

E2SHB 1099 - CONF REPT
By Conference Committee

1 Strike everything after the enacting clause and insert the
2 following:

3 **"Sec. 1.** RCW 36.70A.020 and 2021 c 254 s 1 are each amended to
4 read as follows:

5 The following goals are adopted to guide the development and
6 adoption of comprehensive plans and development regulations of those
7 counties and cities that are required or choose to plan under RCW
8 36.70A.040 and, where specified, also guide the development of
9 regional policies, plans, and strategies adopted under RCW 36.70A.210
10 and chapter 47.80 RCW. The following goals are not listed in order of
11 priority and shall be used exclusively for the purpose of guiding the
12 development of comprehensive plans (~~and~~), development regulations,
13 and, where specified, regional plans, policies, and strategies:

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

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

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

23 (4) Housing. Plan for and accommodate housing affordable to all
24 economic segments of the population of this state, promote a variety
25 of residential densities and housing types, and encourage
26 preservation of existing housing stock.

27 (5) Economic development. Encourage economic development
28 throughout the state that is consistent with adopted comprehensive
29 plans, promote economic opportunity for all citizens of this state,
30 especially for unemployed and for disadvantaged persons, promote the
31 retention and expansion of existing businesses and recruitment of new
32 businesses, recognize regional differences impacting economic

1 development opportunities, and encourage growth in areas experiencing
2 insufficient economic growth, all within the capacities of the
3 state's natural resources, public services, and public facilities.

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

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

11 (8) Natural resource industries. Maintain and enhance natural
12 resource-based industries, including productive timber, agricultural,
13 and fisheries industries. Encourage the conservation of productive
14 forestlands and productive agricultural lands, and discourage
15 incompatible uses.

16 (9) Open space and recreation. Retain open space and greenspace,
17 enhance recreational opportunities, (~~conserve~~) enhance fish and
18 wildlife habitat, increase access to natural resource lands and
19 water, and develop parks and recreation facilities.

20 (10) Environment. Protect and enhance the environment and enhance
21 the state's high quality of life, including air and water quality,
22 and the availability of water.

23 (11) Citizen participation and coordination. Encourage the
24 involvement of citizens in the planning process, including the
25 participation of vulnerable populations and overburdened communities,
26 and ensure coordination between communities and jurisdictions to
27 reconcile conflicts.

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

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

36 (14) Climate change and resiliency. Ensure that comprehensive
37 plans, development regulations, and regional policies, plans, and
38 strategies under RCW 36.70A.210 and chapter 47.80 RCW adapt to and
39 mitigate the effects of a changing climate, support reductions in
40 greenhouse gas emissions and per capita vehicle miles traveled,

1 prepare for climate impact scenarios, foster resiliency to climate
2 impacts and natural hazards, protect and enhance environmental,
3 economic, and human health and safety, and advance environmental
4 justice.

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

7 (1) For shorelines of the state, the goals and policies of the
8 shoreline management act as set forth in RCW 90.58.020 are added as
9 one of the goals of this chapter as set forth in RCW 36.70A.020
10 without creating an order of priority among the (~~fourteen~~) 15
11 goals. The goals and policies of a shoreline master program for a
12 county or city approved under chapter 90.58 RCW shall be considered
13 an element of the county or city's comprehensive plan. All other
14 portions of the shoreline master program for a county or city adopted
15 under chapter 90.58 RCW, including use regulations, shall be
16 considered a part of the county or city's development regulations.

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

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

27 (b) Except as otherwise provided in (c) of this subsection,
28 development regulations adopted under this chapter to protect
29 critical areas within shorelines of the state apply within shorelines
30 of the state until the department of ecology approves one of the
31 following: A comprehensive master program update, as defined in RCW
32 90.58.030; a segment of a master program relating to critical areas,
33 as provided in RCW 90.58.090; or a new or amended master program
34 approved by the department of ecology on or after March 1, 2002, as
35 provided in RCW 90.58.080. The adoption or update of development
36 regulations to protect critical areas under this chapter prior to
37 department of ecology approval of a master program update as provided
38 in this subsection is not a comprehensive or segment update to the
39 master program.

1 (c) (i) Until the department of ecology approves a master program
2 or segment of a master program as provided in (b) of this subsection,
3 a use or structure legally located within shorelines of the state
4 that was established or vested on or before the effective date of the
5 local government's development regulations to protect critical areas
6 may continue as a conforming use and may be redeveloped or modified
7 if: (A) The redevelopment or modification is consistent with the
8 local government's master program; and (B) the local government
9 determines that the proposed redevelopment or modification will
10 result in no net loss of shoreline ecological functions. The local
11 government may waive this requirement if the redevelopment or
12 modification is consistent with the master program and the local
13 government's development regulations to protect critical areas.

14 (ii) For purposes of this subsection (3)(c), an agricultural
15 activity that does not expand the area being used for the
16 agricultural activity is not a redevelopment or modification.
17 "Agricultural activity," as used in this subsection (3)(c), has the
18 same meaning as defined in RCW 90.58.065.

19 (d) Upon department of ecology approval of a shoreline master
20 program or critical area segment of a shoreline master program,
21 critical areas within shorelines of the state are protected under
22 chapter 90.58 RCW and are not subject to the procedural and
23 substantive requirements of this chapter, except as provided in
24 subsection (6) of this section. Nothing in chapter 321, Laws of 2003
25 or chapter 107, Laws of 2010 is intended to affect whether or to what
26 extent agricultural activities, as defined in RCW 90.58.065, are
27 subject to chapter 36.70A RCW.

28 (e) The provisions of RCW 36.70A.172 shall not apply to the
29 adoption or subsequent amendment of a local government's shoreline
30 master program and shall not be used to determine compliance of a
31 local government's shoreline master program with chapter 90.58 RCW
32 and applicable guidelines. Nothing in this section, however, is
33 intended to limit or change the quality of information to be applied
34 in protecting critical areas within shorelines of the state, as
35 required by chapter 90.58 RCW and applicable guidelines.

