
SUBSTITUTE SENATE BILL 5613

State of Washington

69th Legislature

2025 Regular Session

By Senate Housing (originally sponsored by Senators Salomon, Trudeau, Liiias, and Nobles)

READ FIRST TIME 02/20/25.

1 AN ACT Relating to the development of clear and objective
2 standards, conditions, and procedures for residential development;
3 amending RCW 36.70A.030 and 36.70A.190; reenacting and amending RCW
4 36.70A.280; adding a new section to chapter 36.70A RCW; and creating
5 a new section.

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

7 NEW SECTION. **Sec. 1.** (1) The department of commerce shall form
8 a stakeholder work group to analyze development regulations that
9 create barriers to housing types, and suggest model codes that
10 contain clear and objective standards.

11 (2) The work group shall consist of members representing:

12 (a) Cities;

13 (b) Counties;

14 (c) The building industry;

15 (d) The construction trades;

16 (e) The planning profession;

17 (f) The architecture profession; and

18 (g) Organizations advocating for sustainable land use.

19 (3) The work group shall help guide implementation of the clear
20 and objective standards and a model code for residential development
21 required in RCW 36.70A.190.

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

3 (1) Except as provided in subsection (2) of this section, a city
4 or county may adopt and apply only clear and objective design and
5 development standards regulating residential development. The
6 standards:

7 (a) May include, but are not limited to, one or more provisions
8 regulating the density, height, bulk, or scale of a development; and

9 (b) May not have the effect, either in themselves or
10 cumulatively, of discouraging development through unreasonable cost
11 or delay.

12 (2) In addition to an approval process for residential
13 development based on clear and objective design and development
14 standards as provided in subsection (1) of this section, a city or
15 county may adopt and apply an alternative approval process for
16 applications and permits for residential development based on
17 approval criteria regulating, in whole or in part, appearance or
18 aesthetics that are not clear and objective if:

19 (a) The applicant retains the option of proceeding under the
20 approval process that meets the requirements of subsection (1) of
21 this section;

22 (b) The approval criteria for the alternative approval process
23 comply with this chapter; and

24 (c) The approval criteria for the alternative approval process
25 does not authorize a density of less than the density authorized in
26 the comprehensive plan and that would be authorized under the
27 approval process provided in subsection (1) of this section.

28 (3) Subject to subsection (1) of this section, this section does
29 not infringe on the prerogative of a city or county to:

30 (a) Set approval standards under which a particular housing type
31 is permitted outright;

32 (b) Impose special conditions upon approval of a specific
33 development proposal; or

34 (c) Establish approval procedures.

35 (4) By January 1, 2028, all development regulations in effect in
36 a city or county must comply with the requirements of this section.

37 (5) The provisions of this section do not apply to standards
38 regulating residential development outside of urban growth areas
39 designated under RCW 36.70A.110.

40 (6) A city or county has met the requirements of this section if:

1 (a) The city or county adopts standards in compliance with this
2 section; or

3 (b) (i) The city or county adopts the model code produced by the
4 department under section 4 of this act;

5 (ii) The city or county submits any standards adopted under this
6 subsection to the department for approval; and

7 (iii) The department determines that the adopted provisions meet
8 the requirements of the model code developed under section 4 of this
9 act. If the department determines that the adopted provisions do not
10 meet the requirements of the model code developed under section 4 of
11 this act, the department shall notify the city or county of the
12 deficiencies identified and proposed amendments to correct any
13 deficiencies. Upon amendment of any provisions deemed to not meet the
14 requirements of the model code, the city or county may resubmit the
15 amended provisions to the department for approval.

16 **Sec. 3.** RCW 36.70A.030 and 2024 c 152 s 1 are each amended to
17 read as follows:

18 Unless the context clearly requires otherwise, the definitions in
19 this section apply throughout this chapter.

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

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

34 (3) "Administrative design review" means a development permit
35 process whereby an application is reviewed, approved, or denied by
36 the planning director or the planning director's designee based
37 solely on clear and objective design and development standards
38 without a public predecision hearing, unless such review is otherwise
39 required by state or federal law, or the structure is a designated

1 landmark or historic district established under a local preservation
2 ordinance. A city may utilize public meetings, hearings, or voluntary
3 review boards to consider, recommend, or approve requests for
4 variances from locally established design review standards.

