
ENGROSSED SECOND SUBSTITUTE SENATE BILL 5613

State of Washington

69th Legislature

2025 Regular Session

By Senate Ways & Means (originally sponsored by Senators Salomon, Trudeau, Lias, and Nobles)

READ FIRST TIME 02/28/25.

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 development
5 regulations and design standards of residential development.

6 (2)(a) In addition to an approval process for residential
7 development based on clear and objective development regulations as
8 provided in subsection (1) of this section, a city or county may
9 adopt and apply an alternative approval process for applications and
10 permits for residential development based on approval criteria
11 regulating, in whole or in part, appearance or aesthetics that are
12 not clear and objective if:

13 (i) The applicant retains the option of proceeding under the
14 approval process that meets the requirements of subsection (1) of
15 this section;

16 (ii) The approval criteria for the alternative approval process
17 comply with this chapter; and

18 (iii) The approval criteria for the alternative approval process
19 does not authorize a density of less than the density authorized in
20 the comprehensive plan and that would be authorized under the
21 approval process provided in subsection (1) of this section.

22 (b) Subjective interpretations of nonobjective criteria, such as
23 design guidelines, may not be the sole basis for denial or
24 conditioning a permit in the alternative process if the application
25 otherwise meets the requirements of this subsection and the applicant
26 has retained the option to proceed under subsection (1) of this
27 section. Any nonobjective criteria used in the alternative process
28 should be clearly identified and articulated in publicly available
29 advisory guidelines prior to application submittal.

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

32 (a) Set approval standards under which a particular housing type
33 is permitted outright;

34 (b) Impose special conditions upon approval of a specific
35 development proposal; or

36 (c) Establish approval procedures.

37 (4) By January 1, 2029, all development regulations in effect in
38 a city or county must comply with the requirements of this section.

1 (5) The provisions of this section do not apply to regulations of
2 residential development outside of urban growth areas designated
3 under RCW 36.70A.110.

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

5 (a) The city or county adopts or has adopted regulations in
6 compliance with this section or that are substantially similar to
7 those required under this section; or

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

10 (ii) The city or county submits any regulations adopted under
11 this subsection to the department for approval; and

12 (iii) The department determines that the adopted provisions meet
13 the requirements of the model code developed under section 4 of this
14 act or are substantially similar to the requirements of the model
15 code. If the department determines that the adopted provisions do not
16 meet the requirements of the model code developed under section 4 of
17 this act or are not substantially similar to the requirements of the
18 model code, the department shall notify the city or county of the
19 deficiencies identified and proposed amendments to correct any
20 deficiencies. Upon amendment of any provisions deemed to not meet the
21 requirements of the model code, the city or county may resubmit the
22 amended provisions to the department for approval.

23 (7) Nothing in this section prevents the legislative authority
24 from adopting changes in the future. Future changes may be submitted
25 to the department for continued approval. Approval by the department
26 of the adopted provisions will be considered to continue unless the
27 legislative authority adopts changes and submits those changes to the
28 department for approval and the department makes a written
29 determination that the changes are not consistent with clear and
30 objective standards.

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

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

35 (1) "Active transportation" means forms of pedestrian mobility
36 including walking or running, the use of a mobility assistive device
37 such as a wheelchair, bicycling and cycling irrespective of the
38 number of wheels, and the use of small personal devices such as foot
39 scooters or skateboards. Active transportation includes both

1 traditional and electric assist bicycles and other devices. Planning
2 for active transportation must consider and address accommodation
3 pursuant to the Americans with disabilities act and the distinct
4 needs of each form of active transportation.

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

10 (3) "Administrative design review" means a development permit
11 process whereby an application is reviewed, approved, or denied by
12 the planning director or the planning director's designee based
13 solely on clear and objective design and development standards
14 without a public predecision hearing, unless such review is otherwise
15 required by state or federal law, or the structure is a designated
16 landmark or historic district established under a local preservation
17 ordinance. A city may utilize public meetings, hearings, or voluntary
18 review boards to consider, recommend, or approve requests for
19 variances from locally established design review standards.

20 (4) "Adopt a comprehensive land use plan" means to enact a new
21 comprehensive land use plan or to update an existing comprehensive
22 land use plan.

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

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

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

35 (6) "Agricultural land" means land primarily devoted to the
36 commercial production of horticultural, viticultural, floricultural,
37 dairy, apiary, vegetable, or animal products or of berries, grain,
38 hay, straw, turf, seed, Christmas trees not subject to the excise tax
39 imposed by RCW 84.33.100 through 84.33.140, finfish in upland

1 hatcheries, or livestock, and that has long-term commercial
2 significance for agricultural production.

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

4 (8) "Comprehensive land use plan," "comprehensive plan," or
5 "plan" means a generalized coordinated land use policy statement of
6 the governing body of a county or city that is adopted pursuant to
7 this chapter.

