
HOUSE BILL 2573

State of Washington

69th Legislature

2026 Regular Session

By Representatives Pollet, Fosse, Lekanoff, Mena, Santos, Reeves, Parshley, Farivar, Gregerson, Berry, Cortes, Stearns, Nance, and Goodman

Read first time 01/19/26. Referred to Committee on Local Government.

1 AN ACT Relating to community access to food, medicine, and health
2 services; amending RCW 36.70A.020 and 36.70A.070; adding new sections
3 to chapter 36.70A RCW; adding a new section to chapter 70A.02 RCW;
4 adding a new section to chapter 35.21 RCW; adding a new section to
5 chapter 35A.21 RCW; adding a new section to chapter 36.01 RCW; adding
6 a new chapter to Title 82 RCW; and creating a new section.

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

8 NEW SECTION. **Sec. 1.** Access to a wide range of healthy foods,
9 basic health products, and prescription drugs at reasonable prices
10 within communities is essential for public health and is a goal of
11 the growth management act. It is the intent of the legislature to
12 protect public health, promote good health in all communities, and
13 reduce disparities in adverse health outcomes for the residents of
14 overburdened communities and members of federally recognized tribes
15 designated by the state pursuant to the healthy environment for all
16 act.

17 The legislature finds that the rapid closure of supermarkets,
18 full service grocery stores, and pharmacies without notice to local
19 governments creates "food deserts" due to lack of access to a full
20 range of groceries, including fresh produce, health products, and
21 household essentials at reasonable prices for residents in areas

1 where cities have planned increased density, particularly for
2 vulnerable populations, based on access to supermarkets, full service
3 grocery stores, and pharmacies.

4 The legislature finds that local governments often properly
5 consider current or proposed supermarkets, full service grocery
6 stores, and pharmacies as essential to serve residents in areas
7 designated under this act for increased housing densities, provision
8 of affordable housing and housing dedicated to seniors and persons
9 with disabilities, mixed commercial and residential development, and
10 to anchor planning for transit and infrastructure under this act. The
11 legislature encourages local governments to include policies that
12 ensure that there is adequate access to these services in
13 comprehensive plans for areas with increasing densities. Where cities
14 and counties planning under this act have considered in their
15 planning documents the presence of such supermarkets, full service
16 grocery stores, and pharmacies, the legislature intends to ensure
17 that the cities, counties, and members of the public have notice of
18 closures or sales which may reduce or interrupt services, and to
19 provide local governments with tools that enable action to ensure
20 continued access and prevent creation of food and pharmacy deserts.
21 Amongst those tools are a nuisance fee and an excise tax that may be
22 levied on properties on which the jurisdiction placed substantial
23 weight in planning for access to food, household items, and health
24 services to support increased housing density while those properties
25 or structures are vacant.

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

28 (1) A supermarket, full service grocery store, or pharmacy that
29 was relied upon by a planning jurisdiction to designate an area for
30 affordable or senior housing, housing for disabled persons, health
31 services, increased density and transit, or infrastructure
32 investments must provide at least six months' notice of reduced
33 service, closure, or proposed closure or sale.

34 (2) A supermarket, full service grocery store, or pharmacy
35 located in an overburdened community pursuant to chapter 70A.02 RCW
36 must provide at least one year's notice of closure, proposed closure
37 or sale, or significant change in operation that may interrupt access
38 to groceries or prescriptions or significantly affect the employment
39 of residents of the overburdened community.

1 (3) Notice must be provided to:

2 (a) The city where the supermarket, full service grocery store,
3 or pharmacy is located;

4 (b) Any other cities or unincorporated areas of a county that
5 comprises the affected overburdened community; and

6 (c) The department.

7 (4) Cities and counties shall include the required notice of
8 closure, sale, or significant change in operations in land use
9 permits and shall post or otherwise share the notice to the public,
10 including in primary languages spoken by five percent of the affected
11 overburdened community's residents.