5 (4) "Adopt a comprehensive land use plan" means to enact a new
6 comprehensive land use plan or to update an existing comprehensive
7 land use plan.

8 (5) "Affordable housing" means, unless the context clearly
9 indicates otherwise, residential housing whose monthly costs,
10 including utilities other than telephone, do not exceed thirty
11 percent of the monthly income of a household whose income is:

12 (a) For rental housing, 60 percent of the median household income
13 adjusted for household size, for the county where the household is
14 located, as reported by the United States department of housing and
15 urban development; or

16 (b) For owner-occupied housing, 80 percent of the median
17 household income adjusted for household size, for the county where
18 the household is located, as reported by the United States department
19 of housing and urban development.

20 (6) "Agricultural land" means land primarily devoted to the
21 commercial production of horticultural, viticultural, floricultural,
22 dairy, apiary, vegetable, or animal products or of berries, grain,
23 hay, straw, turf, seed, Christmas trees not subject to the excise tax
24 imposed by RCW 84.33.100 through 84.33.140, finfish in upland
25 hatcheries, or livestock, and that has long-term commercial
26 significance for agricultural production.

27 (7) "City" means any city or town, including a code city.

28 (8) "Comprehensive land use plan," "comprehensive plan," or
29 "plan" means a generalized coordinated land use policy statement of
30 the governing body of a county or city that is adopted pursuant to
31 this chapter.

32 (9) "Cottage housing" means residential units on a lot with a
33 common open space that either: (a) Is owned in common; or (b) has
34 units owned as condominium units with property owned in common and a
35 minimum of 20 percent of the lot size as open space.

36 (10) "Courtyard apartments" means attached dwelling units
37 arranged on two or three sides of a yard or court.

38 (11) "Critical areas" include the following areas and ecosystems:
39 (a) Wetlands; (b) areas with a critical recharging effect on aquifers
40 used for potable water; (c) fish and wildlife habitat conservation

1 areas; (d) frequently flooded areas; and (e) geologically hazardous
2 areas. "Fish and wildlife habitat conservation areas" does not
3 include such artificial features or constructs as irrigation delivery
4 systems, irrigation infrastructure, irrigation canals, or drainage
5 ditches that lie within the boundaries of and are maintained by a
6 port district or an irrigation district or company.

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

8 (13) "Development regulations" or "regulation" means the controls
9 placed on development or land use activities by a county or city,
10 including, but not limited to, zoning ordinances, critical areas
11 ordinances, shoreline master programs, official controls, planned
12 unit development ordinances, subdivision ordinances, and binding site
13 plan ordinances together with any amendments thereto. Development
14 regulations adopted pursuant to this chapter must be clear and
15 objective design and development standards as defined in this
16 section. In determining whether a development regulation is clear and
17 objective the regulation must be interpreted in a manner that does
18 not inhibit or prohibit either development of middle housing or
19 accessory dwelling or achievement of minimum density requirements
20 under this chapter. A development regulation does not include a
21 decision to approve a project permit application, as defined in RCW
22 36.70B.020, even though the decision may be expressed in a resolution
23 or ordinance of the legislative body of the county or city.

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

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

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

1 disproportionate environmental and health impacts in all laws, rules,
2 and policies with environmental impacts by prioritizing vulnerable
3 populations and overburdened communities and the equitable
4 distribution of resources and benefits.

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

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

26 (19) "Freight rail dependent uses" means buildings and other
27 infrastructure that are used in the fabrication, processing, storage,
28 and transport of goods where the use is dependent on and makes use of
29 an adjacent short line railroad. Such facilities are both urban and
30 rural development for purposes of this chapter. "Freight rail
31 dependent uses" does not include buildings and other infrastructure
32 that are used in the fabrication, processing, storage, and transport
33 of coal, liquefied natural gas, or "crude oil" as defined in RCW
34 90.56.010.