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

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

14 (11) "Critical areas" include the following areas and ecosystems:
15 (a) Wetlands; (b) areas with a critical recharging effect on aquifers
16 used for potable water; (c) fish and wildlife habitat conservation
17 areas; (d) frequently flooded areas; and (e) geologically hazardous
18 areas. "Fish and wildlife habitat conservation areas" does not
19 include such artificial features or constructs as irrigation delivery
20 systems, irrigation infrastructure, irrigation canals, or drainage
21 ditches that lie within the boundaries of and are maintained by a
22 port district or an irrigation district or company.

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

24 (13) "Development regulations" or "regulation" means the controls
25 placed on development or land use activities by a county or city,
26 including, but not limited to, zoning ordinances, critical areas
27 ordinances, shoreline master programs, official controls, planned
28 unit development ordinances, subdivision ordinances, and binding site
29 plan ordinances together with any amendments thereto. Development
30 regulations adopted pursuant to this chapter must be clear and
31 objective development regulations as defined in this section. A
32 development regulation does not include a decision to approve a
33 project permit application, as defined in RCW 36.70B.020, even though
34 the decision may be expressed in a resolution or ordinance of the
35 legislative body of the county or city.

36 (14) "Emergency housing" means temporary indoor accommodations
37 for individuals or families who are homeless or at imminent risk of
38 becoming homeless that is intended to address the basic health, food,
39 clothing, and personal hygiene needs of individuals or families.

1 Emergency housing may or may not require occupants to enter into a
2 lease or an occupancy agreement.

3 (15) "Emergency shelter" means a facility that provides a
4 temporary shelter for individuals or families who are currently
5 homeless. Emergency shelter may not require occupants to enter into a
6 lease or an occupancy agreement. Emergency shelter facilities may
7 include day and warming centers that do not provide overnight
8 accommodations.

9 (16) "Environmental justice" means the fair treatment and
10 meaningful involvement of all people regardless of race, color,
11 national origin, or income with respect to development,
12 implementation, and enforcement of environmental laws, regulations,
13 and policies. Environmental justice includes addressing
14 disproportionate environmental and health impacts in all laws, rules,
15 and policies with environmental impacts by prioritizing vulnerable
16 populations and overburdened communities and the equitable
17 distribution of resources and benefits.

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

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

39 (19) "Freight rail dependent uses" means buildings and other
40 infrastructure that are used in the fabrication, processing, storage,

1 and transport of goods where the use is dependent on and makes use of
2 an adjacent short line railroad. Such facilities are both urban and
3 rural development for purposes of this chapter. "Freight rail
4 dependent uses" does not include buildings and other infrastructure
5 that are used in the fabrication, processing, storage, and transport
6 of coal, liquefied natural gas, or "crude oil" as defined in RCW
7 90.56.010.

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

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

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

- 23 (a) Is accessible to the public;
- 24 (b) Promotes physical and mental health of residents;
- 25 (c) Provides relief from the urban heat island effects;
- 26 (d) Promotes recreational and aesthetic values;
- 27 (e) Protects streams or water supply; or
- 28 (f) Preserves visual quality along highway, road, or street
29 corridors.

30 (23) "Long-term commercial significance" includes the growing
31 capacity, productivity, and soil composition of the land for long-
32 term commercial production, in consideration with the land's
33 proximity to population areas, and the possibility of more intense
34 uses of the land.

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

1 (25) "Major transit stop" means:

2 (a) A stop on a high capacity transportation system funded or
3 expanded under the provisions of chapter 81.104 RCW;

4 (b) Commuter rail stops;

5 (c) Stops on rail or fixed guideway systems; or

6 (d) Stops on bus rapid transit routes, including those stops that
7 are under construction.

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

13 (27) "Minerals" include gravel, sand, and valuable metallic
14 substances.

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

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

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

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

1 resident's health status, and connect the resident of the housing
2 with community-based health care, treatment, or employment services.
3 Permanent supportive housing is subject to all of the rights and
4 responsibilities defined in chapter 59.18 RCW.

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

9 (33) "Public services" include fire protection and suppression,
10 law enforcement, public health, education, recreation, environmental
11 protection, and other governmental services.

12 (34) "Recreational land" means land so designated under RCW
13 36.70A.1701 and that, immediately prior to this designation, was
14 designated as agricultural land of long-term commercial significance
15 under RCW 36.70A.170. Recreational land must have playing fields and
16 supporting facilities existing before July 1, 2004, for sports played
17 on grass playing fields.