12 (5) A city or county entitled to notice of closure, sale, or
13 significant change in operations of a supermarket, full service
14 grocery store, or pharmacy pursuant to subsections (1) and (2) of
15 this section, or the Washington state office of the attorney general,
16 may file an action in superior court to enjoin a closure, sale, or
17 significant change in operation which violates the notice
18 requirements in subsections (1) and (2) of this section.

19 (6) A city or county shall provide notice to supermarkets, full
20 service grocery stores, and pharmacies within their jurisdictions
21 that are subject to the requirements in subsections (1) and (2) of
22 this section through the supermarket's, full service grocery store's,
23 or pharmacy's registered agent or persons owning the supermarket,
24 full service grocery store, or pharmacy within 30 days of the
25 adoption of the relevant comprehensive plan update, including all
26 appendices to the comprehensive plan.

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

29 (1) Through the use of zoning and comprehensive plan updates, a
30 city or county may use planning and zoning tools to improve the
31 likelihood that a property that previously held a supermarket, full
32 service grocery store, or pharmacy, which was considered in prior
33 plans for the area where the property is located, will be returned to
34 use for those purposes as provided in this section.

35 (2) Cities and counties may designate commercial or mixed-use
36 properties to be zoned to require one or more ongoing uses as a
37 supermarket, full service grocery store, or pharmacy, or to include
38 another use that promotes public health in a community designated as
39 an overburdened community pursuant to chapter 70A.02 RCW.

1 (3) In its next update of the comprehensive plan, a city or
2 county may include designation of properties in areas of mixed
3 commercial and residential use within one-half mile of major transit,
4 or that otherwise are identified in the comprehensive plan as
5 supporting multifamily housing, for uses to include a supermarket,
6 full service grocery store, pharmacy, or other essential services. In
7 areas where an existing commercial entity is serving this purpose,
8 the city or county may adopt an update to zone the property to
9 include continuing use of the property for a range of such essential
10 community services rather than a general commercial use. A city or
11 county may increase the floor area ratio or density limits applicable
12 to such a property if development will include an enforceable
13 covenant and permit requirements for a supermarket, full service
14 grocery store, pharmacy, or another use that promotes public health
15 or other essential services for a period of at least 25 years.

16 **Sec. 4.** RCW 36.70A.020 and 2023 c 228 s 1 are each amended to
17 read as follows:

18 The following goals are adopted to guide the development and
19 adoption of comprehensive plans and development regulations of those
20 counties and cities that are required or choose to plan under RCW
21 36.70A.040 and, where specified, also guide the development of
22 regional policies, plans, and strategies adopted under RCW 36.70A.210
23 and chapter 47.80 RCW. The following goals are not listed in order of
24 priority and shall be used exclusively for the purpose of guiding the
25 development of comprehensive plans, development regulations, and,
26 where specified, regional plans, policies, and strategies:

27 (1) Urban growth. Encourage development in urban areas where
28 adequate public facilities and services exist or can be provided in
29 an efficient manner.

30 (2) Reduce sprawl. Reduce the inappropriate conversion of
31 undeveloped land into sprawling, low-density development.

32 (3) Transportation. Encourage efficient multimodal transportation
33 systems that will reduce greenhouse gas emissions and per capita
34 vehicle miles traveled, and are based on regional priorities and
35 coordinated with county and city comprehensive plans.

36 (4) Housing. Plan for and accommodate housing affordable to all
37 economic segments of the population of this state, promote a variety
38 of residential densities and housing types, and encourage
39 preservation of existing housing stock.

1 (5) Economic development. Encourage economic development
2 throughout the state that is consistent with adopted comprehensive
3 plans, promote economic opportunity for all citizens of this state,
4 especially for unemployed and for disadvantaged persons, promote the
5 retention and expansion of existing businesses and recruitment of new
6 businesses, recognize regional differences impacting economic
7 development opportunities, and encourage growth in areas experiencing
8 insufficient economic growth, all within the capacities of the
9 state's natural resources, public services, and public facilities.

