

Proposed 2nd Substitute House Bill 1099

By Representative Fitzgibbon

Original Bill: Improving the state's climate response through updates to the state's comprehensive planning framework.

Proposed 2nd Substitute House Bill (H-1061.1) compared to the Substitute House Bill 1099 (H-0599.1):

- Broadens the scope of provisions of the act that only counties and cities meeting certain population criteria are required to comply with, to include amendments to the transportation element, land use element, and rural element, as well as the greenhouse gas emissions reduction subelement.
- Modifies the population criteria for the applicability of the provisions described above, to provide that they apply only to certain counties, and the cities with populations greater than 6,000 as of January 1, 2021, within those counties.
- Strikes amendments to the requirements of the capital facilities element and parks element of comprehensive plans adopted under the Growth Management Act (GMA).
- Strikes section related to requiring consistency between comprehensive plans and regional transportation plans.
- Modifies subject-to-funding clause to provide that local governments are not required to comply with the requirements related to the Shoreline Management Act, and to requirements related to comprehensive plans adopted under the GMA, until funds sufficient to cover applicable local government costs are appropriated and distributed by the state at least two years before local governments must update their comprehensive plans.
- Adds a null-and-void clause.

Committee: House Appropriations Committee
Staff: Robert Hatfield (786-7117) and Dan Jones (786-7118), Office of Program Research
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Draft: H-1061.1

BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: H-1061.1/21

ATTY/TYPIST: RB:jlb

BRIEF DESCRIPTION: Improving the state's climate response through updates to the state's comprehensive planning framework.

1 AN ACT Relating to improving the state's climate response through
2 updates to the state's comprehensive planning framework; amending RCW
3 36.70A.020, 36.70A.480, 36.70A.320, 36.70A.190, 36.70A.030, and
4 86.12.200; reenacting and amending RCW 36.70A.070; adding new
5 sections to chapter 36.70A RCW; adding a new section to chapter
6 70A.45 RCW; adding a new section to chapter 47.80 RCW; adding a new
7 section to chapter 90.58 RCW; adding a new section to chapter 43.21C
8 RCW; and creating new sections.

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

10 **Sec. 1.** RCW 36.70A.020 and 2002 c 154 s 1 are each amended to
11 read as follows:

12 The following goals are adopted to guide the development and
13 adoption of comprehensive plans and development regulations of those
14 counties and cities that are required or choose to plan under RCW
15 36.70A.040 and, where specified, also guide the development of
16 regional policies, plans, and strategies adopted under RCW 36.70A.210
17 and chapter 47.80 RCW. The following goals are not listed in order of
18 priority and shall be used exclusively for the purpose of guiding the
19 development of comprehensive plans (~~and~~), development regulations,
20 and, where specified, regional plans, policies, and strategies:

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

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

6 (3) Transportation. Encourage efficient multimodal transportation
7 systems that help achieve statewide targets for the reduction of
8 greenhouse gas emissions and per capita vehicle miles traveled, and
9 are based on regional priorities and coordinated with county and city
10 comprehensive plans.

11 (4) Housing. Encourage the availability of affordable housing to
12 all economic segments of the population of this state, promote a
13 variety of residential densities and housing types, and encourage
14 preservation of existing housing stock.

15 (5) Economic development. Encourage economic development
16 throughout the state that is consistent with adopted comprehensive
17 plans, promote economic opportunity for all citizens of this state,
18 especially for unemployed and for disadvantaged persons, promote the
19 retention and expansion of existing businesses and recruitment of new
20 businesses, recognize regional differences impacting economic
21 development opportunities, and encourage growth in areas experiencing
22 insufficient economic growth, all within the capacities of the
23 state's natural resources, public services, and public facilities.

24 (6) Property rights. Private property shall not be taken for
25 public use without just compensation having been made. The property
26 rights of landowners shall be protected from arbitrary and
27 discriminatory actions.

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

31 (8) Natural resource industries. Maintain and enhance natural
32 resource-based industries, including productive timber, agricultural,
33 and fisheries industries. Encourage the conservation of productive
34 forestlands and productive agricultural lands, and discourage
35 incompatible uses.

36 (9) Open space and recreation. Retain open space and greenspace,
37 enhance recreational opportunities, ((conserve)) enhance fish and
38 wildlife habitat, increase access to natural resource lands and
39 water, and develop parks and recreation facilities.

1 (10) Environment. Protect and enhance the environment and enhance
2 the state's high quality of life, including air and water quality,
3 and the availability of water.

4 (11) Citizen participation and coordination. Encourage the
5 involvement of citizens in the planning process and ensure
6 coordination between communities and jurisdictions to reconcile
7 conflicts.

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

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

16 (14) Climate change. Ensure that comprehensive plans, development
17 regulations, and regional policies, plans, and strategies under RCW
18 36.70A.210 and chapter 47.80 RCW adapt to and mitigate the effects of
19 a changing climate, support state greenhouse gas emissions reduction
20 requirements and state per capita vehicle miles traveled goals,
21 prepare for climate impact scenarios, foster resiliency to climate
22 impacts and natural hazards, and protect and enhance environmental,
23 economic, and human health and safety.

24 **Sec. 2.** RCW 36.70A.480 and 2010 c 107 s 2 are each amended to
25 read as follows:

26 (1) For shorelines of the state, the goals and policies of the
27 shoreline management act as set forth in RCW 90.58.020 are added as
28 one of the goals of this chapter as set forth in RCW 36.70A.020
29 without creating an order of priority among the (~~fourteen~~) 15
30 goals. The goals and policies of a shoreline master program for a
31 county or city approved under chapter 90.58 RCW shall be considered
32 an element of the county or city's comprehensive plan. All other
33 portions of the shoreline master program for a county or city adopted
34 under chapter 90.58 RCW, including use regulations, shall be
35 considered a part of the county or city's development regulations.

36 (2) The shoreline master program shall be adopted pursuant to the
37 procedures of chapter 90.58 RCW rather than the goals, policies, and
38 procedures set forth in this chapter for the adoption of a
39 comprehensive plan or development regulations.

1 (3) (a) The policies, goals, and provisions of chapter 90.58 RCW
2 and applicable guidelines shall be the sole basis for determining
3 compliance of a shoreline master program with this chapter except as
4 the shoreline master program is required to comply with the internal
5 consistency provisions of RCW 36.70A.070, 36.70A.040(4), 35.63.125,
6 and 35A.63.105.