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

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

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

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

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

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

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

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

36 (36) "Rural development" refers to development outside the urban
37 growth area and outside agricultural, forest, and mineral resource
38 lands designated pursuant to RCW 36.70A.170. Rural development can
39 consist of a variety of uses and residential densities, including
40 clustered residential development, at levels that are consistent with

1 the preservation of rural character and the requirements of the rural
2 element. Rural development does not refer to agriculture or forestry
3 activities that may be conducted in rural areas.

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

11 (38) "Short line railroad" means those railroad lines designated
12 class II or class III by the United States surface transportation
13 board.

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

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

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

22 (42) "Transportation system" means all infrastructure and
23 services for all forms of transportation within a geographical area,
24 irrespective of the responsible jurisdiction or transportation
25 provider.

26 (43) "Urban governmental services" or "urban services" include
27 those public services and public facilities at an intensity
28 historically and typically provided in cities, specifically including
29 storm and sanitary sewer systems, domestic water systems, street
30 cleaning services, fire and police protection services, public
31 transit services, and other public utilities associated with urban
32 areas and normally not associated with rural areas.

33 (44) "Urban growth" refers to growth that makes intensive use of
34 land for the location of buildings, structures, and impermeable
35 surfaces to such a degree as to be incompatible with the primary use
36 of land for the production of food, other agricultural products, or
37 fiber, or the extraction of mineral resources, rural uses, rural
38 development, and natural resource lands designated pursuant to RCW
39 36.70A.170. A pattern of more intensive rural development, as
40 provided in RCW 36.70A.070(5)(d), is not urban growth. When allowed

1 to spread over wide areas, urban growth typically requires urban
2 governmental services. "Characterized by urban growth" refers to land
3 having urban growth located on it, or to land located in relationship
4 to an area with urban growth on it as to be appropriate for urban
5 growth.

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

8 (46) "Very low-income household" means a single person, family,
9 or unrelated persons living together whose adjusted income is at or
10 below fifty percent of the median household income adjusted for
11 household size, for the county where the household is located, as
12 reported by the United States department of housing and urban
13 development.

14 (47)(a) "Vulnerable populations" means population groups that are
15 more likely to be at higher risk for poor health outcomes in response
16 to environmental harms, due to: (i) Adverse socioeconomic factors,
17 such as unemployment, high housing and transportation costs relative
18 to income, limited access to nutritious food and adequate health
19 care, linguistic isolation, and other factors that negatively affect
20 health outcomes and increase vulnerability to the effects of
21 environmental harms; and (ii) sensitivity factors, such as low birth
22 weight and higher rates of hospitalization.

23 (b) "Vulnerable populations" includes, but is not limited to:

24 (i) Racial or ethnic minorities;

25 (ii) Low-income populations; and

26 (iii) Populations disproportionately impacted by environmental
27 harms.

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

1 created from nonwetland areas created to mitigate conversion of
2 wetlands.

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

6 (50) "Clear and objective development regulations" means locally
7 adopted development regulations that involve no personal or
8 subjective judgment by a public official, and are ascertainable by
9 reference to measurable written or graphic criteria available and
10 knowable to the permit applicant, the public, and public officials
11 prior to submittal.

12 (51) "Clear and objective design standard" means a locally
13 adopted design standard:

14 (a) With one or more ascertainable guideline, standard, or
15 criterion by which an applicant can determine whether a given
16 building and site design is permissible under that development
17 regulation; and

18 (b) That does not result in a reduction in density, height, bulk,
19 or scale below the generally applicable development regulations for a
20 development proposal in the applicable zone.

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

23 (1) The department shall establish a program of technical and
24 financial assistance and incentives to counties and cities to
25 encourage and facilitate the adoption and implementation of
26 comprehensive plans and development regulations throughout the state.

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

38 (3) The department shall develop and administer a grant program
39 to provide direct financial assistance to counties and cities for the

1 preparation of comprehensive plans under this chapter. The department
2 may establish provisions for county and city matching funds to
3 conduct activities under this subsection. Grants may be expended for
4 any purpose directly related to the preparation of a county or city
5 comprehensive plan as the county or city and the department may
6 agree, including, without limitation, the conducting of surveys,
7 inventories and other data gathering and management activities, the
8 retention of planning consultants, contracts with regional councils
9 for planning and related services, and other related purposes.

10 (4) The department shall establish a program of technical
11 assistance:

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

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

24 (5) The department shall provide mediation services to resolve
25 disputes between counties and cities regarding, among other things,
26 coordination of regional issues and designation of urban growth
27 areas.

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

31 (a) A federally recognized Indian tribe may request the
32 department to provide facilitation services to resolve issues of
33 concern with a proposed comprehensive plan and its development
34 regulations, or any amendment to the comprehensive plan and its
35 development regulations.