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

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

7 (6) If a local jurisdiction's master program does not include
8 land necessary for buffers for critical areas that occur within
9 shorelines of the state, as authorized by RCW 90.58.030(2)(~~((f))~~)
10 (d), then the local jurisdiction shall continue to regulate those
11 critical areas and their required buffers pursuant to RCW
12 36.70A.060(2).

13 **Sec. 3.** RCW 36.70A.070 and 2021 c 254 s 2 are each amended to
14 read as follows:

15 The comprehensive plan of a county or city that is required or
16 chooses to plan under RCW 36.70A.040 shall consist of a map or maps,
17 and descriptive text covering objectives, principles, and standards
18 used to develop the comprehensive plan. The plan shall be an
19 internally consistent document and all elements shall be consistent
20 with the future land use map. A comprehensive plan shall be adopted
21 and amended with public participation as provided in RCW 36.70A.140.
22 Each comprehensive plan shall include a plan, scheme, or design for
23 each of the following:

24 (1) A land use element designating the proposed general
25 distribution and general location and extent of the uses of land,
26 where appropriate, for agriculture, timber production, housing,
27 commerce, industry, recreation, open spaces and greenspaces, general
28 aviation airports, public utilities, public facilities, and other
29 land uses. The land use element shall include population densities,
30 building intensities, and estimates of future population growth. The
31 land use element shall provide for protection of the quality and
32 quantity of groundwater used for public water supplies. The land use
33 element must give special consideration to achieving environmental
34 justice in its goals and policies, including efforts to avoid
35 creating or worsening environmental health disparities. Wherever
36 possible, the land use element should consider utilizing urban
37 planning approaches that promote physical activity and reduce per
38 capita vehicle miles traveled within the jurisdiction, but without
39 increasing greenhouse gas emissions elsewhere in the state. Where

1 applicable, the land use element shall review drainage, flooding, and
2 stormwater runoff in the area and nearby jurisdictions and provide
3 guidance for corrective actions to mitigate or cleanse those
4 discharges that pollute waters of the state, including Puget Sound or
5 waters entering Puget Sound. The land use element must reduce and
6 mitigate the risk to lives and property posed by wildfires by using
7 land use planning tools, which may include, but are not limited to,
8 reducing residential development pressure in the wildland urban
9 interface area, creating open space buffers between human development
10 and wildfire-prone landscapes, and protecting existing residential
11 development through community wildfire preparedness and fire
12 adaptation measures.

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

15 (a) Includes an inventory and analysis of existing and projected
16 housing needs that identifies the number of housing units necessary
17 to manage projected growth, as provided by the department of
18 commerce, including:

19 (i) Units for moderate, low, very low, and extremely low-income
20 households; and

21 (ii) Emergency housing, emergency shelters, and permanent
22 supportive housing;

23 (b) Includes a statement of goals, policies, objectives, and
24 mandatory provisions for the preservation, improvement, and
25 development of housing, including single-family residences, and
26 within an urban growth area boundary, moderate density housing
27 options including ~~((+,+))~~, but not limited to, duplexes, triplexes,
28 and townhomes;

29 (c) Identifies sufficient capacity of land for housing including,
30 but not limited to, government-assisted housing, housing for
31 moderate, low, very low, and extremely low-income households,
32 manufactured housing, multifamily housing, group homes, foster care
33 facilities, emergency housing, emergency shelters, permanent
34 supportive housing, and within an urban growth area boundary,
35 consideration of duplexes, triplexes, and townhomes;

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

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

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

4 (iii) Consideration of housing locations in relation to
5 employment location; and

6 (iv) Consideration of the role of accessory dwelling units in
7 meeting housing needs;

8 (e) Identifies local policies and regulations that result in
9 racially disparate impacts, displacement, and exclusion in housing,
10 including:

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

12 (ii) Disinvestment; and

13 (iii) Infrastructure availability;

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

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

20 (h) Establishes antidisplacement policies, with consideration
21 given to the preservation of historical and cultural communities as
22 well as investments in low, very low, extremely low, and moderate-
23 income housing; equitable development initiatives; inclusionary
24 zoning; community planning requirements; tenant protections; land
25 disposition policies; and consideration of land that may be used for
26 affordable housing.

27 In counties and cities subject to the review and evaluation
28 requirements of RCW 36.70A.215, any revision to the housing element
29 shall include consideration of prior review and evaluation reports
30 and any reasonable measures identified. The housing element should
31 link jurisdictional goals with overall county goals to ensure that
32 the housing element goals are met.

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

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

7 (4) A utilities element consisting of the general location,
8 proposed location, and capacity of all existing and proposed
9 utilities, including, but not limited to, components of drinking
10 water, stormwater, wastewater, electrical (~~(lines)~~),
11 telecommunications (~~(lines)~~), and natural gas (~~(lines)~~) systems.

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

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

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

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

35 (i) Containing or otherwise controlling rural development;

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

38 (iii) Reducing the inappropriate conversion of undeveloped land
39 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 (d) Limited areas of more intensive rural development. Subject to
6 the requirements of this subsection and except as otherwise
7 specifically provided in this subsection (5)(d), the rural element
8 may allow for limited areas of more intensive rural development,
9 including necessary public facilities and public services to serve
10 the limited area as follows:

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

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

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

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

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

39 (iii) The intensification of development on lots containing
40 isolated nonresidential uses or new development of isolated cottage

1 industries and isolated small-scale businesses that are not
2 principally designed to serve the existing and projected rural
3 population and nonresidential uses, but do provide job opportunities
4 for rural residents. Rural counties may allow the expansion of small-
5 scale businesses as long as those small-scale businesses conform with
6 the rural character of the area as defined by the local government
7 according to RCW 36.70A.030(23). Rural counties may also allow new
8 small-scale businesses to utilize a site previously occupied by an
9 existing business as long as the new small-scale business conforms to
10 the rural character of the area as defined by the local government
11 according to RCW 36.70A.030(23). Public services and public
12 facilities shall be limited to those necessary to serve the isolated
13 nonresidential use and shall be provided in a manner that does not
14 permit low-density sprawl;

