclists, and other nonmotorists to identify points at  
4 which the transportation system can be improved including, whenever  
5 possible, privately owned areas of the system such as parking lots,  
6 and to identify patterns in pedestrian, bicyclist, and other  
7 nonmotorist fatalities and serious injuries. The council may also:

8 (a) Monitor progress on implementation of existing council  
9 recommendations; and

10 (b) Seek opportunities to expand consideration and implementation  
11 of the principles of systematic safety, including areas where data  
12 collection may need improvement.

13 (3) (a) The council may include, but is not limited to:

14 (i) A representative from the commission;

15 (ii) A coroner from the county in which pedestrian, bicyclist, or  
16 nonmotorist deaths have occurred;

17 (iii) Multiple members of law enforcement who have investigated  
18 pedestrian, bicyclist, or nonmotorist fatalities;

19 (iv) A traffic engineer;

20 (v) A representative from the department of transportation and a  
21 representative from the department of health;

22 (vi) A representative from the association of Washington cities;

23 (vii) A representative from the Washington state association of  
24 counties;

25 (viii) A representative from a pedestrian advocacy group; ~~((and))~~

26 (ix) A representative from a tribal government; and

27 (x) A representative from a bicyclist or other nonmotorist  
28 advocacy group.

29 (b) The commission may invite other representatives of  
30 stakeholder groups to participate in the council as deemed  
31 appropriate by the commission. Additionally, the commission may  
32 invite a victim or family member of a victim to participate in the  
33 council.

34 (4) The council must meet at least quarterly. By December 31st of  
35 each year, the council must issue an annual report detailing any  
36 findings and recommendations to the governor and the transportation  
37 committees of the legislature. The commission must provide the annual  
38 report electronically to all municipal governments and state agencies  
39 that participated in the council during that calendar year.  
40 Additionally, the council must report any budgetary or fiscal

1 recommendations to the office of financial management and the  
2 legislature by August 1st on a biennial basis.

3 (5) As part of the review of pedestrian, bicyclist, or  
4 nonmotorist fatalities and serious injuries that occur in Washington,  
5 the council may review any available information, including crash  
6 information maintained in existing databases; statutes, rules,  
7 policies, or ordinances governing pedestrians and traffic related to  
8 the incidents; and any other relevant information. The council may  
9 make recommendations regarding changes in statutes, ordinances,  
10 rules, and policies that could improve pedestrian, bicyclist, or  
11 nonmotorist safety. Additionally, the council may make  
12 recommendations on how to improve traffic fatality and serious injury  
13 data quality, including crashes that occur in privately owned  
14 property such as parking lots. The council may consult with local  
15 cities and counties, as well as local police departments and other  
16 law enforcement agencies and associations representing those  
17 jurisdictions on how to improve data quality regarding crashes  
18 occurring on private property.

19 (6) (a) Documents prepared by or for the council are inadmissible  
20 and may not be used in a civil or administrative proceeding, except  
21 that any document that exists before its use or consideration in a  
22 review by the council, or that is created independently of such  
23 review, does not become inadmissible merely because it is reviewed or  
24 used by the council. For confidential information, such as personally  
25 identifiable information and medical records, which are obtained by  
26 the council, neither the commission nor the council may publicly  
27 disclose such confidential information. No person who was in  
28 attendance at a meeting of the council or who participated in the  
29 creation, retention, collection, or maintenance of information or  
30 documents specifically for the commission or the council shall be  
31 permitted to testify in any civil action as to the content of such  
32 proceedings or of the documents and information prepared specifically  
33 as part of the activities of the council. However, recommendations  
34 from the council and the commission generally may be disclosed  
35 without personal identifiers.

36 (b) The council may review, only to the extent otherwise  
37 permitted by law or court rule when determined to be relevant and  
38 necessary: Any law enforcement incident documentation, such as  
39 incident reports, dispatch records, and victim, witness, and suspect  
40 statements; any supplemental reports, probable cause statements, and

1 911 call taker's reports; and any other information determined to be  
2 relevant to the review. The commission and the council must maintain  
3 the confidentiality of such information to the extent required by any  
4 applicable law.

5 (7) If acting in good faith, without malice, and within the  
6 parameters of and protocols established under this chapter,  
7 representatives of the commission and the council are immune from  
8 civil liability for an activity related to reviews of particular  
9 fatalities and serious injuries.

10 (8) This section must not be construed to provide a private civil  
11 cause of action.

12 (9) (a) The council may receive gifts, grants, or endowments from  
13 public or private sources that are made from time to time, in trust  
14 or otherwise, for the use and benefit of the purposes of the council  
15 and spend the gifts, grants, or endowments from the public or private  
16 sources according to their terms, unless the receipt of the gifts,  
17 grants, or endowments violates RCW 42.17A.560.