36 (b) Upon receipt of a request from a tribe, the department shall
37 notify the city or county of the request and offer to assist in
38 providing facilitation services to encourage resolution before
39 adoption of the proposed comprehensive plan. Upon receipt of the
40 notice from the department, the city or county must delay any final

1 action to adopt any comprehensive plan or any amendment or its
2 development regulations for at least 60 days. The tribe and the city
3 or county may jointly agree to extend this period by notifying the
4 department. A county or city must not be penalized for noncompliance
5 under this chapter due to any delays associated with this process.

6 (c) Upon receipt of a request, the department shall provide
7 comments to the county or city including a summary and supporting
8 materials regarding the tribe's concerns. The county or city may
9 either agree to amend the comprehensive plan as requested consistent
10 with the comments from the department, or enter into a facilitated
11 process with the tribe, which must be arranged by the department
12 using a suitable expert to be paid by the department. This
13 facilitated process may also extend the 60-day delay of adoption,
14 upon agreement of the tribe and the city or county.

15 (d) At the end of the 60-day period, unless by agreement there is
16 an extension of the 60-day period, the city or county may proceed
17 with adoption of the proposed comprehensive plan and development
18 regulations. The facilitator shall write a report of findings
19 describing the basis for agreements or disagreements that occurred
20 during the process that are allowed to be disclosed by the parties
21 and the resulting agreed-upon elements of the plan to be amended.

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

24 (8) The department shall develop, in collaboration with the
25 department of ecology, the department of fish and wildlife, the
26 department of natural resources, the department of health, the
27 emergency management division of the military department, as well as
28 any federally recognized tribe who chooses to voluntarily
29 participate, and adopt by rule guidance that creates a model climate
30 change and resiliency element that may be used by counties, cities,
31 and multiple-county planning regions for developing and implementing
32 climate change and resiliency plans and policies required by RCW
33 36.70A.070(9), subject to the following provisions:

34 (a) The model element must establish minimum requirements, and
35 may include model options or voluntary cross-jurisdictional
36 strategies, or both, for fulfilling the requirements of RCW
37 36.70A.070(9);

38 (b) The model element should provide guidance on identifying,
39 designing, and investing in infrastructure that supports community
40 resilience to climate impacts, including the protection, restoration,

1 and enhancement of natural infrastructure as well as traditional
2 infrastructure and protecting and enhancing natural areas to foster
3 resiliency to climate impacts, as well as areas of vital habitat for
4 safe passage and species migration;

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

10 (d) The rule must recognize and promote as many cobenefits of
11 climate resilience as possible such as climate change mitigation,
12 salmon recovery, forest health, ecosystem services, and socioeconomic
13 health and resilience.

14 (9) The department must develop and publish a model code that
15 meets the requirements of section 2 of this act by June 30, 2027. The
16 clear and objective standards in the model code should focus on
17 development regulations and processes, give applicants
18 predictability, and encourage uniformity across jurisdictions. The
19 model code developed under this subsection is not required to include
20 critical areas regulations.

21 **Sec. 5.** RCW 36.70A.280 and 2023 c 334 s 7, 2023 c 332 s 6, and
22 2023 c 228 s 7 are each reenacted and amended to read as follows:

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

25 (a) That, except as provided otherwise by this subsection, a
26 state agency, county, or city planning under this chapter is not in
27 compliance with the requirements of this chapter, chapter 90.58 RCW
28 as it relates to the adoption of shoreline master programs or
29 amendments thereto, or chapter 43.21C RCW as it relates to plans,
30 development regulations, or amendments, adopted under RCW 36.70A.040
31 or chapter 90.58 RCW. Nothing in this subsection authorizes the board
32 to hear petitions alleging noncompliance based on a city or county's
33 actions taken to implement the requirements of RCW 36.70A.680 and
34 36.70A.681 within an urban growth area;

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

1 (c) That the approval of a work plan adopted under RCW
2 36.70A.735(1)(a) is not in compliance with the requirements of the
3 program established under RCW 36.70A.710;

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

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

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

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

16 (h) That a clear and objective development regulation adopted by
17 a city or county under section 2(6)(a) of this act is not consistent
18 with the requirements of section 2 of this act;

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

26 (j) That the department's written determination under section
27 2(7) of this act regarding the consistency of the city's or county's
28 proposed ordinances or regulations to the clear and objective
29 standards described in RCW 36.70A.030 is clearly erroneous.

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

36 (3) For purposes of this section "person" means any individual,
37 partnership, corporation, association, state agency, governmental
38 subdivision or unit thereof, or public or private organization or
39 entity of any character.

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

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

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

12 If adjusted by the board, a county growth management planning
13 population projection shall only be used for the planning purposes
14 set forth in this chapter and shall be known as the "board adjusted
15 population projection." None of these changes shall affect the
16 official state and county population forecasts prepared by the office
17 of financial management, which shall continue to be used for state
18 budget and planning purposes.

--- END ---