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

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

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

37 (B) On the date the county adopted a resolution under RCW
38 36.70A.040(2), in a county that is planning under all of the
39 provisions of this chapter under RCW 36.70A.040(2); or

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

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

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

11 (a) The transportation element shall include the following
12 subelements:

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

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

20 (iii) Facilities and services needs, including:

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

28 (B) Level of service standards for all locally owned arterials
29 (~~and~~), locally and regionally operated transit routes that serve
30 urban growth areas, state-owned or operated transit routes that serve
31 urban areas if the department of transportation has prepared such
32 standards, and active transportation facilities to serve as a gauge
33 to judge performance of the system and success in helping to achieve
34 the goals of this chapter consistent with environmental justice.
35 These standards should be regionally coordinated;

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

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

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

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

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

30 (iv) Finance, including:

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

33 (B) A multiyear financing plan based on the needs identified in
34 the comprehensive plan, the appropriate parts of which shall serve as
35 the basis for the six-year street, road, or transit program required
36 by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW
37 35.58.2795 for public transportation systems. The multiyear financing
38 plan should be coordinated with the ten-year investment program
39 developed by the office of financial management as required by RCW
40 47.05.030;

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

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

9 (vi) Demand-management strategies;

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

15 (b) After adoption of the comprehensive plan by jurisdictions
16 required to plan or who choose to plan under RCW 36.70A.040, local
17 jurisdictions must adopt and enforce ordinances which prohibit
18 development approval if the development causes the level of service
19 on a locally owned or locally or regionally operated transportation
20 facility to decline below the standards adopted in the transportation
21 element of the comprehensive plan, unless transportation improvements
22 or strategies to accommodate the impacts of development are made
23 concurrent with the development. These strategies may include active
24 transportation facility improvements, increased or enhanced public
25 transportation service, ride-sharing programs, demand management, and
26 other transportation systems management strategies. For the purposes
27 of this subsection (6), "concurrent with the development" means that
28 improvements or strategies are in place at the time of development,
29 or that a financial commitment is in place to complete the
30 improvements or strategies within six years. If the collection of
31 impact fees is delayed under RCW 82.02.050(3), the six-year period
32 required by this subsection (6)(b) must begin after full payment of
33 all impact fees is due to the county or city. If it is possible to
34 provide for the transportation needs of a development through active
35 transportation facility improvements, increased or enhanced public
36 transportation service, ride-sharing programs, demand management, or
37 other transportation systems management strategies funded by the
38 development, a development approval may not be denied because it
39 fails to meet traffic level of service standards.

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

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

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

18 (9) A climate change and resiliency element that is designed to
19 result in reductions in overall greenhouse gas emissions and that
20 must enhance resiliency to and avoid the adverse impacts of climate
21 change, which must include efforts to reduce localized greenhouse gas
22 emissions and avoid creating or worsening localized climate impacts
23 to vulnerable populations and overburdened communities. The
24 greenhouse gas emissions reduction subelement of the climate change
25 and resiliency element is mandatory for the jurisdictions specified
26 in section 4(1) of this act and is encouraged for all other
27 jurisdictions, including those planning under RCW 36.70A.040 and
28 those planning under chapter 36.70 RCW. The resiliency subelement of
29 the climate change and resiliency element is mandatory for all
30 jurisdictions planning under RCW 36.70A.040 and is encouraged for
31 those jurisdictions planning under chapter 36.70 RCW.

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

37 (A) Result in reductions in overall greenhouse gas emissions
38 generated by transportation and land use within the jurisdiction but
39 without increasing greenhouse gas emissions elsewhere in the state;
40 and

1 (B) Result in reductions in per capita vehicle miles traveled
2 within the jurisdiction but without increasing greenhouse gas
3 emissions elsewhere in the state; and

4 (C) Prioritize reductions in overburdened communities in order to
5 maximize the cobenefits of reduced air pollution and environmental
6 justice consistent with chapter 70A.02 RCW.

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

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

14 (B) They are supported by scientifically credible projections and
15 scenarios that indicate their adoption is likely to result in
16 reductions of greenhouse gas emissions or per capita vehicle miles
17 traveled.

18 (iii) A jurisdiction may not restrict population growth or limit
19 population allocation in order to achieve the requirements set forth
20 in this subsection (9) (a).

21 (iv) (A) (I) Until December 31, 2034, actions not specifically
22 identified in the guidelines developed by the department pursuant to
23 section 5 of this act, or considered to be consistent with those
24 guidelines according to the process established in (a) (ii) of this
25 subsection (9), must still be considered to be sufficient to meet the
26 requirements of the greenhouse gas emissions reduction subelement and
27 must be approved by the department pursuant to section 5 of this act,
28 if the actions provide for the authorization of the development of
29 middle housing types within one-quarter mile of major transit stops
30 within urban growth areas.

31 (II) A city planning under RCW 36.70A.040 may be considered to be
32 consistent with the guidelines of this subsection (9) (a) (iv) if:

33 (1) The jurisdiction authorizes the development of no fewer than
34 four residential units on all lots zoned for residential use within
35 one-quarter mile of a major transit stop; or

36 (2) The jurisdiction alters local zoning to allow for an average
37 minimum net density equivalent to no less than 33 dwelling units per
38 acre within one-quarter mile of a major transit stop.

39 (B) Nothing in this subsection (9) (a) (iv) prohibits the
40 authorization of the development of single-family residences.