7 (b) Except as otherwise provided in (c) of this subsection,
8 development regulations adopted under this chapter to protect
9 critical areas within shorelines of the state apply within shorelines
10 of the state until the department of ecology approves one of the
11 following: A comprehensive master program update, as defined in RCW
12 90.58.030; a segment of a master program relating to critical areas,
13 as provided in RCW 90.58.090; or a new or amended master program
14 approved by the department of ecology on or after March 1, 2002, as
15 provided in RCW 90.58.080. The adoption or update of development
16 regulations to protect critical areas under this chapter prior to
17 department of ecology approval of a master program update as provided
18 in this subsection is not a comprehensive or segment update to the
19 master program.

20 (c) (i) Until the department of ecology approves a master program
21 or segment of a master program as provided in (b) of this subsection,
22 a use or structure legally located within shorelines of the state
23 that was established or vested on or before the effective date of the
24 local government's development regulations to protect critical areas
25 may continue as a conforming use and may be redeveloped or modified
26 if: (A) The redevelopment or modification is consistent with the
27 local government's master program; and (B) the local government
28 determines that the proposed redevelopment or modification will
29 result in no net loss of shoreline ecological functions. The local
30 government may waive this requirement if the redevelopment or
31 modification is consistent with the master program and the local
32 government's development regulations to protect critical areas.

33 (ii) For purposes of this subsection (3)(c), an agricultural
34 activity that does not expand the area being used for the
35 agricultural activity is not a redevelopment or modification.
36 "Agricultural activity," as used in this subsection (3)(c), has the
37 same meaning as defined in RCW 90.58.065.

38 (d) Upon department of ecology approval of a shoreline master
39 program or critical area segment of a shoreline master program,
40 critical areas within shorelines of the state are protected under

1 chapter 90.58 RCW and are not subject to the procedural and
2 substantive requirements of this chapter, except as provided in
3 subsection (6) of this section. Nothing in chapter 321, Laws of 2003
4 or chapter 107, Laws of 2010 is intended to affect whether or to what
5 extent agricultural activities, as defined in RCW 90.58.065, are
6 subject to chapter 36.70A RCW.

7 (e) The provisions of RCW 36.70A.172 shall not apply to the
8 adoption or subsequent amendment of a local government's shoreline
9 master program and shall not be used to determine compliance of a
10 local government's shoreline master program with chapter 90.58 RCW
11 and applicable guidelines. Nothing in this section, however, is
12 intended to limit or change the quality of information to be applied
13 in protecting critical areas within shorelines of the state, as
14 required by chapter 90.58 RCW and applicable guidelines.

15 (4) Shoreline master programs shall provide a level of protection
16 to critical areas located within shorelines of the state that assures
17 no net loss of shoreline ecological functions necessary to sustain
18 shoreline natural resources as defined by department of ecology
19 guidelines adopted pursuant to RCW 90.58.060.

20 (5) Shorelines of the state shall not be considered critical
21 areas under this chapter except to the extent that specific areas
22 located within shorelines of the state qualify for critical area
23 designation based on the definition of critical areas provided by RCW
24 36.70A.030(~~((5))~~) (6) and have been designated as such by a local
25 government pursuant to RCW 36.70A.060(2).

26 (6) If a local jurisdiction's master program does not include
27 land necessary for buffers for critical areas that occur within
28 shorelines of the state, as authorized by RCW 90.58.030(2)(~~((f))~~)
29 (d), then the local jurisdiction shall continue to regulate those
30 critical areas and their required buffers pursuant to RCW
31 36.70A.060(2).

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

34 (1) The requirements of: (a) The greenhouse gas emissions
35 reduction subelement of the climate change and resiliency element set
36 forth in RCW 36.70A.070; and (b) the amendments to the land use
37 element, transportation element, and rural element of RCW 36.70A.070,
38 apply only to those counties that are required or that choose to plan
39 under RCW 36.70A.040, and the cities with populations greater than

1 6,000 as of January 1, 2021, within those counties, that meet either
2 of the following criteria on or after January 1, 2021:

3 (i) A county with a population density of at least 100 people per
4 square mile and a population of at least 200,000; or

5 (ii) A county with a population density of at least 75 people per
6 square mile and an annual growth rate of at least 1.75 percent as
7 determined by the office of financial management.

8 (2) Once a county meets either of the sets of criteria set forth
9 in subsection (1) of this section, the requirement to conform with
10 the greenhouse gas emissions reduction subelement of the climate
11 change and resiliency element set forth in RCW 36.70A.070 remains in
12 effect, even if the county no longer meets one of these sets of
13 criteria.

14 (3) If the population of a county that previously had not been
15 required to conform with the greenhouse gas emissions reduction
16 subelement of the climate change and resiliency element set forth in
17 RCW 36.70A.070 changes sufficiently to meet either of the sets of
18 criteria set forth in subsection (1) of this section, the county, and
19 the cities with populations greater than 6,000 as of January 1, 2021,
20 within that county, shall adopt a greenhouse gas emissions reduction
21 subelement of the climate change and resiliency element set forth in
22 RCW 36.70A.070 at the next scheduled update of the comprehensive plan
23 as set forth in RCW 36.70A.130.

24 **Sec. 4.** RCW 36.70A.070 and 2017 3rd sp.s. c 18 s 4 and 2017 3rd
25 sp.s. c 16 s 4 are each reenacted and amended to read as follows:

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

35 (1) A land use element designating the proposed general
36 distribution and general location and extent of the uses of land,
37 where appropriate, for agriculture, timber production, housing,
38 commerce, industry, recreation, open spaces, general aviation
39 airports, public utilities, public facilities, and other land uses.

1 The land use element shall include population densities, building
2 intensities, and estimates of future population growth. The land use
3 element shall provide for protection of the quality and quantity of
4 groundwater used for public water supplies. The land use element
5 should give special consideration to achieving environmental justice
6 in its goals and policies. In addition, the land use element must
7 avoid creating or worsening environmental health disparities.
8 Wherever possible, the land use element should consider utilizing
9 urban planning approaches that promote physical activity and reduce
10 per capita vehicle miles traveled. Where applicable, the land use
11 element shall review drainage, flooding, and stormwater runoff in the
12 area and nearby jurisdictions and provide guidance for corrective
13 actions to mitigate or cleanse those discharges that pollute waters
14 of the state, including Puget Sound or waters entering Puget Sound.
15 The land use element must reduce and mitigate the risk to lives and
16 property posed by wildfires including, but not limited to, by
17 reducing residential development in the wildland urban interface
18 area.