18 (b) Subject to the appropriation of funds for this specific  
19 purpose, the council may provide grants targeted at improving  
20 pedestrian, bicyclist, or nonmotorist safety in accordance with  
21 recommendations made by the council.

22 (10) For purposes of this section:

23 (a) "Bicyclist fatality" means any death of a bicyclist resulting  
24 from a collision, whether on a roadway, at an intersection, along an  
25 adjacent sidewalk, or on a path that is contiguous with a roadway.

26 (b) "Council" means the Cooper Jones active transportation safety  
27 council.

28 (c) "Nonmotorist" means anyone using the transportation system  
29 who is not in a vehicle.

30 (d) "Pedestrian fatality" means any death of a pedestrian  
31 resulting from a collision, whether on a roadway, at an intersection,  
32 along an adjacent sidewalk, or on a path that is contiguous with a  
33 roadway.

34 (e) "Serious injury" means any injury other than a fatal injury  
35 that prevents the injured person from walking, driving, or normally  
36 continuing the activities the person was capable of performing before  
37 the injury occurred.

38 **Sec. 4.** RCW 43.59.156 and 2024 c 164 s 523 are each amended to  
39 read as follows:

1 (1) Within amounts appropriated to the traffic safety commission,  
2 the commission must convene the Cooper Jones active transportation  
3 safety council comprised of stakeholders who have a unique interest  
4 or expertise in the safety of pedestrians, bicyclists, and other  
5 nonmotorists.

6 (2) The purpose of the council is to review and analyze data and  
7 programs related to fatalities and serious injuries involving  
8 pedestrians, bicyclists, and other nonmotorists to identify points at  
9 which the transportation system can be improved including, whenever  
10 possible, privately owned areas of the system such as parking lots,  
11 and to identify patterns in pedestrian, bicyclist, and other  
12 nonmotorist fatalities and serious injuries. The council may also:

13 (a) Monitor progress on implementation of existing council  
14 recommendations; and

15 (b) Seek opportunities to expand consideration and implementation  
16 of the principles of systematic safety, including areas where data  
17 collection may need improvement.

18 (3) (a) The council may include, but is not limited to:

19 (i) A representative from the commission;

20 (ii) A coroner from the county in which pedestrian, bicyclist, or  
21 nonmotorist deaths have occurred;

22 (iii) Multiple members of law enforcement who have investigated  
23 pedestrian, bicyclist, or nonmotorist fatalities;

24 (iv) A traffic engineer;

25 (v) A representative from the department of transportation and a  
26 representative from the department of health;

27 (vi) A representative from the association of Washington cities;

28 (vii) A representative from the Washington state association of  
29 counties;

30 (viii) A representative from a pedestrian advocacy group; (~~and~~)

31 (ix) A representative from a tribal government; and

32 (x) A representative from a bicyclist or other nonmotorist  
33 advocacy group.

34 (b) The commission may invite other representatives of  
35 stakeholder groups to participate in the council as deemed  
36 appropriate by the commission. Additionally, the commission may  
37 invite a victim or family member of a victim to participate in the  
38 council.

39 (4) The council must meet at least quarterly. By December 31st of  
40 each year, the council must issue an annual report detailing any

1 findings and recommendations to the governor and the transportation  
2 committees of the legislature. The commission must provide the annual  
3 report electronically to all municipal governments and state agencies  
4 that participated in the council during that calendar year.  
5 Additionally, the council must report any budgetary or fiscal  
6 recommendations to the office of financial management and the  
7 legislature by August 1st on a biennial basis.

8 (5) As part of the review of pedestrian, bicyclist, or  
9 nonmotorist fatalities and serious injuries that occur in Washington,  
10 the council may review any available information, including crash  
11 information maintained in existing databases; statutes, rules,  
12 policies, or ordinances governing pedestrians and traffic related to  
13 the incidents; and any other relevant information. The council may  
14 make recommendations regarding changes in statutes, ordinances,  
15 rules, and policies that could improve pedestrian, bicyclist, or  
16 nonmotorist safety. Additionally, the council may make  
17 recommendations on how to improve traffic fatality and serious injury  
18 data quality, including crashes that occur in privately owned  
19 property such as parking lots. The council may consult with local  
20 cities and counties, as well as local police departments and other  
21 law enforcement agencies and associations representing those  
22 jurisdictions on how to improve data quality regarding crashes  
23 occurring on private property.