1 (b) (i) The resiliency subelement must equitably enhance
2 resiliency to, and avoid or substantially reduce the adverse impacts
3 of, climate change in human communities and ecological systems
4 through goals, policies, and programs consistent with the best
5 available science and scientifically credible climate projections and
6 impact scenarios that moderate or avoid harm, enhance the resiliency
7 of natural and human systems, and enhance beneficial opportunities.
8 The resiliency subelement must prioritize actions in overburdened
9 communities as defined in chapter 70A.02 RCW that will
10 disproportionately suffer from compounding environmental impacts and
11 will be most impacted by natural hazards due to climate change.
12 Specific goals, policies, and programs of the resiliency subelement
13 must include, but are not limited to, those designed to:

14 (A) Identify, protect, and enhance natural areas to foster
15 resiliency to climate impacts, as well as areas of vital habitat for
16 safe passage and species migration;

17 (B) Identify, protect, and enhance community resiliency to
18 climate change impacts, including social, economic, and built
19 factors, that support adaptation to climate impacts consistent with
20 environmental justice; and

21 (C) Address natural hazards created or aggravated by climate
22 change, including sea level rise, landslides, flooding, drought,
23 heat, smoke, wildfire, and other effects of changes to temperature
24 and precipitation patterns.

25 (ii) A natural hazard mitigation plan or similar plan that is
26 guided by RCW 36.70A.020(14), that prioritizes actions in
27 overburdened communities as defined in RCW 70A.02.010, and that
28 complies with the applicable requirements of this chapter, including
29 the requirements set forth in this subsection (9) (b), may be adopted
30 by reference to satisfy these requirements, except that to the extent
31 any of the substantive requirements of this subsection (9) (b) are not
32 addressed, or are inadequately addressed, in the referenced natural
33 hazard mitigation plan, a county or city must supplement the natural
34 hazard mitigation plan accordingly so that the adopted resiliency
35 subelement complies fully with the substantive requirements of this
36 subsection (9) (b).

37 (A) If a county or city intends to adopt by reference a federal
38 emergency management agency natural hazard mitigation plan in order
39 to meet all or part of the substantive requirements set forth in this
40 subsection (9) (b), and the most recently adopted federal emergency

1 management agency natural hazard mitigation plan does not comply with
2 the requirements of this subsection (9)(b), the department may grant
3 the county or city an extension of time in which to submit a natural
4 hazard mitigation plan.

5 (B) Eligibility for an extension under this subsection prior to
6 July 1, 2027, is limited to a city or county required to review and,
7 if needed, revise its comprehensive plan on or before June 30, 2025,
8 as provided in RCW 36.70A.130, or for a city or county with an
9 existing, unexpired federal emergency management agency natural
10 hazard mitigation plan scheduled to expire before December 31, 2024.

11 (C) Extension requests after July 1, 2027, may be granted if
12 requirements for the resiliency subelement are amended or added by
13 the legislature or if the department finds other circumstances that
14 may result in a potential finding of noncompliance with a
15 jurisdiction's existing and approved federal emergency management
16 agency natural hazard mitigation plan.

17 (D) A city or county that wishes to request an extension of time
18 must submit a request in writing to the department no later than the
19 date on which the city or county is required to review and, if
20 needed, revise its comprehensive plan as provided in RCW 36.70A.130.

21 (E) Upon the submission of such a request to the department, the
22 city or county may have an additional 48 months from the date
23 provided in RCW 36.70A.130 in which to either adopt by reference an
24 updated federal emergency management agency natural hazard mitigation
25 plan or adopt its own natural hazard mitigation plan, and to then
26 submit that plan to the department.

27 (c) For the jurisdictions set forth in section 4 of this act,
28 updates to comprehensive plans and related development regulations
29 made during the update cycle that begins in 2024 must adopt measures
30 identified by the department pursuant to section 5 of this act that
31 are likely to result in reductions of greenhouse gas emissions and
32 per capita vehicle miles traveled.

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

39 (10) It is the intent that new or amended elements required after
40 January 1, 2002, be adopted concurrent with the scheduled update

1 provided in RCW 36.70A.130. Requirements to incorporate any such new
2 or amended elements shall be null and void until funds sufficient to
3 cover applicable local government costs are appropriated and
4 distributed by the state at least two years before local government
5 must update comprehensive plans as required in RCW 36.70A.130.

6 NEW SECTION. **Sec. 4.** A new section is added to chapter 36.70A
7 RCW to read as follows:

8 (1) The requirements of the greenhouse gas emissions reduction
9 subelement of the climate change and resiliency element set forth in
10 RCW 36.70A.070(9) apply only to those counties that are required or
11 that choose to plan under RCW 36.70A.040 and that also meet either of
12 the criteria set forth in (a) or (b) of this subsection (1) on or
13 after April 1, 2021, and the cities with populations greater than
14 6,000 as of April 1, 2021, within those counties:

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

17 (b) A county with a population density of at least 75 people per
18 square mile and an annual growth rate of at least 1.75 percent as
19 determined by the office of financial management.

20 (2) The requirements of the amendments to the transportation
21 element of RCW 36.70A.070 set forth in this act apply only to: (a)
22 Counties and cities that meet the population criteria set forth in
23 subsection (1) of this section; and (b) cities with populations of
24 6,000 or greater as of April 1, 2021, that are located in a county
25 that is required or that chooses to plan under RCW 36.70A.040.

26 (3) The requirements of the amendments to the land use element of
27 RCW 36.70A.070 set forth in this act apply only to: (a) Counties and
28 cities that meet the population criteria set forth in subsection (1)
29 or (2) of this section; and (b) counties that have a population of
30 20,000 or greater as of April 1, 2021, and that are required or that
31 choose to plan under RCW 36.70A.040.

32 (4) The requirements of the amendments to the rural element of
33 RCW 36.70A.070 set forth in this act apply only to counties that are
34 required or that choose to plan under RCW 36.70A.040 and that have a
35 population of 20,000 or greater as of April 1, 2021.

36 (5) Once a county meets either of the sets of criteria set forth
37 in subsection (1) of this section, the requirement to conform with
38 the greenhouse gas emissions reduction subelement of the climate
39 change and resiliency element set forth in RCW 36.70A.070 remains in

1 effect, even if the county no longer meets one of these sets of
2 criteria.