19 (2) A housing element ensuring the vitality and character of
20 established residential neighborhoods that: (a) Includes an inventory
21 and analysis of existing and projected housing needs that identifies
22 the number of housing units necessary to manage projected growth; (b)
23 includes a statement of goals, policies, objectives, and mandatory
24 provisions for the preservation, improvement, and development of
25 housing, including single-family residences; (c) identifies
26 sufficient land for housing, including, but not limited to,
27 government-assisted housing, housing for low-income families,
28 manufactured housing, multifamily housing, and group homes and foster
29 care facilities; and (d) makes adequate provisions for existing and
30 projected needs of all economic segments of the community. In
31 counties and cities subject to the review and evaluation requirements
32 of RCW 36.70A.215, any revision to the housing element shall include
33 consideration of prior review and evaluation reports and any
34 reasonable measures identified.

35 (3) A capital facilities plan element consisting of: (a) An
36 inventory of existing capital facilities owned by public entities,
37 showing the locations and capacities of the capital facilities; (b) a
38 forecast of the future needs for such capital facilities; (c) the
39 proposed locations and capacities of expanded or new capital
40 facilities; (d) at least a six-year plan that will finance such

1 capital facilities within projected funding capacities and clearly
2 identifies sources of public money for such purposes; and (e) a
3 requirement to reassess the land use element if probable funding
4 falls short of meeting existing needs and to ensure that the land use
5 element, capital facilities plan element, and financing plan within
6 the capital facilities plan element are coordinated and consistent.
7 Park and recreation facilities shall be included in the capital
8 facilities plan element.

9 (4) A utilities element consisting of the general location,
10 proposed location, and capacity of all existing and proposed
11 utilities, including, but not limited to, electrical lines,
12 telecommunication lines, and natural gas lines.

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

17 (a) Growth management act goals and local circumstances. Because
18 circumstances vary from county to county, in establishing patterns of
19 rural densities and uses, a county may consider local circumstances,
20 but shall develop a written record explaining how the rural element
21 harmonizes the planning goals in RCW 36.70A.020 and meets the
22 requirements of this chapter.

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

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

36 (i) Containing or otherwise controlling rural development;

37 (ii) Assuring visual compatibility of rural development with the
38 surrounding rural area;

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

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

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

6 (vi) Protecting existing natural areas, including native forests,
7 grasslands, wetlands, and riparian areas.

8 (d) Limited areas of more intensive rural development. Subject to
9 the requirements of this subsection and except as otherwise
10 specifically provided in this subsection (5)(d), the rural element
11 may allow for limited areas of more intensive rural development,
12 including necessary public facilities and public services to serve
13 the limited area as follows:

14 (i) Rural development consisting of the infill, development, or
15 redevelopment of existing commercial, industrial, residential, or
16 mixed-use areas, whether characterized as shoreline development,
17 villages, hamlets, rural activity centers, or crossroads
18 developments.

19 (A) A commercial, industrial, residential, shoreline, or mixed-
20 use area are subject to the requirements of (d)(iv) of this
21 subsection, but are not subject to the requirements of (c)(ii) and
22 (iii) of this subsection.

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

27 (C) Any development or redevelopment in terms of building size,
28 scale, use, or intensity shall be consistent with the character of
29 the existing areas. Development and redevelopment may include changes
30 in use from vacant land or a previously existing use so long as the
31 new use conforms to the requirements of this subsection (5);

32 (ii) The intensification of development on lots containing, or
33 new development of, small-scale recreational or tourist uses,
34 including commercial facilities to serve those recreational or
35 tourist uses, that rely on a rural location and setting, but that do
36 not include new residential development. A small-scale recreation or
37 tourist use is not required to be principally designed to serve the
38 existing and projected rural population. Public services and public
39 facilities shall be limited to those necessary to serve the

1 recreation or tourist use and shall be provided in a manner that does
2 not permit low-density sprawl;

3 (iii) The intensification of development on lots containing
4 isolated nonresidential uses or new development of isolated cottage
5 industries and isolated small-scale businesses that are not
6 principally designed to serve the existing and projected rural
7 population and nonresidential uses, but do provide job opportunities
8 for rural residents. Rural counties may allow the expansion of small-
9 scale businesses as long as those small-scale businesses conform with
10 the rural character of the area as defined by the local government
11 according to RCW 36.70A.030(~~((+16+))~~) (20). Rural counties may also
12 allow new small-scale businesses to utilize a site previously
13 occupied by an existing business as long as the new small-scale
14 business conforms to the rural character of the area as defined by
15 the local government according to RCW 36.70A.030(~~((+16+))~~) (20). Public
16 services and public facilities shall be limited to those necessary to
17 serve the isolated nonresidential use and shall be provided in a
18 manner that does not permit low-density sprawl;

19 (iv) A county shall adopt measures to minimize and contain the
20 existing areas or uses of more intensive rural development, as
21 appropriate, authorized under this subsection. Lands included in such
22 existing areas or uses shall not extend beyond the logical outer
23 boundary of the existing area or use, thereby allowing a new pattern
24 of low-density sprawl. Existing areas are those that are clearly
25 identifiable and contained and where there is a logical boundary
26 delineated predominately by the built environment, but that may also
27 include undeveloped lands if limited as provided in this subsection.
28 The county shall establish the logical outer boundary of an area of
29 more intensive rural development. In establishing the logical outer
30 boundary, the county shall address (A) the need to preserve the
31 character of existing natural neighborhoods and communities, (B)
32 physical boundaries, such as bodies of water, streets and highways,
33 and land forms and contours, (C) the prevention of abnormally
34 irregular boundaries, and (D) the ability to provide public
35 facilities and public services in a manner that does not permit low-
36 density sprawl;

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

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

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

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

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

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

14 (a) The transportation element shall include the following
15 subelements:

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

17 (ii) Estimated traffic impacts to state-owned transportation
18 facilities resulting from land use assumptions to assist (~~the~~
19 ~~department of transportation~~) in monitoring the performance of state
20 facilities, to plan improvements for the facilities, and to assess
21 the impact of land-use decisions on state-owned transportation
22 facilities;

23 (iii) Facilities and services needs, including:

24 (A) An inventory of air, water, and ground transportation
25 facilities and services, including transit alignments, active
26 transportation facilities, and general aviation airport facilities,
27 to define existing capital facilities and travel levels (~~as a basis~~
28 ~~for~~) to inform future planning. This inventory must include state-
29 owned transportation facilities within the city or county's
30 jurisdictional boundaries;

31 (B) Level of service standards for all locally owned arterials
32 (~~and~~), locally and regionally operated transit routes that serve
33 urban growth areas, and active transportation facilities to serve as
34 a gauge to judge performance of the system and success in helping to
35 achieve the goals of this chapter at the least cost. These standards
36 should be regionally coordinated;

37 (C) For state-owned transportation facilities, level of service
38 standards for highways, as prescribed in chapters 47.06 and 47.80
39 RCW, to gauge the performance of the system. The purposes of
40 reflecting level of service standards for state highways in the local

1 comprehensive plan are to monitor the performance of the system, to
2 evaluate improvement strategies, and to facilitate coordination
3 between the county's or city's six-year street, road, active
4 transportation, or transit program and the office of financial
5 management's ten-year investment program. The concurrency
6 requirements of (b) of this subsection do not apply to transportation
7 facilities and services of statewide significance except for counties
8 consisting of islands whose only connection to the mainland are state
9 highways or ferry routes. In these island counties, state highways
10 and ferry route capacity must be a factor in meeting the concurrency
11 requirements in (b) of this subsection;

12 (D) Specific actions and requirements for bringing into
13 compliance (~~locally owned~~) transportation facilities or services
14 that are below an established level of service standard;

15 (E) Forecasts of (~~traffic~~) multimodal transportation demand and
16 needs within cities and urban growth areas, and forecasts of traffic
17 demand and needs outside of cities and urban growth areas, for at
18 least ten years based on the adopted land use plan to (~~provide~~
19 ~~information on the location, timing, and capacity needs of future~~
20 ~~growth~~) inform the development of a transportation element that
21 balances transportation system safety and convenience to accommodate
22 all users of the transportation system to safely, reliably, and
23 efficiently provide access and mobility to people and goods;

24 (F) Identification of state and local system needs to equitably
25 meet current and future demands. Identified needs on state-owned
26 transportation facilities must be consistent with the statewide
27 multimodal transportation plan required under chapter 47.06 RCW.
28 Local system needs should reflect the regional transportation system,
29 local goals, and strive to equitably implement the multimodal
30 network;

31 (iv) Finance, including:

32 (A) An analysis of funding capability to judge needs against
33 probable funding resources;

34 (B) A multiyear financing plan based on the needs identified in
35 the comprehensive plan, the appropriate parts of which shall serve as
36 the basis for the six-year street, road, or transit program required
37 by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW
38 35.58.2795 for public transportation systems. The multiyear financing
39 plan should be coordinated with the ten-year investment program

1 developed by the office of financial management as required by RCW
2 47.05.030;

3 (C) If probable funding falls short of meeting the identified
4 needs of the transportation system, including state transportation
5 facilities, a discussion of how additional funding will be raised, or
6 how land use assumptions will be reassessed to ensure that level of
7 service standards will be met;

8 (v) Intergovernmental coordination efforts, including an
9 assessment of the impacts of the transportation plan and land use
10 assumptions on the transportation systems of adjacent jurisdictions;

11 (vi) Demand-management strategies;

12 (vii) (~~Pedestrian and bicycle~~) Active transportation component
13 to include collaborative efforts to identify and designate planned
14 improvements for (~~pedestrian and bicycle~~) active transportation
15 facilities and corridors that address and encourage enhanced
16 community access and promote healthy lifestyles.

17 (b) After adoption of the comprehensive plan by jurisdictions
18 required to plan or who choose to plan under RCW 36.70A.040, local
19 jurisdictions must adopt and enforce ordinances which prohibit
20 development approval if the development causes the level of service
21 on a locally owned or locally or regionally operated transportation
22 facility to decline below the standards adopted in the transportation
23 element of the comprehensive plan, unless transportation improvements
24 or strategies to accommodate the impacts of development are made
25 concurrent with the development. These strategies may include active
26 transportation facility improvements, increased or enhanced public
27 transportation service, ride-sharing programs, demand management, and
28 other transportation systems management strategies. For the purposes
29 of this subsection (6), "concurrent with the development" means that
30 improvements or strategies are in place at the time of development,
31 or that a financial commitment is in place to complete the
32 improvements or strategies within six years. If the collection of
33 impact fees is delayed under RCW 82.02.050(3), the six-year period
34 required by this subsection (6)(b) must begin after full payment of
35 all impact fees is due to the county or city. If it is possible to
36 provide for the transportation needs of a development through active
37 transportation facility improvements, increased or enhanced public
38 transportation service, ride-sharing programs, demand management, or
39 other transportation systems management strategies funded by the

1 development, a development approval may not be denied because it
2 fails to meet traffic level of service standards.

3 (c) The transportation element described in this subsection (6),
4 the six-year plans required by RCW 35.77.010 for cities, RCW
5 36.81.121 for counties, and RCW 35.58.2795 for public transportation
6 systems, and the ten-year investment program required by RCW
7 47.05.030 for the state, must be consistent.

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

13 (8) A park and recreation element that implements, and is
14 consistent with, the capital facilities plan element as it relates to
15 park and recreation facilities. The element shall include: (a)
16 Estimates of park and recreation demand for at least a ten-year
17 period; (b) an evaluation of facilities and service needs; and (c) an
18 evaluation of intergovernmental coordination opportunities to provide
19 regional approaches for meeting park and recreational demand.

20 (9) A climate change and resiliency element that is designed to
21 result in reductions in overall greenhouse gas emissions and that
22 must enhance resiliency to and avoid the adverse impacts of climate
23 change. The greenhouse gas emissions reduction subelement of the
24 climate change and resiliency element is mandatory for the
25 jurisdictions specified in section 3 of this act and is encouraged
26 for all other jurisdictions, including those planning under RCW
27 36.70A.040 and those planning under chapter 36.70 RCW. The resiliency
28 subelement of the climate change and resiliency element is mandatory
29 for all jurisdictions planning under RCW 36.70A.040 and is encouraged
30 for those jurisdictions planning under chapter 36.70 RCW.