35 (20) "Geologically hazardous areas" means areas that because of
36 their susceptibility to erosion, sliding, earthquake, or other
37 geological events, are not suited to the siting of commercial,
38 residential, or industrial development consistent with public health
39 or safety concerns.

1 (21) "Green infrastructure" means a wide array of natural assets
2 and built structures within an urban growth area boundary, including
3 parks and other areas with protected tree canopy, and management
4 practices at multiple scales that manage wet weather and that
5 maintain and restore natural hydrology by storing, infiltrating,
6 evapotranspiring, and harvesting and using stormwater.

7 (22) "Green space" means an area of land, vegetated by natural
8 features such as grass, trees, or shrubs, within an urban context and
9 less than one acre in size that creates public value through one or
10 more of the following attributes:

- 11 (a) Is accessible to the public;
- 12 (b) Promotes physical and mental health of residents;
- 13 (c) Provides relief from the urban heat island effects;
- 14 (d) Promotes recreational and aesthetic values;
- 15 (e) Protects streams or water supply; or
- 16 (f) Preserves visual quality along highway, road, or street
17 corridors.

18 (23) "Long-term commercial significance" includes the growing
19 capacity, productivity, and soil composition of the land for long-
20 term commercial production, in consideration with the land's
21 proximity to population areas, and the possibility of more intense
22 uses of the land.

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

29 (25) "Major transit stop" means:

- 30 (a) A stop on a high capacity transportation system funded or
31 expanded under the provisions of chapter 81.104 RCW;
- 32 (b) Commuter rail stops;
- 33 (c) Stops on rail or fixed guideway systems; or
- 34 (d) Stops on bus rapid transit routes, including those stops that
35 are under construction.

36 (26) "Middle housing" means buildings that are compatible in
37 scale, form, and character with single-family houses and contain two
38 or more attached, stacked, or clustered homes including duplexes,
39 triplexes, fourplexes, fiveplexes, sixplexes, townhouses, stacked
40 flats, courtyard apartments, and cottage housing.

1 (27) "Minerals" include gravel, sand, and valuable metallic
2 substances.

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

9 (29) "Overburdened community" means a geographic area where
10 vulnerable populations face combined, multiple environmental harms
11 and health impacts, and includes, but is not limited to, highly
12 impacted communities as defined in RCW 19.405.020.

13 (30) "Per capita vehicle miles traveled" means the number of
14 miles traveled using cars and light trucks in a calendar year divided
15 by the number of residents in Washington. The calculation of this
16 value excludes vehicle miles driven conveying freight.

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

33 (32) "Public facilities" include streets, roads, highways,
34 sidewalks, street and road lighting systems, traffic signals,
35 domestic water systems, storm and sanitary sewer systems, parks and
36 recreational facilities, and schools.

37 (33) "Public services" include fire protection and suppression,
38 law enforcement, public health, education, recreation, environmental
39 protection, and other governmental services.

1 (34) "Recreational land" means land so designated under RCW
2 36.70A.1701 and that, immediately prior to this designation, was
3 designated as agricultural land of long-term commercial significance
4 under RCW 36.70A.170. Recreational land must have playing fields and
5 supporting facilities existing before July 1, 2004, for sports played
6 on grass playing fields.

7 (35) "Rural character" refers to the patterns of land use and
8 development established by a county in the rural element of its
9 comprehensive plan:

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

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

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

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

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

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

22 (g) That are consistent with the protection of natural surface
23 water flows and groundwater and surface water recharge and discharge
24 areas.

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

33 (37) "Rural governmental services" or "rural services" include
34 those public services and public facilities historically and
35 typically delivered at an intensity usually found in rural areas, and
36 may include domestic water systems and fire and police protection
37 services associated with rural development and normally not
38 associated with urban areas. Rural services do not include storm or
39 sanitary sewers, except as otherwise authorized by RCW 36.70A.110(4).

1 (38) "Short line railroad" means those railroad lines designated
2 class II or class III by the United States surface transportation
3 board.

4 (39) "Single-family zones" means those zones where single-family
5 detached housing is the predominant land use.

6 (40) "Stacked flat" means dwelling units in a residential
7 building of no more than three stories on a residential zoned lot in
8 which each floor may be separately rented or owned.