3 (6) If the population of a county that previously had not been
4 required to conform with the greenhouse gas emissions reduction
5 subelement of the climate change and resiliency element set forth in
6 RCW 36.70A.070 changes sufficiently to meet either of the sets of
7 criteria set forth in subsection (1) of this section, the county, and
8 the cities with populations greater than 6,000 as of April 1, 2021,
9 within that county, shall adopt a greenhouse gas emissions reduction
10 subelement of the climate change and resiliency element set forth in
11 RCW 36.70A.070 at the next scheduled update of the comprehensive plan
12 as set forth in RCW 36.70A.130.

13 (7) The population criteria used in this section must be based on
14 population data as determined by the office of financial management.

15 NEW SECTION. **Sec. 5.** A new section is added to chapter 70A.45
16 RCW to read as follows:

17 (1) The department of commerce, in consultation with the
18 department of ecology, the department of health, and the department
19 of transportation, shall publish guidelines that specify a set of
20 measures counties and cities have available to them to take through
21 updates to their comprehensive plans and development regulations that
22 have a demonstrated ability to increase housing capacity within urban
23 growth areas or reduce greenhouse gas emissions, allowing for
24 consideration of the emissions reductions achieved through the
25 adoption of statewide programs. The guidelines must prioritize
26 reductions in overburdened communities as defined in RCW 70A.02.010,
27 including communities that have experienced disproportionate harm due
28 to air pollution and may draw upon the most recent health disparities
29 data from the department of health to identify high pollution areas
30 and disproportionately burdened communities. These guidelines must be
31 developed using an environmental justice assessment pursuant to RCW
32 70A.02.060 and the guidelines must include environmental justice
33 assessment processes. The guidelines must be based on:

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

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

1 (c) The locations of major employment centers and transit
2 corridors, for the purpose of increasing housing supply in these
3 areas; and

4 (d) Available environmental justice data and data regarding
5 access to public transportation for people with disabilities and for
6 vulnerable populations as defined in RCW 70A.02.010.

7 (2)(a) The department of commerce, in consultation with the
8 department of transportation, shall publish guidelines that specify a
9 set of measures counties and cities may have available to them to
10 take through updates to their comprehensive plans and development
11 regulations that have a demonstrated ability to reduce per capita
12 vehicle miles traveled, including measures that are designed to be
13 achievable throughout the state, including in small cities and rural
14 cities.

15 (b) The guidelines must be based on:

16 (i) The most recent greenhouse gas emissions report prepared by
17 the department of ecology and the department of commerce pursuant to
18 RCW 70A.45.020(2);

19 (ii) The most recent city and county population estimates
20 prepared by the office of financial management pursuant to RCW
21 43.62.035; and

22 (iii) The most recent summary of per capita vehicle miles
23 traveled as compiled by the department of transportation.

24 (3) The department of commerce shall first publish the full set
25 of guidelines described in subsections (1) and (2) of this section no
26 later than December 31, 2025. The department of commerce shall update
27 these guidelines at least every four years thereafter based on the
28 most recently available data, and shall provide for a process for
29 local governments and other parties to submit alternative actions for
30 consideration for inclusion into the guidelines at least once per
31 year. The department of commerce shall publish an intermediate set of
32 guidelines no later than December 31, 2022, in order to be available
33 for use by jurisdictions whose periodic updates are required by RCW
34 36.70A.130(5) to occur prior to December 31, 2025.

35 (4)(a) In any updates to the guidelines published after 2025, the
36 department of commerce shall include an evaluation of the impact that
37 locally adopted climate change and resiliency elements have had on
38 local greenhouse gas emissions and per capita vehicle miles traveled
39 reduction goals. The evaluation must also address the impact that

1 locally adopted greenhouse gas emissions reduction subelements have
2 had on zoned housing capacity.

3 (b) The updates must also include an estimate of the impacts that
4 locally adopted climate change and resiliency elements will have on
5 achieving local greenhouse gas emissions and per capita vehicle miles
6 traveled reduction goals. The evaluation must also include an
7 estimate of the impact that locally adopted greenhouse gas emissions
8 reduction subelements will have on zoned housing capacity.

9 (c) The department may include in the specified guidelines what
10 additional measures cities and counties should take to make
11 additional progress on local reduction goals, including any measures
12 that increase housing capacity and middle housing capacity, within
13 urban growth areas.

14 (5) The department of commerce may not propose or adopt any
15 guidelines that would include any form of a road usage charge or any
16 fees or surcharges related to vehicle miles traveled.

17 (6) The department of commerce may not propose or adopt any
18 guidelines that would direct or require local governments to regulate
19 or tax, in any form, transportation service providers, delivery
20 vehicles, or passenger vehicles.

21 (7) The department of commerce, in the course of implementing
22 this section, shall provide and prioritize options that support
23 housing diversity and that assist counties and cities in meeting
24 greenhouse gas emissions reduction and other requirements established
25 under this chapter.

26 (8) The provisions of this section as applied to the department
27 of transportation are subject to the availability of amounts
28 appropriated for this specific purpose.

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

31 (1) A county or city required to complete a greenhouse gas
32 emissions reduction subelement may submit the subelement to the
33 department for approval. When submitted to the department for
34 approval, the subelement becomes effective when approved by the
35 department as provided in this section. If a county or city does not
36 seek department approval of the subelement, the effective date of the
37 subelement is the date on which the comprehensive plan is adopted by
38 the county or city.

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

5 (3) 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 (4) 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 (5) 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 (6) 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 (7) 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~~) presence of overburdened communities, and
28 other relevant factors. The department shall establish funding levels
29 for grants to community-based organizations for the specific purpose
30 of advancing participation of vulnerable populations and overburdened
31 communities in the planning process.