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

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

17 (8) Natural resource industries. Maintain and enhance natural
18 resource-based industries, including productive timber, agricultural,
19 and fisheries industries. Encourage the conservation of productive
20 forestlands and productive agricultural lands, and discourage
21 incompatible uses.

22 (9) Open space and recreation. Retain open space and green space,
23 enhance recreational opportunities, enhance fish and wildlife
24 habitat, increase access to natural resource lands and water, and
25 develop parks and recreation facilities.

26 (10) Environment. Protect and enhance the environment and enhance
27 the state's high quality of life, including air and water quality,
28 and the availability of water.

29 (11) Citizen participation and coordination. Encourage the
30 involvement of citizens in the planning process, including the
31 participation of vulnerable populations and overburdened communities,
32 and ensure coordination between communities and jurisdictions to
33 reconcile conflicts.

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

1 (13) Historic preservation. Identify and encourage the
2 preservation of lands, sites, and structures, that have historical or
3 archaeological significance.

4 (14) Climate change and resiliency. Ensure that comprehensive
5 plans, development regulations, and regional policies, plans, and
6 strategies under RCW 36.70A.210 and chapter 47.80 RCW adapt to and
7 mitigate the effects of a changing climate; support reductions in
8 greenhouse gas emissions and per capita vehicle miles traveled;
9 prepare for climate impact scenarios; foster resiliency to climate
10 impacts and natural hazards; protect and enhance environmental,
11 economic, and human health and safety; and advance environmental
12 justice.

13 (15) Shorelines of the state. For shorelines of the state, the
14 goals and policies of the shoreline management act as set forth in
15 RCW 90.58.020 shall be considered an element of the county's or
16 city's comprehensive plan.

17 (16) Health and food access. Improve the health outcomes of
18 people living in overburdened communities and federally recognized
19 Indian country through access to healthy food, medicine, and health
20 services, including access to traditional foods to which federally
21 recognized Indian tribes have reserved treaty rights to access; and
22 preventing exposure to disparately higher environmental pollutants
23 that are linked to increased disabilities, reduced life span, or
24 adverse health effects.

25 **Sec. 5.** RCW 36.70A.070 and 2024 c 135 s 1 are each amended to
26 read as follows:

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

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

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

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

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

35 (i) Units for moderate, low, very low, and extremely low-income
36 households; and

37 (ii) Emergency housing, emergency shelters, and permanent
38 supportive housing;

39 (b) Includes a statement of goals, policies, objectives, and
40 mandatory provisions for the preservation, improvement, and

1 development of housing, including single-family residences, and
2 within an urban growth area boundary, moderate density housing
3 options including, but not limited to, duplexes, triplexes, and
4 townhomes;

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

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

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

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

19 (iii) Consideration of housing locations in relation to
20 employment location; and

21 (iv) Consideration of the role of accessory dwelling units in
22 meeting housing needs;

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

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

27 (ii) Disinvestment; and

28 (iii) Infrastructure availability;

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

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

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

1 disposition policies; and consideration of land that may be used for
2 affordable housing.

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

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

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

33 The county or city shall identify all public entities that own
34 capital facilities and endeavor in good faith to work with other
35 public entities, such as special purpose districts, to gather and
36 include within its capital facilities element the information
37 required by this subsection. If, after a good faith effort, the
38 county or city is unable to gather the information required by this
39 subsection from the other public entities, the failure to include
40 such information in its capital facilities element cannot be grounds