9 (41) "Townhouses" means buildings that contain three or more
10 attached single-family dwelling units that extend from foundation to
11 roof and that have a yard or public way on not less than two sides.

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

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

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

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

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

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

4 (47) (a) "Vulnerable populations" means population groups that are
5 more likely to be at higher risk for poor health outcomes in response
6 to environmental harms, due to: (i) Adverse socioeconomic factors,
7 such as unemployment, high housing and transportation costs relative
8 to income, limited access to nutritious food and adequate health
9 care, linguistic isolation, and other factors that negatively affect
10 health outcomes and increase vulnerability to the effects of
11 environmental harms; and (ii) sensitivity factors, such as low birth
12 weight and higher rates of hospitalization.

13 (b) "Vulnerable populations" includes, but is not limited to:
14 (i) Racial or ethnic minorities;
15 (ii) Low-income populations; and
16 (iii) Populations disproportionately impacted by environmental
17 harms.

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

33 (49) "Wildland urban interface" means the geographical area where
34 structures and other human development meets or intermingles with
35 wildland vegetative fuels.

36 (50) "Clear and objective design and development standards" means
37 locally adopted development regulations that involve no personal or
38 subjective judgment by a public official, and are ascertainable by
39 reference to measurable written or graphic criteria available and

1 knowable to both the permit applicant and public officials prior to
2 submittal.

3 **Sec. 4.** RCW 36.70A.190 and 2023 c 228 s 9 are each amended to
4 read as follows:

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

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

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

31 (4) The department shall establish a program of technical
32 assistance:

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

1 (b) Adopting by rule procedural criteria to assist counties and
2 cities in adopting comprehensive plans and development regulations
3 that meet the goals and requirements of this chapter. These criteria
4 shall reflect regional and local variations and the diversity that
5 exists among different counties and cities that plan under this
6 chapter.

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

11 (6) The department shall provide services to facilitate the
12 timely resolution of disputes between a federally recognized Indian
13 tribe and a city or county.

14 (a) A federally recognized Indian tribe may request the
15 department to provide facilitation services to resolve issues of
16 concern with a proposed comprehensive plan and its development
17 regulations, or any amendment to the comprehensive plan and its
18 development regulations.

19 (b) Upon receipt of a request from a tribe, the department shall
20 notify the city or county of the request and offer to assist in
21 providing facilitation services to encourage resolution before
22 adoption of the proposed comprehensive plan. Upon receipt of the
23 notice from the department, the city or county must delay any final
24 action to adopt any comprehensive plan or any amendment or its
25 development regulations for at least 60 days. The tribe and the city
26 or county may jointly agree to extend this period by notifying the
27 department. A county or city must not be penalized for noncompliance
28 under this chapter due to any delays associated with this process.

29 (c) Upon receipt of a request, the department shall provide
30 comments to the county or city including a summary and supporting
31 materials regarding the tribe's concerns. The county or city may
32 either agree to amend the comprehensive plan as requested consistent
33 with the comments from the department, or enter into a facilitated
34 process with the tribe, which must be arranged by the department
35 using a suitable expert to be paid by the department. This
36 facilitated process may also extend the 60-day delay of adoption,
37 upon agreement of the tribe and the city or county.

38 (d) At the end of the 60-day period, unless by agreement there is
39 an extension of the 60-day period, the city or county may proceed
40 with adoption of the proposed comprehensive plan and development

1 regulations. The facilitator shall write a report of findings
2 describing the basis for agreements or disagreements that occurred
3 during the process that are allowed to be disclosed by the parties
4 and the resulting agreed-upon elements of the plan to be amended.

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

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

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

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

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

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

37 (9)(a) The department must develop and publish a model code that
38 meets the requirements of section 2 of this act. The clear and
39 objective standards in the model code should focus on development
40 regulations and processes, give applicants predictability, and

1 encourage uniformity across jurisdictions. The model code developed
2 under this subsection is not required to include critical areas
3 regulations.