32 (3) The department shall develop and administer a grant program
33 to provide direct financial assistance to counties and cities for the
34 preparation of comprehensive plans under this chapter. The department
35 may establish provisions for county and city matching funds to
36 conduct activities under this subsection. Grants may be expended for
37 any purpose directly related to the preparation of a county or city
38 comprehensive plan as the county or city and the department may
39 agree, including, without limitation, the conducting of surveys,

1 inventories and other data gathering and management activities, the
2 retention of planning consultants, contracts with regional councils
3 for planning and related services, and other related purposes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 **Sec. 11.** RCW 86.12.200 and 1991 c 322 s 3 are each amended to
27 read as follows:

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

31 A comprehensive flood control management plan shall include the
32 following elements:

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

36 (2) Establishment of a comprehensive scheme of flood control
37 protection and improvements for the areas that are subject to such

1 periodic flooding, that includes: (a) Determining the need for, and
2 desirable location of, flood control improvements to protect or
3 preclude flood damage to structures, works, and improvements, based
4 upon a cost/benefit ratio between the expense of providing and
5 maintaining these improvements and the benefits arising from these
6 improvements; (b) establishing the level of flood protection that
7 each portion of the system of flood control improvements will be
8 permitted; (c) identifying alternatives to in-stream flood control
9 work; (d) identifying areas where flood waters could be directed
10 during a flood to avoid damage to buildings and other structures; and
11 (e) identifying sources of revenue that will be sufficient to finance
12 the comprehensive scheme of flood control protection and
13 improvements;

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

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

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

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

30 A comprehensive flood control management plan shall be subject to
31 the minimum requirements for participation in the national flood
32 insurance program, requirements exceeding the minimum national flood
33 insurance program that have been adopted by the department of ecology
34 for a specific floodplain pursuant to RCW 86.16.031, and rules
35 adopted by the department of ecology pursuant to RCW 86.26.050
36 relating to floodplain management activities. When a county plans
37 under chapter 36.70A RCW, it may incorporate the portion of its
38 comprehensive flood control management plan relating to land use
39 restrictions in its comprehensive plan and development regulations
40 adopted pursuant to chapter 36.70A RCW.

1 NEW SECTION. **Sec. 12.** A new section is added to chapter 43.21C
2 RCW to read as follows:

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

9 NEW SECTION. **Sec. 13.** (1) The obligation of local governments
10 to comply with the requirements established in: (a) The amendments to
11 RCW 36.70A.070 set forth in this act; and (b) the updated shoreline
12 master program guidelines adopted pursuant to section 10 of this act,
13 is contingent on the provision of state funding to local governments
14 for the specific purpose of complying with these requirements.

15 (2) The obligation of local governments to comply with the
16 requirements established in: (a) The amendments to RCW 36.70A.070 set
17 forth in this act; and (b) the updated shoreline master program
18 guidelines adopted pursuant to section 10 of this act, takes effect
19 two years after the date the legislature appropriates state funding
20 to provide to local governments for the purpose of complying with
21 these requirements.

22 **Sec. 14.** RCW 36.70A.030 and 2021 c 254 s 6 are each amended to
23 read as follows:

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

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

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

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

37 (b) For owner-occupied housing, eighty percent of the median
38 household income adjusted for household size, for the county where

1 the household is located, as reported by the United States department
2 of housing and urban development.

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

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

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

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

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

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

35 (9) "Emergency housing" means temporary indoor accommodations for
36 individuals or families who are homeless or at imminent risk of
37 becoming homeless that is intended to address the basic health, food,
38 clothing, and personal hygiene needs of individuals or families.
39 Emergency housing may or may not require occupants to enter into a
40 lease or an occupancy agreement.

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

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

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

28 (13) "Freight rail dependent uses" means buildings and other
29 infrastructure that are used in the fabrication, processing, storage,
30 and transport of goods where the use is dependent on and makes use of
31 an adjacent short line railroad. Such facilities are both urban and
32 rural development for purposes of this chapter. "Freight rail
33 dependent uses" does not include buildings and other infrastructure
34 that are used in the fabrication, processing, storage, and transport
35 of coal, liquefied natural gas, or "crude oil" as defined in RCW
36 90.56.010.

37 (14) "Geologically hazardous areas" means areas that because of
38 their susceptibility to erosion, sliding, earthquake, or other
39 geological events, are not suited to the siting of commercial,

1 residential, or industrial development consistent with public health
2 or safety concerns.

3 (15) "Long-term commercial significance" includes the growing
4 capacity, productivity, and soil composition of the land for long-
5 term commercial production, in consideration with the land's
6 proximity to population areas, and the possibility of more intense
7 uses of the land.

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

14 (17) "Minerals" include gravel, sand, and valuable metallic
15 substances.

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

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

38 (20) "Public facilities" include streets, roads, highways,
39 sidewalks, street and road lighting systems, traffic signals,

1 domestic water systems, storm and sanitary sewer systems, parks and
2 recreational facilities, and schools.

3 (21) "Public services" include fire protection and suppression,
4 law enforcement, public health, education, recreation, environmental
5 protection, and other governmental services.

6 (22) "Recreational land" means land so designated under RCW
7 36.70A.1701 and that, immediately prior to this designation, was
8 designated as agricultural land of long-term commercial significance
9 under RCW 36.70A.170. Recreational land must have playing fields and
10 supporting facilities existing before July 1, 2004, for sports played
11 on grass playing fields.

12 (23) "Rural character" refers to the patterns of land use and
13 development established by a county in the rural element of its
14 comprehensive plan:

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

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

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

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

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

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

27 (g) That are consistent with the protection of natural surface
28 water flows and groundwater and surface water recharge and discharge
29 areas.

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

38 (25) "Rural governmental services" or "rural services" include
39 those public services and public facilities historically and
40 typically delivered at an intensity usually found in rural areas, and

1 may include domestic water systems, fire and police protection
2 services, transportation and public transit services, and other
3 public utilities associated with rural development and normally not
4 associated with urban areas. Rural services do not include storm or
5 sanitary sewers, except as otherwise authorized by RCW 36.70A.110(4).

6 (26) "Short line railroad" means those railroad lines designated
7 class II or class III by the United States surface transportation
8 board.

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

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

29 (29) "Urban growth areas" means those areas designated by a
30 county pursuant to RCW 36.70A.110.

