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**SECOND SUBSTITUTE SENATE BILL 5613**

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**State of Washington**

**69th Legislature**

**2025 Regular Session**

**By** Senate Ways & Means (originally sponsored by Senators Salomon, Trudeau, Liias, 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 of residential development.

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

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

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

24        (a) Set approval standards under which a particular housing type  
25    is permitted outright;

26        (b) Impose special conditions upon approval of a specific  
27    development proposal; or

28        (c) Establish approval procedures.

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

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

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

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

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

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

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

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

16 Unless the context clearly requires otherwise, the definitions in  
17 this section apply throughout this chapter.

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

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

32 (3) "Administrative design review" means a development permit  
33 process whereby an application is reviewed, approved, or denied by  
34 the planning director or the planning director's designee based  
35 solely on clear and objective design (~~(and development)~~) standards  
36 without a public predecision hearing, unless such review is otherwise  
37 required by state or federal law, or the structure is a designated  
38 landmark or historic district established under a local preservation  
39 ordinance. A city may utilize public meetings, hearings, or voluntary

1 review boards to consider, recommend, or approve requests for  
2 variances from locally established design review standards.

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

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

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

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

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

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

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

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

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

36 (11) "Critical areas" include the following areas and ecosystems:  
37 (a) Wetlands; (b) areas with a critical recharging effect on aquifers  
38 used for potable water; (c) fish and wildlife habitat conservation  
39 areas; (d) frequently flooded areas; and (e) geologically hazardous  
40 areas. "Fish and wildlife habitat conservation areas" does not

1 include such artificial features or constructs as irrigation delivery  
2 systems, irrigation infrastructure, irrigation canals, or drainage  
3 ditches that lie within the boundaries of and are maintained by a  
4 port district or an irrigation district or company.

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

6 (13) "Development regulations" or "regulation" means the controls  
7 placed on development or land use activities by a county or city,  
8 including, but not limited to, zoning ordinances, critical areas  
9 ordinances, shoreline master programs, official controls, planned  
10 unit development ordinances, subdivision ordinances, and binding site  
11 plan ordinances together with any amendments thereto. Development  
12 regulations adopted pursuant to this chapter must be clear and  
13 objective development regulations as defined in this section. A  
14 development regulation does not include a decision to approve a  
15 project permit application, as defined in RCW 36.70B.020, even though  
16 the decision may be expressed in a resolution or ordinance of the  
17 legislative body of the county or city.

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

24 (15) "Emergency shelter" means a facility that provides a  
25 temporary shelter for individuals or families who are currently  
26 homeless. Emergency shelter may not require occupants to enter into a  
27 lease or an occupancy agreement. Emergency shelter facilities may  
28 include day and warming centers that do not provide overnight  
29 accommodations.

30 (16) "Environmental justice" means the fair treatment and  
31 meaningful involvement of all people regardless of race, color,  
32 national origin, or income with respect to development,  
33 implementation, and enforcement of environmental laws, regulations,  
34 and policies. Environmental justice includes addressing  
35 disproportionate environmental and health impacts in all laws, rules,  
36 and policies with environmental impacts by prioritizing vulnerable  
37 populations and overburdened communities and the equitable  
38 distribution of resources and benefits.

39 (17) "Extremely low-income household" means a single person,  
40 family, or unrelated persons living together whose adjusted income is

1 at or below thirty percent of the median household income adjusted  
2 for household size, for the county where the household is located, as  
3 reported by the United States department of housing and urban  
4 development.

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

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

29 (20) "Geologically hazardous areas" means areas that because of  
30 their susceptibility to erosion, sliding, earthquake, or other  
31 geological events, are not suited to the siting of commercial,  
32 residential, or industrial development consistent with public health  
33 or safety concerns.

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

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

5 (a) Is accessible to the public;

6 (b) Promotes physical and mental health of residents;

7 (c) Provides relief from the urban heat island effects;

8 (d) Promotes recreational and aesthetic values;

9 (e) Protects streams or water supply; or

10 (f) Preserves visual quality along highway, road, or street  
11 corridors.

12 (23) "Long-term commercial significance" includes the growing  
13 capacity, productivity, and soil composition of the land for long-  
14 term commercial production, in consideration with the land's  
15 proximity to population areas, and the possibility of more intense  
16 uses of the land.

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

23 (25) "Major transit stop" means:

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

26 (b) Commuter rail stops;

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

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

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

35 (27) "Minerals" include gravel, sand, and valuable metallic  
36 substances.

37 (28) "Moderate-income household" means a single person, family,  
38 or unrelated persons living together whose adjusted income is at or  
39 below 120 percent of the median household income adjusted for  
40 household size, for the county where the household is located, as

1 reported by the United States department of housing and urban  
2 development.

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

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

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

27 (32) "Public facilities" include streets, roads, highways,  
28 sidewalks, street and road lighting systems, traffic signals,  
29 domestic water systems, storm and sanitary sewer systems, parks and  
30 recreational facilities, and schools.