31 (a) (i) The greenhouse gas emissions reduction subelement of the
32 comprehensive plan, and its related development regulations, must
33 identify the actions the jurisdiction will take during the planning
34 cycle consistent with the guidelines published by the department
35 pursuant to section 5 of this act that will:

36 (A) Result in reductions in overall greenhouse gas emissions
37 generated by the transportation and land use systems within the
38 jurisdiction;

39 (B) Result in reductions in per capita vehicle miles traveled
40 within the jurisdiction; and

1 (C) Prioritize reductions in communities that experience
2 disproportionate impacts and harm due to air pollution in order to
3 maximize the cobenefits of reduced air pollution.

4 (ii) Actions not specifically identified in the guidelines
5 developed by the department pursuant to section 5 of this act may be
6 considered to be consistent with those guidelines only if:

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

11 (B) They are supported by scientifically credible projections and
12 scenarios that indicate their adoption is likely to result in
13 reductions of greenhouse gas emissions or per capita vehicle miles
14 traveled consistent with the reduction requirements set forth in RCW
15 70A.45.020.

16 (b) The resiliency subelement must equitably enhance resiliency
17 to, and avoid or substantially reduce the adverse impacts of, climate
18 change on people, property, and ecological systems through goals,
19 policies, and programs consistent with the best available science and
20 scientifically credible climate projections and impact scenarios that
21 moderate or avoid harm, enhance the resiliency of natural and human
22 systems, and enhance beneficial opportunities. The resiliency
23 subelement must prioritize actions in communities that will
24 disproportionately suffer from compounding environmental impacts and
25 will be most impacted by natural hazards due to climate change. A
26 natural hazard mitigation plan or similar plan that is guided by RCW
27 36.70A.020(14) and complies with the applicable requirements of this
28 act, including the requirements set forth in this subsection (9)(b),
29 may be adopted by reference to satisfy those requirements. Specific
30 goals, policies, and programs of the resiliency subelement must
31 include, but are not limited to, those designed to:

32 (i) Identify, protect, and enhance natural areas to foster
33 resiliency to climate impacts, as well as areas of vital habitat for
34 safe passage and species migration; and

35 (ii) Address natural hazards created or aggravated by climate
36 change, including sea level rise, landslides, flooding, drought,
37 heat, smoke, wildfire, and other effects of changes to temperature
38 and precipitation patterns.

39 (c) For the jurisdictions set forth in section 3 of this act,
40 updates to comprehensive plans and related development regulations

1 made during the update cycle that begins in 2024 must adopt measures
2 identified by the department pursuant to section 5 of this act that
3 are likely to result in reductions of greenhouse gas emissions and
4 per capita vehicle miles traveled.

5 (d) The adoption of ordinances, amendments to comprehensive
6 plans, amendments to development regulations, and other nonproject
7 actions taken by a county or city pursuant to (a) or (c) of this
8 subsection in order to implement measures specified by the department
9 pursuant to section 5 of this act are not subject to administrative
10 or judicial appeal under chapter 43.21C RCW.

11 ~~((9))~~ (10) It is the intent that new or amended elements
12 required after January 1, 2002, be adopted concurrent with the
13 scheduled update provided in RCW 36.70A.130. Requirements to
14 incorporate any such new or amended elements shall be null and void
15 until funds sufficient to cover applicable local government costs are
16 appropriated and distributed by the state at least two years before
17 local government must update comprehensive plans as required in RCW
18 36.70A.130.

19 NEW SECTION. Sec. 5. A new section is added to chapter 70A.45
20 RCW to read as follows:

21 (1) The department of commerce, in consultation with the
22 department of ecology, the department of health, and the department
23 of transportation, shall publish guidelines that specify a set of
24 measures counties and cities have available to them to take through
25 updates to their comprehensive plans and development regulations that
26 have a demonstrated ability to reduce greenhouse gas emissions in
27 order to achieve the statewide greenhouse gas emissions reductions
28 set forth in RCW 70A.45.020(1), allowing for consideration of the
29 emissions reductions achieved through the adoption of statewide
30 programs. The guidelines must prioritize reductions in communities
31 that have experienced disproportionate harm due to air pollution and
32 may draw upon the most recent health disparities data from the
33 department of health to identify high pollution areas and
34 disproportionately burdened communities. The guidelines must be based
35 on:

36 (a) The most recent greenhouse gas emissions report prepared by
37 the department of ecology and the department of commerce pursuant to
38 RCW 70A.45.020(2); and

1 (b) The most recent city and county population estimates prepared
2 by the office of financial management pursuant to RCW 43.62.035.

3 (2) The department of commerce, in consultation with the
4 department of transportation, shall publish guidelines that specify a
5 set of measures counties and cities have available to them to take
6 through updates to their comprehensive plans and development
7 regulations that have a demonstrated ability to reduce per capita
8 vehicle miles traveled.

9 The guidelines must be based on:

10 (a) The most recent greenhouse gas emissions report prepared by
11 the department of ecology and the department of commerce pursuant to
12 RCW 70A.45.020(2);

13 (b) The most recent city and county population estimates prepared
14 by the office of financial management pursuant to RCW 43.62.035; and

15 (c) The most recent summary of per capita vehicle miles traveled
16 as compiled by the department of transportation.

17 (3) The department of commerce shall first publish the full set
18 of guidelines described in subsections (1) and (2) of this section no
19 later than December 31, 2025. The department of commerce shall update
20 these guidelines at least every four years thereafter based on the
21 most recently available data, and shall provide for a process for
22 local governments and other parties to submit alternative actions for
23 consideration for inclusion into the guidelines at least once per
24 year. The department of commerce shall publish an intermediate set of
25 guidelines no later than December 31, 2022, in order to be available
26 for use by jurisdictions whose periodic updates are required by RCW
27 36.70A.130(5) to occur prior to December 31, 2025.

28 (4) In any updates to the guidelines published after 2025, the
29 department of commerce shall include a determination of whether
30 adequate progress has been made toward the statewide greenhouse gas
31 and per capita vehicle miles traveled reduction goals. If adequate
32 progress is not being made, the department must identify in the
33 guidelines what additional measures cities and counties must take in
34 order to make further progress.

35 NEW SECTION. **Sec. 6.** A new section is added to chapter 36.70A
36 RCW to read as follows:

37 (1) A greenhouse gas emissions reduction subelement required by
38 RCW 36.70A.070 becomes effective when approved by the department as
39 provided in this section. The department shall strive to achieve

1 final action on a submitted greenhouse gas emissions reduction
2 subelement within 180 days of receipt and shall post an annual
3 assessment related to this performance benchmark on the agency
4 website.