24 (6) (a) Documents prepared by or for the council are inadmissible  
25 and may not be used in a civil or administrative proceeding, except  
26 that any document that exists before its use or consideration in a  
27 review by the council, or that is created independently of such  
28 review, does not become inadmissible merely because it is reviewed or  
29 used by the council. For confidential information, such as personally  
30 identifiable information and medical records, which are obtained by  
31 the council, neither the commission nor the council may publicly  
32 disclose such confidential information. No person who was in  
33 attendance at a meeting of the council or who participated in the  
34 creation, retention, collection, or maintenance of information or  
35 documents specifically for the commission or the council shall be  
36 permitted to testify in any civil action as to the content of such  
37 proceedings or of the documents and information prepared specifically  
38 as part of the activities of the council. However, recommendations  
39 from the council and the commission generally may be disclosed  
40 without personal identifiers.

1 (b) The council may review, only to the extent otherwise  
2 permitted by law or court rule when determined to be relevant and  
3 necessary: Any law enforcement incident documentation, such as  
4 incident reports, dispatch records, and victim, witness, and suspect  
5 statements; any supplemental reports, probable cause statements, and  
6 911 call taker's reports; and any other information determined to be  
7 relevant to the review. The commission and the council must maintain  
8 the confidentiality of such information to the extent required by any  
9 applicable law.

10 (7) If acting in good faith, without malice, and within the  
11 parameters of and protocols established under this chapter,  
12 representatives of the commission and the council are immune from  
13 civil liability for an activity related to reviews of particular  
14 fatalities and serious injuries.

15 (8) This section must not be construed to provide a private civil  
16 cause of action.

17 (9) (a) The council may receive gifts, grants, or endowments from  
18 public or private sources that are made from time to time, in trust  
19 or otherwise, for the use and benefit of the purposes of the council  
20 and spend the gifts, grants, or endowments from the public or private  
21 sources according to their terms, unless the receipt of the gifts,  
22 grants, or endowments violates RCW 29B.45.020.

23 (b) Subject to the appropriation of funds for this specific  
24 purpose, the council may provide grants targeted at improving  
25 pedestrian, bicyclist, or nonmotorist safety in accordance with  
26 recommendations made by the council.

27 (10) For purposes of this section:

28 (a) "Bicyclist fatality" means any death of a bicyclist resulting  
29 from a collision, whether on a roadway, at an intersection, along an  
30 adjacent sidewalk, or on a path that is contiguous with a roadway.

31 (b) "Council" means the Cooper Jones active transportation safety  
32 council.

33 (c) "Nonmotorist" means anyone using the transportation system  
34 who is not in a vehicle.

35 (d) "Pedestrian fatality" means any death of a pedestrian  
36 resulting from a collision, whether on a roadway, at an intersection,  
37 along an adjacent sidewalk, or on a path that is contiguous with a  
38 roadway.

39 (e) "Serious injury" means any injury other than a fatal injury  
40 that prevents the injured person from walking, driving, or normally

1 continuing the activities the person was capable of performing before  
2 the injury occurred.

3 NEW SECTION. **Sec. 5.** A new section is added to chapter 43.59  
4 RCW to read as follows:

5 (1) Subject to the availability of amounts appropriated for this  
6 specific purpose, the commission must establish a tribal traffic  
7 safety coordinator program to assist tribes in implementing traffic  
8 safety strategies.

9 (2) Under the program, the commission must award grant funds to  
10 tribes to implement the program, and provide program support to  
11 tribes for traffic safety activities described in subsection (3) of  
12 this section.

13 (3) Use of program funds by program grantees may include, but are  
14 not limited to, any of the following activities:

15 (a) Create and execute comprehensive traffic safety programs  
16 tailored to incorporate indigenous knowledge and address the  
17 community's unique needs;

18 (b) Establish structured processes for gathering, assessing,  
19 analyzing, and presenting traffic safety data to support informed  
20 decision making;

21 (c) Lead public outreach efforts, organize road safety audits,  
22 and identify gaps in existing data and safety practices;

23 (d) Develop dual language educational programs and conduct  
24 Americans with disabilities act, pedestrian, and other traffic safety  
25 surveys to enhance inclusivity and awareness;

26 (e) Oversee safety performance metrics, prepare detailed reports,  
27 and guide the program's transition to long-term sustainability; and

28 (f) Present project results and data-driven insights to the  
29 respective tribal council to secure approvals for traffic safety  
30 initiatives and ensure alignment with community priorities.

31 (4) Program funds may also be used to match or supplement federal  
32 funds received by the commission for such purposes.

33 NEW SECTION. **Sec. 6.** Section 3 of this act expires January 1,  
34 2026.

35 NEW SECTION. **Sec. 7.** Section 4 of this act takes effect January  
36 1, 2026."

1 Correct the title.

EFFECT: Provides that when counties are preparing their comprehensive transportation programs in coordination with affected tribal governments as required, tribal governments and counties should follow coordination processes, and are eligible for technical assistance and facilitation services, provided in the Growth Management Act.

--- END ---