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

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

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

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

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

31 (b) Rural development. The rural element shall permit rural
32 development, forestry, and agriculture in rural areas. The rural
33 element shall provide for a variety of rural densities, uses,
34 essential public facilities, and rural governmental services needed
35 to serve the permitted densities and uses. To achieve a variety of
36 rural densities and uses, counties may provide for clustering,
37 density transfer, design guidelines, conservation easements, and
38 other innovative techniques that will accommodate appropriate rural
39 economic advancement, densities, and uses that are not characterized
40 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(~~(35)~~) (38). 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(~~(35)~~) (38). 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) A healthy communities element that includes policies to
27 improve health outcomes for residents of overburdened communities
28 pursuant to chapter 70A.02 RCW and members of federally recognized
29 Indian tribes living or residing temporarily within designated
30 reservations or Indian country. The healthy communities element must
31 designate communities that are determined to be overburdened
32 communities pursuant to chapter 70A.02 RCW as such in the
33 comprehensive plan. Policies must also include:

34 (a) Policies to provide health products and services;

35 (b) Plans to reduce environmental exposures;

36 (c) Ways to improve social determinants of health that contribute
37 to disparately greater adverse health outcomes for residents in
38 overburdened communities and designated reservations and Indian
39 country in comparison to other residents of the jurisdiction and
40 region; and

1 (d) Policies which respond to health-related effects from climate
2 change, which may incorporate goals from RCW 36.70A.020(14).

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

10 NEW SECTION. Sec. 6. A new section is added to chapter 70A.02
11 RCW to read as follows:

12 Each jurisdiction that plans under the growth management act
13 pursuant to RCW 36.70A.040 shall include a healthy communities
14 element in its comprehensive plan.

15 NEW SECTION. Sec. 7. (1) A city or county may impose an excise
16 tax on the owner of a property zoned for, and which previously
17 housed, a supermarket, full service grocery store, or pharmacy whose
18 presence was a significant factor in the city or county authorizing
19 increased housing density, affordable housing, housing for seniors or
20 persons with disabilities, or investment in transit, transportation,
21 or infrastructure plans under the growth management act.

22 (2) In adopting an excise tax, a city or county shall include in
23 its ordinance other purposes that a property may serve to reduce or
24 eliminate the excise tax, and the extent and time period for which
25 the city or county will reduce the tax. Such purposes may include the
26 use of the property or buildings, or any portion of the property or
27 buildings, for temporary housing or shelter, low-barrier small
28 business development, community and nonprofit organizational uses,
29 local government services, and supervised recreational programs.

30 (3) The excise tax imposed pursuant to subsection (1) of this
31 section may be an amount up to \$500,000 per acre, or portion of an
32 acre, for each year in which the property does not house a
33 supermarket, full service grocery store, or pharmacy and must be
34 collected quarterly.

35 (4) An excise tax pursuant to subsection (1) of this section may
36 not be imposed on a property owner if the owner has applied for a
37 permit to redevelop the property to include a supermarket, full-
38 service grocery store, pharmacy, or other alternative use approved by

1 the city pursuant to subsection (2) of this section that serves the
2 goals of the comprehensive plan, including health care access, child
3 care, or public school uses.

4 (5) Revenue from the excise tax authorized by this section may be
5 used for the following purposes:

6 (a) Funding public safety-related programs;

7 (b) Increasing access to healthy foods, medicine and health
8 products, or open space and recreation;

9 (c) Supporting community planning and engagement in the community
10 where the property is located;

11 (d) Meeting community needs for community centers, resource
12 centers, food banks, and other services in the community in which the
13 property is located; and

14 (e) Establishing and supporting employee or local government-
15 operated stores providing access to healthy foods, pharmaceutical,
16 health, or household products in an underserved or overburdened
17 community.

18 NEW SECTION. **Sec. 8.** A new section is added to chapter 35.21
19 RCW to read as follows:

20 (1) A city may require a plan to prevent vacant property zoned
21 for and that previously housed a supermarket, full service grocery
22 store, or pharmacy from becoming a public nuisance and may also
23 impose a nuisance fee in an amount up to \$250,000 per acre, or
24 portion of an acre, for:

25 (a) Increased policing and fire protection;

26 (b) Preventing unauthorized access to the property without
27 adversely affecting nearby businesses and residents through fencing
28 and boarding up buildings;

29 (c) Prevention and removal of graffiti;

30 (d) Preventing the appearance of blight;

31 (e) Mitigating the reduction of customer practices; and

32 (f) Other related purposes.