5 (2) Upon receipt of a proposed greenhouse gas emissions reduction
6 subelement, the department shall:

7 (a) Provide notice to and opportunity for written comment by all
8 interested parties of record as a part of the local government review
9 process for the proposal and to all persons, groups, and agencies
10 that have requested in writing notice of proposed greenhouse gas
11 emissions reduction subelements. The comment period shall be at least
12 30 days, unless the department determines that the level of
13 complexity or controversy involved supports a shorter period;

14 (b) In the department's discretion, conduct a public hearing
15 during the 30-day comment period in the jurisdiction proposing the
16 greenhouse gas emissions reduction subelement;

17 (c) Within 15 days after the close of public comment, request the
18 local government to review the issues identified by the public,
19 interested parties, groups, and agencies and provide a written
20 response as to how the proposal addresses the identified issues;

21 (d) Within 30 days after receipt of the local government response
22 pursuant to (c) of this subsection, make written findings and
23 conclusions regarding the consistency of the proposal with the policy
24 of RCW 36.70A.070 and, after they are adopted, the applicable
25 guidelines adopted by the department pursuant to section 5 of this
26 act and any reduction allocations made pursuant to RCW 36.70A.100,
27 provide a response to the issues identified in (c) of this
28 subsection, and either approve the greenhouse gas emissions reduction
29 subelement as submitted, recommend specific changes necessary to make
30 the greenhouse gas emissions reduction subelement approvable, or deny
31 approval of the greenhouse gas emissions reduction subelement in
32 those instances where no alteration of the greenhouse gas emissions
33 reduction subelement appears likely to be consistent with the policy
34 of RCW 36.70A.070 and the applicable guidelines. The written findings
35 and conclusions shall be provided to the local government, and made
36 available to all interested persons, parties, groups, and agencies of
37 record on the proposal;

38 (e) If the department recommends changes to the proposed
39 greenhouse gas emissions reduction subelement, within 90 days after

1 the department mails the written findings and conclusions to the
2 local government, require the local government to:

3 (i) Agree to the proposed changes by written notice to the
4 department; or

5 (ii) Submit an alternative greenhouse gas emissions reduction
6 subelement. If, in the opinion of the department, the alternative is
7 consistent with the purpose and intent of the changes originally
8 submitted by the department and with this chapter it shall approve
9 the changes and provide notice to all recipients of the written
10 findings and conclusions. If the department determines the proposed
11 greenhouse gas emissions reduction subelement is not consistent with
12 the purpose and intent of the changes proposed by the department, the
13 department may resubmit the proposed greenhouse gas emissions
14 reduction subelement for public and agency review pursuant to this
15 section or reject the proposed greenhouse gas emissions reduction
16 subelement.

17 (3) The department shall approve a proposed greenhouse gas
18 emissions reduction subelement unless it determines that the proposed
19 greenhouse gas emissions reduction subelement is not consistent with
20 the policy of RCW 36.70A.070 and, after they are adopted, the
21 applicable guidelines.

22 (4) A greenhouse gas emissions reduction subelement takes effect
23 when and in such form as approved or adopted by the department. The
24 effective date is 14 days from the date of the department's written
25 notice of final action to the local government stating the department
26 has approved or rejected the proposed greenhouse gas emissions
27 reduction subelement. The department's written notice to the local
28 government must conspicuously and plainly state that it is the
29 department's final decision and that there will be no further
30 modifications to the proposed greenhouse gas emissions reduction
31 subelement. The department shall maintain a record of each greenhouse
32 gas emissions reduction subelement, the action taken on any proposed
33 greenhouse gas emissions reduction subelement, and any appeal of the
34 department's action. The department's approved document of record
35 constitutes the official greenhouse gas emissions reduction
36 subelement.

37 (5) Promptly after approval or disapproval of a local
38 government's greenhouse gas emissions reduction subelement, the
39 department shall publish a notice consistent with RCW 36.70A.290 that
40 the greenhouse gas emissions reduction subelement has been approved

1 or disapproved. This notice must be filed for all greenhouse gas
2 emissions reduction subelements.

3 (6) The department's final decision to approve or reject a
4 proposed greenhouse gas emissions reduction subelement or amendment
5 by a local government planning under RCW 36.70A.040 may be appealed
6 according to the following provisions:

7 (a) The department's final decision to approve or reject a
8 proposed greenhouse gas emissions reduction subelement or amendment
9 by a local government planning under RCW 36.70A.040 may be appealed
10 to the growth management hearings board by filing a petition as
11 provided in RCW 36.70A.290.

12 (b) A decision of the growth management hearings board concerning
13 an appeal of the department's final decision to approve or reject a
14 proposed greenhouse gas emissions reduction subelement or amendment
15 must be based solely on whether or not the adopted or amended
16 greenhouse gas emissions reduction subelement, any adopted amendments
17 to other elements of the comprehensive plan necessary to carry out
18 the subelement, and any adopted or amended development regulations
19 necessary to implement the subelement, comply with the goal set forth
20 in RCW 36.70A.020(14) as it applies to greenhouse gas emissions
21 reductions, RCW 36.70A.070(9) excluding RCW 36.70A.070(9)(b), the
22 guidelines adopted under section 5 of this act applicable to the
23 greenhouse gas emissions reduction subelement, or chapter 43.21C RCW.

24 **Sec. 7.** RCW 36.70A.320 and 1997 c 429 s 20 are each amended to
25 read as follows:

26 (1) Except as provided in subsections (5) and (6) of this
27 section, comprehensive plans and development regulations, and
28 amendments thereto, adopted under this chapter are presumed valid
29 upon adoption.

30 (2) Except as otherwise provided in subsection (4) of this
31 section, the burden is on the petitioner to demonstrate that any
32 action taken by a state agency, county, or city under this chapter is
33 not in compliance with the requirements of this chapter.

34 (3) In any petition under this chapter, the board, after full
35 consideration of the petition, shall determine whether there is
36 compliance with the requirements of this chapter. In making its
37 determination, the board shall consider the criteria adopted by the
38 department under RCW 36.70A.190(4). The board shall find compliance
39 unless it determines that the action by the state agency, county, or

1 city is clearly erroneous in view of the entire record before the
2 board and in light of the goals and requirements of this chapter.