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

37 (31) "Wetland" or "wetlands" means areas that are inundated or
38 saturated by surface water or groundwater at a frequency and duration
39 sufficient to support, and that under normal circumstances do
40 support, a prevalence of vegetation typically adapted for life in

1 saturated soil conditions. Wetlands generally include swamps,
2 marshes, bogs, and similar areas. Wetlands do not include those
3 artificial wetlands intentionally created from nonwetland sites,
4 including, but not limited to, irrigation and drainage ditches,
5 grass-lined swales, canals, detention facilities, wastewater
6 treatment facilities, farm ponds, and landscape amenities, or those
7 wetlands created after July 1, 1990, that were unintentionally
8 created as a result of the construction of a road, street, or
9 highway. Wetlands may include those artificial wetlands intentionally
10 created from nonwetland areas created to mitigate conversion of
11 wetlands.

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

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

25 (34) "Transportation system" means all infrastructure and
26 services for all forms of transportation within a geographical area,
27 irrespective of the responsible jurisdiction or transportation
28 provider.

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

37 (36) "Active transportation facilities" means facilities provided
38 for the safety and mobility of active transportation users including,
39 but not limited to, trails, as defined in RCW 47.30.005, sidewalks,

1 bike lanes, shared-use paths, and other facilities in the public
2 right-of-way.

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

7 (a) Is accessible to the public;

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

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

10 (d) Promotes recreational and aesthetic values;

11 (e) Protects streams or water supply; or

12 (f) Preserves visual quality along highway, road, or street
13 corridors.

14 (38) "Green infrastructure" means a wide array of natural assets,
15 built structures, and management practices at multiple scales that
16 manage wet weather and that maintain and restore natural hydrology by
17 storing, infiltrating, evapotranspiring, and harvesting and using
18 stormwater.

19 (39) "Cottage housing" means at least four residential units on a
20 lot with a common open space that is either:

21 (a) Owned in common; or

22 (b) Has units owned as condominium units with property owned in
23 common and a minimum of 20 percent of the lot size as open space.

24 (40) "Courtyard apartments" means up to four attached dwelling
25 units arranged on two or three sides of a central courtyard or lawn
26 area.

27 (41) "Major transit stop" means:

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

30 (b) Commuter rail stops;

31 (c) Stops on rail or fixed guideway systems, including
32 transitways;

33 (d) Stops on bus rapid transit routes or routes that run on high
34 occupancy vehicle lanes;

35 (e) Stops for a bus or other transit mode providing actual fixed
36 route service at intervals of at least 15 minutes for at least five
37 hours during the peak hours of operation on weekdays; or

38 (f) Washington state ferry terminals.

1 (42) "Middle housing" means duplexes, triplexes, fourplexes,
2 attached and detached accessory dwelling units, cottage housing,
3 stacked flats, townhouses, and courtyard apartments.

4 (43) "Stacked flat" means dwelling units in a two or three story
5 residential building on a residential zoned lot in which each floor
6 may be separately rented or owned and is a discrete dwelling unit.

7 (44) "Townhouses" means dwelling units constructed in a row of
8 two or more attached units, where each dwelling unit is located on an
9 individual lot or parcel and shares at least one common wall with an
10 adjacent unit.

11 NEW SECTION. Sec. 15. A new section is added to chapter 36.70A
12 RCW to read as follows:

13 (1) Cities within counties planning under RCW 36.70A.215 and
14 those counties may establish one or more real estate excise tax
15 density incentive zones. A real estate excise tax density incentive
16 zone is an area within an urban growth area where the city or county
17 adopts zoning and development regulations to increase housing supply
18 by allowing construction of additional housing types as outright
19 permitted uses. Creation of a real estate excise tax density
20 incentive zone enables the local government to receive a portion of
21 the tax imposed under chapter 82.45 RCW for sales of qualified
22 residential dwelling units within the zone.

23 (2) A real estate excise tax density incentive zone may only be
24 located within a designated urban growth area, and must allow the
25 following housing types: Single-family detached dwellings at a net
26 density of at least six dwelling units per acre, duplexes, triplexes,
27 fourplexes, townhomes, accessory dwelling units, and courtyard
28 apartments.

29 (3) A real estate excise tax density incentive zone may also
30 allow as outright permitted uses housing types and densities that
31 exceed the minimum requirements in subsection (2) of this section.

32 (4)(a) Additional dwelling units must be in addition to the
33 baseline density under existing zoning to implement the housing
34 element in RCW 36.70A.070.

35 (b) For the purposes of this section, a "qualified residential
36 dwelling" is either an individual residential dwelling unit or a
37 residential building of two or more dwelling units constructed within
38 a real estate excise tax density incentive zone that achieves a net
39 increase in the total number of residential dwelling units compared

1 to the maximum number of residential dwelling units that could have
2 been built prior to the adoption of zoning and development
3 regulations creating the real estate excise tax density incentive
4 zone. To be included as qualified residential dwelling units, the
5 units must be restricted from being offered as short-term rentals for
6 more than 30 days a year for the first 15 years after construction.
7 The county or city shall determine within their respective
8 jurisdictions how the residential dwelling units shall be restricted
9 from being short-term rentals.

10 (c) If the qualified residential dwelling has two or more
11 dwelling units, the amount distributed to the local government under
12 RCW 82.45.060(4)(c) shall be reduced by the percent attributable to
13 the number of new dwelling units within the building that could have
14 been built under the zoning and development regulations that existed
15 prior to the creation of the local real estate excise tax density
16 incentive zone.

17 (5) A sale that does not involve a net increase above the maximum
18 number of residential dwelling units that could have been constructed
19 as an outright permitted use, prior to the creation of the real
20 estate excise tax density incentive zone, is not a sale of a
21 qualified residential dwelling unit.

22 (6) A real estate excise tax density incentive zone may be
23 established for areas where a city or county previously enacted
24 zoning and development regulations meeting the minimum requirements
25 in this section, but not prior to January 1, 2017. A real estate
26 excise tax density incentive zone may not be established later than
27 one year after the date by which a city or county is required to
28 update its growth management comprehensive plan under RCW 36.70A.130.
29 Once a real estate excise tax density incentive zone is established
30 in compliance with this section, a qualified residential dwelling
31 unit may be constructed at any time.