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

34 (34) "Recreational land" means land so designated under RCW  
35 36.70A.1701 and that, immediately prior to this designation, was  
36 designated as agricultural land of long-term commercial significance  
37 under RCW 36.70A.170. Recreational land must have playing fields and  
38 supporting facilities existing before July 1, 2004, for sports played  
39 on grass playing fields.



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

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

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

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

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

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

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

16 (g) That are consistent with the protection of natural surface  
17 water flows and groundwater and surface water recharge and discharge  
18 areas.

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

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

34 (38) "Short line railroad" means those railroad lines designated  
35 class II or class III by the United States surface transportation  
36 board.

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

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

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

7 (42) "Transportation system" means all infrastructure and  
8 services for all forms of transportation within a geographical area,  
9 irrespective of the responsible jurisdiction or transportation  
10 provider.

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

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

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

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

39 (47)(a) "Vulnerable populations" means population groups that are  
40 more likely to be at higher risk for poor health outcomes in response

1 to environmental harms, due to: (i) Adverse socioeconomic factors,  
2 such as unemployment, high housing and transportation costs relative  
3 to income, limited access to nutritious food and adequate health  
4 care, linguistic isolation, and other factors that negatively affect  
5 health outcomes and increase vulnerability to the effects of  
6 environmental harms; and (ii) sensitivity factors, such as low birth  
7 weight and higher rates of hospitalization.

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

9 (i) Racial or ethnic minorities;

10 (ii) Low-income populations; and

11 (iii) Populations disproportionately impacted by environmental  
12 harms.

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

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

31 (50) "Clear and objective development regulations" means locally  
32 adopted development regulations that involve no personal or  
33 subjective judgment by a public official, and are ascertainable by  
34 reference to measurable written or graphic criteria available and  
35 knowable to both the permit applicant and public officials prior to  
36 submittal.

37 (51) "Clear and objective design standard" means a locally  
38 adopted design standard:

1 (a) With one or more ascertainable guideline, standard, or  
2 criterion by which an applicant can determine whether a given  
3 building design is permissible under that development regulation; and  
4 (b) That does not result in a reduction in density, height, bulk,  
5 or scale below the generally applicable development regulations for a  
6 development proposal in the applicable zone.

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

9 (1) The department shall establish a program of technical and  
10 financial assistance and incentives to counties and cities to  
11 encourage and facilitate the adoption and implementation of  
12 comprehensive plans and development regulations throughout the state.

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

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

35 (4) The department shall establish a program of technical  
36 assistance:

37 (a) Utilizing department staff, the staff of other state  
38 agencies, and the technical resources of counties and cities to help  
39 in the development of comprehensive plans required under this

1 chapter. The technical assistance may include, but not be limited to,  
2 model land use ordinances, regional education and training programs,  
3 and information for local and regional inventories; and

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

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

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

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

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

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

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

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

10 (8) The department shall develop, in collaboration with the  
11 department of ecology, the department of fish and wildlife, the  
12 department of natural resources, the department of health, the  
13 emergency management division of the military department, as well as  
14 any federally recognized tribe who chooses to voluntarily  
15 participate, and adopt by rule guidance that creates a model climate  
16 change and resiliency element that may be used by counties, cities,  
17 and multiple-county planning regions for developing and implementing  
18 climate change and resiliency plans and policies required by RCW  
19 36.70A.070(9), subject to the following provisions:

20 (a) The model element must establish minimum requirements, and  
21 may include model options or voluntary cross-jurisdictional  
22 strategies, or both, for fulfilling the requirements of RCW  
23 36.70A.070(9);

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

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

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

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

8       (b) Within 90 days of the publication of the model code, a city  
9 or county planning under this chapter may bring a petition under RCW  
10 36.70A.280 alleging that the model code adopted under this subsection  
11 does not comply with section 2 of this act or the requirements of  
12 this chapter.

13       **Sec. 5.** RCW 36.70A.280 and 2023 c 334 s 7, 2023 c 332 s 6, and  
14 2023 c 228 s 7 are each reenacted and amended to read as follows:

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

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

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

30       (c) That the approval of a work plan adopted under RCW  
31 36.70A.735(1)(a) is not in compliance with the requirements of the  
32 program established under RCW 36.70A.710;

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

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

38       (f) That the department's final decision to approve or reject a  
39 proposed greenhouse gas emissions reduction subelement or amendments

1 by a local government planning under RCW 36.70A.040 was not in  
2 compliance with the joint guidance issued by the department pursuant  
3 to RCW 70A.45.120; (~~o~~)

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

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

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

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

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

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

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

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

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



1        If adjusted by the board, a county growth management planning  
2 population projection shall only be used for the planning purposes  
3 set forth in this chapter and shall be known as the "board adjusted  
4 population projection." None of these changes shall affect the  
5 official state and county population forecasts prepared by the office  
6 of financial management, which shall continue to be used for state  
7 budget and planning purposes.

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