4 (b) Within 90 days of the publication of the model code, a city
5 or county planning under this chapter may bring a petition under RCW
6 36.70A.280 alleging that the model code adopted under this subsection
7 does not comply with section 2 of this act or the requirements of
8 this chapter.

9 **Sec. 5.** RCW 36.70A.280 and 2023 c 334 s 7, 2023 c 332 s 6, and
10 2023 c 228 s 7 are each reenacted and amended to read as follows:

11 (1) The growth management hearings board shall hear and determine
12 only those petitions alleging either:

13 (a) That, except as provided otherwise by this subsection, a
14 state agency, county, or city planning under this chapter is not in
15 compliance with the requirements of this chapter, chapter 90.58 RCW
16 as it relates to the adoption of shoreline master programs or
17 amendments thereto, or chapter 43.21C RCW as it relates to plans,
18 development regulations, or amendments, adopted under RCW 36.70A.040
19 or chapter 90.58 RCW. Nothing in this subsection authorizes the board
20 to hear petitions alleging noncompliance based on a city or county's
21 actions taken to implement the requirements of RCW 36.70A.680 and
22 36.70A.681 within an urban growth area;

23 (b) That the 20-year growth management planning population
24 projections adopted by the office of financial management pursuant to
25 RCW 43.62.035 should be adjusted;

26 (c) That the approval of a work plan adopted under RCW
27 36.70A.735(1)(a) is not in compliance with the requirements of the
28 program established under RCW 36.70A.710;

29 (d) That regulations adopted under RCW 36.70A.735(1)(b) are not
30 regionally applicable and cannot be adopted, wholly or partially, by
31 another jurisdiction;

32 (e) That a department certification under RCW 36.70A.735(1)(c) is
33 erroneous;

34 (f) That the department's final decision to approve or reject a
35 proposed greenhouse gas emissions reduction subelement or amendments
36 by a local government planning under RCW 36.70A.040 was not in
37 compliance with the joint guidance issued by the department pursuant
38 to RCW 70A.45.120; ((~~or~~))

1 (g) That the department's final decision to approve or reject
2 actions by a city implementing RCW 36.70A.635 is clearly erroneous;

3 (h) That a clear and objective standard adopted by a city or
4 county under section 2(6)(a) of this act is not consistent with the
5 requirements of section 2 of this act;

6 (i) That a clear and objective model ordinance adopted by a
7 county or city pursuant to section 2(6)(b) of this act is not
8 consistent with the department's clear and objective model code under
9 RCW 36.70A.190(9). In reaching its determination, the board shall
10 give substantial weight to the department's expertise in its approval
11 of a city or county's ordinance under section 2(6)(b) of this act; or

12 (j) Within 90 days of adoption by the department, that the model
13 code adopted by the department under RCW 36.70A.190(9) does not
14 comply with section 2 of this act or the requirements of this
15 chapter.

16 (2) A petition may be filed only by: (a) The state, or a county
17 or city that plans under this chapter; (b) a person who has
18 participated orally or in writing before the county or city regarding
19 the matter on which a review is being requested; (c) a person who is
20 certified by the governor within 60 days of filing the request with
21 the board; or (d) a person qualified pursuant to RCW 34.05.530.

22 (3) For purposes of this section "person" means any individual,
23 partnership, corporation, association, state agency, governmental
24 subdivision or unit thereof, or public or private organization or
25 entity of any character.

26 (4) To establish participation standing under subsection (2)(b)
27 of this section, a person must show that his or her participation
28 before the county or city was reasonably related to the person's
29 issue as presented to the board.

30 (5) When considering a possible adjustment to a growth management
31 planning population projection prepared by the office of financial
32 management, the board shall consider the implications of any such
33 adjustment to the population forecast for the entire state.

34 The rationale for any adjustment that is adopted by the board
35 must be documented and filed with the office of financial management
36 within ten working days after adoption.

37 If adjusted by the board, a county growth management planning
38 population projection shall only be used for the planning purposes
39 set forth in this chapter and shall be known as the "board adjusted
40 population projection." None of these changes shall affect the

1 official state and county population forecasts prepared by the office
2 of financial management, which shall continue to be used for state
3 budget and planning purposes.

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