33 (2) A city may waive or proportionately reduce the nuisance fee
34 if the property owner allows the property to be utilized for
35 temporary business, local government, transitional housing for
36 persons exiting homelessness, temporary residences with basic
37 sanitation and health services, community gardens, educational
38 activities, or community celebration purposes.

1 (3) A city imposing a vacancy-related nuisance fee shall notify
2 the property owner of the intent to impose such a fee and take public
3 comment on the fee at least 90 days prior to the date of closure or
4 service interruption provided to the city or county pursuant to
5 section 1 of this act. If a property owner fails to provide the
6 required notice of closure or service interruption, the city may
7 impose the fee without prior notice to the owner.

8 NEW SECTION. **Sec. 9.** A new section is added to chapter 35A.21
9 RCW to read as follows:

10 (1) A code city may require a plan to prevent vacant property
11 zoned for and that previously housed a supermarket, full service
12 grocery store, or pharmacy from becoming a public nuisance and may
13 also impose a nuisance fee in an amount up to \$250,000 per acre, or
14 portion of an acre, for:

15 (a) Increased policing and fire protection;

16 (b) Preventing unauthorized access to the property without
17 adversely affecting nearby businesses and residents through fencing
18 and boarding up buildings;

19 (c) Prevention and removal of graffiti;

20 (d) Preventing the appearance of blight;

21 (e) Mitigating the reduction of customer practices; and

22 (f) Other related purposes.

23 (2) A code city may waive or proportionately reduce the nuisance
24 fee if the property owner allows the property to be utilized for
25 temporary business, local government, transitional housing for
26 persons exiting homelessness, temporary residences with basic
27 sanitation and health services, community gardens, educational
28 activities, or community celebration purposes.

29 (3) A code city imposing a vacancy-related nuisance fee shall
30 notify the property owner of the intent to impose such a fee and take
31 public comment on the fee at least 90 days prior to the date of
32 closure or service interruption provided to the city or county
33 pursuant to section 1 of this act. If a property owner fails to
34 provide the required notice of closure or service interruption, the
35 code city may impose the fee without prior notice to the owner.

36 NEW SECTION. **Sec. 10.** A new section is added to chapter 36.01
37 RCW to read as follows:

1 (1) A county may require a plan to prevent vacant property zoned
2 for and that previously housed a supermarket, full service grocery
3 store, or pharmacy from becoming a public nuisance and may also
4 impose a nuisance fee in an amount up to \$250,000 per acre, or
5 portion of an acre, for:

6 (a) Increased policing and fire protection;

7 (b) Preventing unauthorized access to the property without
8 adversely affecting nearby businesses and residents through fencing
9 and boarding up buildings;

10 (c) Prevention and removal of graffiti;

11 (d) Preventing the appearance of blight;

12 (e) Mitigating the reduction of customer practices; and

13 (f) Other related purposes.

14 (2) A county may waive or proportionately reduce the nuisance fee
15 if the property owner allows the property to be utilized for
16 temporary business, local government, transitional housing for
17 persons exiting homelessness, temporary residences with basic
18 sanitation and health services, community gardens, educational
19 activities, or community celebration purposes.

20 (3) A county imposing a vacancy-related nuisance fee shall notify
21 the property owner of the intent to impose such a fee and take public
22 comment on the fee at least 90 days prior to the date of closure or
23 service interruption provided to the city or county pursuant to
24 section 1 of this act. If a property owner fails to provide the
25 required notice of closure or service interruption, the county may
26 impose the fee without prior notice to the owner.

27 NEW SECTION. **Sec. 11.** Section 7 of this act constitutes a new
28 chapter in Title 82 RCW.

--- END ---