3 (4) A county or city subject to a determination of invalidity
4 made under RCW 36.70A.300 or 36.70A.302 has the burden of
5 demonstrating that the ordinance or resolution it has enacted in
6 response to the determination of invalidity will no longer
7 substantially interfere with the fulfillment of the goals of this
8 chapter under the standard in RCW 36.70A.302(1).

9 (5) The shoreline element of a comprehensive plan and the
10 applicable development regulations adopted by a county or city shall
11 take effect as provided in chapter 90.58 RCW.

12 (6) The greenhouse gas emissions reduction subelement required by
13 RCW 36.70A.070 shall take effect as provided in section 6 of this
14 act.

15 **Sec. 8.** RCW 36.70A.190 and 1991 sp.s. c 32 s 3 are each amended
16 to read as follows:

17 (1) The department shall establish a program of technical and
18 financial assistance and incentives to counties and cities to
19 encourage and facilitate the adoption and implementation of
20 comprehensive plans and development regulations throughout the state.

21 (2) The department shall develop a priority list and establish
22 funding levels for planning and technical assistance grants both for
23 counties and cities that plan under RCW 36.70A.040. Priority for
24 assistance shall be based on a county's or city's population growth
25 rates, commercial and industrial development rates, the existence and
26 quality of a comprehensive plan and development regulations, and
27 other relevant factors.

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

1 (4) The department shall establish a program of technical
2 assistance:

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

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

15 (5) The department shall provide mediation services to resolve
16 disputes between counties and cities regarding, among other things,
17 coordination of regional issues and designation of urban growth
18 areas.

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

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

32 (a) The model element must establish minimum requirements or
33 include model options for fulfilling the requirements of RCW
34 36.70A.070(9);

35 (b) The model element should provide guidance on identifying,
36 designing, and investing in infrastructure that supports community
37 resilience to climate impacts, including the protection, restoration,
38 and enhancement of natural infrastructure as well as traditional
39 infrastructure and protecting and enhancing natural areas to foster

1 resiliency to climate impacts, as well as areas of vital habitat for
2 safe passage and species migration;

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

8 (d) The rule must recognize and promote as many cobenefits of
9 climate resilience as possible such as salmon recovery, forest
10 health, and ecosystem services.

11 NEW SECTION. Sec. 9. A new section is added to chapter 47.80
12 RCW to read as follows:

13 The department shall compile, maintain, and publish a summary of
14 the per capita vehicle miles traveled annually in each city in the
15 state, and in the unincorporated portions of each county in the
16 state.

17 NEW SECTION. Sec. 10. A new section is added to chapter 90.58
18 RCW to read as follows:

19 The department shall update its shoreline master program
20 guidelines to require shoreline master programs to address the impact
21 of sea level rise and increased storm severity on people, property,
22 and shoreline natural resources and the environment.

23 **Sec. 11.** RCW 36.70A.030 and 2020 c 173 s 4 are each amended to
24 read as follows:

25 Unless the context clearly requires otherwise, the definitions in
26 this section apply throughout this chapter.

27 (1) "Adopt a comprehensive land use plan" means to enact a new
28 comprehensive land use plan or to update an existing comprehensive
29 land use plan.

30 (2) "Affordable housing" means, unless the context clearly
31 indicates otherwise, residential housing whose monthly costs,
32 including utilities other than telephone, do not exceed thirty
33 percent of the monthly income of a household whose income is:

34 (a) For rental housing, sixty percent of the median household
35 income adjusted for household size, for the county where the
36 household is located, as reported by the United States department of
37 housing and urban development; or

1 (b) For owner-occupied housing, eighty percent of the median
2 household income adjusted for household size, for the county where
3 the household is located, as reported by the United States department
4 of housing and urban development.

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

12 (4) "City" means any city or town, including a code city.

13 (5) "Comprehensive land use plan," "comprehensive plan," or
14 "plan" means a generalized coordinated land use policy statement of
15 the governing body of a county or city that is adopted pursuant to
16 this chapter.

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

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

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

37 (9) "Extremely low-income household" means a single person,
38 family, or unrelated persons living together whose adjusted income is
39 at or below thirty percent of the median household income adjusted
40 for 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 (10) "Forestland" means land primarily devoted to growing trees
4 for long-term commercial timber production on land that can be
5 economically and practically managed for such production, including
6 Christmas trees subject to the excise tax imposed under RCW 84.33.100
7 through 84.33.140, and that has long-term commercial significance. In
8 determining whether forestland is primarily devoted to growing trees
9 for long-term commercial timber production on land that can be
10 economically and practically managed for such production, the
11 following factors shall be considered: (a) The proximity of the land
12 to urban, suburban, and rural settlements; (b) surrounding parcel
13 size and the compatibility and intensity of adjacent and nearby land
14 uses; (c) long-term local economic conditions that affect the ability
15 to manage for timber production; and (d) the availability of public
16 facilities and services conducive to conversion of forestland to
17 other uses.

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

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

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

37 (14) "Low-income household" means a single person, family, or
38 unrelated persons living together whose adjusted income is at or
39 below eighty 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 (15) "Minerals" include gravel, sand, and valuable metallic
4 substances.

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

21 (17) "Public facilities" include streets, roads, highways,
22 sidewalks, street and road lighting systems, traffic signals,
23 domestic water systems, storm and sanitary sewer systems, parks and
24 recreational facilities, and schools.

25 (18) "Public services" include fire protection and suppression,
26 law enforcement, public health, education, recreation, environmental
27 protection, and other governmental services.

28 (19) "Recreational land" means land so designated under RCW
29 36.70A.1701 and that, immediately prior to this designation, was
30 designated as agricultural land of long-term commercial significance
31 under RCW 36.70A.170. Recreational land must have playing fields and
32 supporting facilities existing before July 1, 2004, for sports played
33 on grass playing fields.

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

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

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

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

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

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

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

9 (g) That are consistent with the protection of natural surface
10 water flows and groundwater and surface water recharge and discharge
11 areas.

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

20 (22) "Rural governmental services" or "rural services" include
21 those public services and public facilities historically and
22 typically delivered at an intensity usually found in rural areas, and
23 may include domestic water systems, fire and police protection
24 services, transportation and public transit services, and other
25 public utilities associated with rural development and normally not
26 associated with urban areas. Rural services do not include storm or
27 sanitary sewers, except as otherwise authorized by RCW 36.70A.110(4).

28 (23) "Short line railroad" means those railroad lines designated
29 class II or class III by the United States surface transportation
30 board.

31 (24) "Urban governmental services" or "urban services" include
32 those public services and public facilities at an intensity
33 historically and typically provided in cities, specifically including
34 storm and sanitary sewer systems, domestic water systems, street
35 cleaning services, fire and police protection services, public
36 transit services, and other public utilities associated with urban
37 areas and normally not associated with rural areas.

38 (25) "Urban growth" refers to growth that makes intensive use of
39 land for the location of buildings, structures, and impermeable
40 surfaces to such a degree as to be incompatible with the primary use

1 of land for the production of food, other agricultural products, or
2 fiber, or the extraction of mineral resources, rural uses, rural
3 development, and natural resource lands designated pursuant to RCW
4 36.70A.170. A pattern of more intensive rural development, as
5 provided in RCW 36.70A.070(5)(d), is not urban growth. When allowed
6 to spread over wide areas, urban growth typically requires urban
7 governmental services. "Characterized by urban growth" refers to land
8 having urban growth located on it, or to land located in relationship
9 to an area with urban growth on it as to be appropriate for urban
10 growth.

11 (26) "Urban growth areas" means those areas designated by a
12 county pursuant to RCW 36.70A.110.

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

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

34 (29) "Per capita vehicle miles traveled" means the number of
35 miles traveled using cars and light trucks in a calendar year divided
36 by the number of residents in Washington. The calculation of this
37 value excludes vehicle miles driven conveying freight.

38 (30) "Active transportation" means forms of pedestrian mobility
39 including walking or running, the use of a mobility assistive device
40 such as a wheelchair, bicycling and cycling irrespective of the

1 number of wheels, and the use of small personal devices such as foot
2 scooters or skateboards. Active transportation includes both
3 traditional and electric assist bicycles and other devices. Planning
4 for active transportation must consider and address accommodation
5 pursuant to the Americans with disabilities act and the distinct
6 needs of each form of active transportation.

7 (31) "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 (32) "Environmental justice" means the fair treatment and
12 meaningful involvement of all people regardless of race, color,
13 national origin, or income with respect to development,
14 implementation, and enforcement of environmental laws, regulations,
15 and policies; with a focus on the equitable distribution of
16 resources, benefits, and burdens in a manner that prioritizes
17 communities that experience the greatest inequities, disproportionate
18 impacts, and have the greatest unmet needs.

19 **Sec. 12.** RCW 86.12.200 and 1991 c 322 s 3 are each amended to
20 read as follows:

21 The county legislative authority of any county may adopt a
22 comprehensive flood control management plan for any drainage basin
23 that is located wholly or partially within the county.

24 A comprehensive flood control management plan shall include the
25 following elements:

26 (1) Designation of areas that are susceptible to periodic
27 flooding, from inundation by bodies of water or surface water runoff,
28 or both, including the river's meander belt or floodway;

29 (2) Establishment of a comprehensive scheme of flood control
30 protection and improvements for the areas that are subject to such
31 periodic flooding, that includes: (a) Determining the need for, and
32 desirable location of, flood control improvements to protect or
33 preclude flood damage to structures, works, and improvements, based
34 upon a cost/benefit ratio between the expense of providing and
35 maintaining these improvements and the benefits arising from these
36 improvements; (b) establishing the level of flood protection that
37 each portion of the system of flood control improvements will be
38 permitted; (c) identifying alternatives to in-stream flood control
39 work; (d) identifying areas where flood waters could be directed

1 during a flood to avoid damage to buildings and other structures; and
2 (e) identifying sources of revenue that will be sufficient to finance
3 the comprehensive scheme of flood control protection and
4 improvements;

5 (3) Establishing land use regulations that preclude the location
6 of structures, works, or improvements in critical portions of such
7 areas subject to periodic flooding, including a river's meander belt
8 or floodway, and permitting only flood-compatible land uses in such
9 areas;

10 (4) Establishing restrictions on construction activities in areas
11 subject to periodic floods that require the flood proofing of those
12 structures that are permitted to be constructed or remodeled; (~~and~~)

13 (5) Establishing restrictions on land clearing activities and
14 development practices that exacerbate flood problems by increasing
15 the flow or accumulation of flood waters, or the intensity of
16 drainage, on low-lying areas. Land clearing activities do not include
17 forest practices as defined in chapter 76.09 RCW; and

18 (6) Consideration of climate change impacts, including the impact
19 of sea level rise and increased storm severity on people, property,
20 natural resources, and the environment.

21 A comprehensive flood control management plan shall be subject to
22 the minimum requirements for participation in the national flood
23 insurance program, requirements exceeding the minimum national flood
24 insurance program that have been adopted by the department of ecology
25 for a specific floodplain pursuant to RCW 86.16.031, and rules
26 adopted by the department of ecology pursuant to RCW 86.26.050
27 relating to floodplain management activities. When a county plans
28 under chapter 36.70A RCW, it may incorporate the portion of its
29 comprehensive flood control management plan relating to land use
30 restrictions in its comprehensive plan and development regulations
31 adopted pursuant to chapter 36.70A RCW.

32 NEW SECTION. **Sec. 13.** A new section is added to chapter 43.21C
33 RCW to read as follows:

34 The adoption of ordinances, amendments to comprehensive plans,
35 amendments to development regulations, and other nonproject actions
36 taken by a county or city pursuant to RCW 36.70A.070(9) (a) or (c) in
37 order to implement measures specified by the department of commerce
38 pursuant to section 5 of this act are not subject to administrative
39 or judicial appeals under this chapter.

1 NEW SECTION. **Sec. 14.** The obligation of local governments to
2 comply with the requirements set forth in RCW 36.70A.070 and section
3 10 of this act is contingent on the appropriation and distribution to
4 local governments of funds for the specific purpose of complying with
5 this act. Local governments may not be required to comply with the
6 requirements set forth in RCW 36.70A.070 and section 10 of this act
7 until funds sufficient to cover applicable local government costs are
8 appropriated and distributed by the state at least two years before
9 local governments must update comprehensive plans as required in RCW
10 36.70A.130.

11 NEW SECTION. **Sec. 15.** If specific funding for the purposes of
12 this act, referencing this act by bill or chapter number, is not
13 provided by June 30, 2021, in the omnibus appropriations act, this
14 act is null and void.

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