32 (7)(a) Prior to establishing a real estate excise tax density
33 incentive zone, the city or county must:

34 (i) Consider the race and income of existing residents within the
35 area and the adjacent neighborhoods to be designated;

36 (ii) Consider displacement impacts of low, very low, and
37 extremely low-income residents within the area and the adjacent
38 neighborhoods to be designated; and

1 (iii) Assess the need for antidisplacement policies for high-risk
2 communities within designated areas and the adjacent neighborhoods,
3 and make the assessment publicly available.

4 (b) A local jurisdiction may use the requirements of RCW
5 36.70A.070(2) (e) through (h) to satisfy the requirements of this
6 subsection.

7 **Sec. 16.** RCW 82.45.060 and 2019 c 424 s 1 are each amended to
8 read as follows:

9 (1) There is imposed an excise tax upon each sale of real
10 property.

11 (a) Through December 31, 2019, the rate of the tax imposed under
12 this section is 1.28 percent of the selling price.

13 (b) Beginning January 1, 2020, except as provided in (c) of this
14 subsection, the rate of the tax imposed under this section is as
15 follows:

16 (i) 1.1 percent of the portion of the selling price that is less
17 than or equal to five hundred thousand dollars;

18 (ii) 1.28 percent of the portion of the selling price that is
19 greater than five hundred thousand dollars and equal to or less than
20 one million five hundred thousand dollars;

21 (iii) 2.75 percent of the portion of the selling price that is
22 greater than one million five hundred thousand dollars and equal to
23 or less than three million dollars;

24 (iv) Three percent of the portion of the selling price that is
25 greater than three million dollars.

26 (c) The sale of real property that is classified as timberland or
27 agricultural land is subject to the tax imposed under this section at
28 a rate of 1.28 percent of the selling price.

29 (2) Beginning July 1, 2022, and every fourth year thereafter:

30 (a) The department must adjust the selling price threshold in
31 subsection (1)(b)(i) of this section to reflect the lesser of the
32 growth of the consumer price index for shelter or five percent. If
33 the growth is equal to or less than zero percent, the current selling
34 price threshold continues to apply.

35 (b) The department must adjust the selling price thresholds in
36 subsection (1)(b)(ii) through (iv) of this section by the dollar
37 amount of any increase in the selling price threshold in subsection
38 (1)(b)(i) of this section.

1 (c) The department must publish updated selling price thresholds
2 by September 1, 2022, and September 1st of every fourth year
3 thereafter. Updated selling price thresholds will apply beginning
4 January 1, 2023, and January 1st every fourth year thereafter.
5 Adjusted selling price thresholds must be rounded to the nearest one
6 thousand dollars. No changes may be made to adjusted selling price
7 thresholds once such adjustments take effect.

8 (d) The most recent selling price threshold becomes the base for
9 subsequent adjustments.

10 (e) The department must report adjustments to the selling price
11 thresholds to the fiscal committees of the legislature, beginning
12 December 1, 2022, and December 1st every fourth year thereafter.

13 (3)(a) The department must publish guidance to assist sellers in
14 properly classifying real property on the real estate excise tax
15 affidavit for purposes of determining the proper amount of tax due
16 under this section. Real property with multiple uses must be
17 classified according to the property's predominant use. The
18 department's guidance must include factors for use in determining the
19 predominant use of real property.

20 (b) County treasurers are not responsible for verifying that the
21 seller has properly classified real property reported on a real
22 estate excise tax affidavit. The department is solely responsible for
23 such verification as part of its audit responsibilities under RCW
24 82.45.150.

25 (4)(a) Beginning July 1, 2013, and ending December 31, 2019, an
26 amount equal to two percent of the proceeds of this tax must be
27 deposited in the public works assistance account created in RCW
28 43.155.050, an amount equal to four and one-tenth percent must be
29 deposited in the education legacy trust account created in RCW
30 83.100.230, an amount equal to one and six-tenths percent must be
31 deposited in the city-county assistance account created in RCW
32 43.08.290, and the remainder must be deposited in the general fund.

33 (b) Beginning January 1, 2020, except as provided under (c) of
34 this subsection (4), amounts collected from the tax imposed under
35 this section must be deposited as provided in RCW 82.45.230.

36 (c) Beginning July 1, 2023, the amounts collected on the sale of
37 a qualified residential dwelling constructed within a real estate
38 excise tax density incentive zone created under section 15 of this
39 act shall be distributed to a city or county as follows:

1 (i) For a qualified residential dwelling unit located less than
2 or equal to .25 miles, as measured by direct distance, from a major
3 transit stop as defined in RCW 36.70A.030, 50 percent of the amounts
4 collected to the city or county where the dwelling is located;

5 (ii) For a qualified residential dwelling unit located more
6 than .25 miles, as measured by direct distance, from a major transit
7 stop as defined in RCW 36.70A.030, 25 percent of the amounts
8 collected to the city or county where the dwelling is located;

9 (iii) If any portion of the qualified residential dwelling unit
10 is located less than or equal to .25 miles, as measured by direct
11 distance, from a major transit stop as defined in RCW 36.70A.030, the
12 entire building qualifies for distribution pursuant to (c)(i) of this
13 subsection (4).

14 (d) The distribution to a city or county under (c) of this
15 subsection (4) applies to both the initial and all subsequent sales
16 of a qualified residential dwelling unit if the residential dwelling
17 unit continues to meet the original requirements of a qualified
18 residential dwelling unit. Counties are required to revalidate that
19 the residential dwelling unit continues to meet the original
20 applicable requirements on each subsequent sale of the residential
21 dwelling unit. The amounts distributed to a city and county may be
22 used solely for:

23 (i) Implementation of the housing element in RCW 36.70A.070 as
24 required by chapter 254 (Engrossed Second Substitute House Bill No.
25 1220), Laws of 2021;

26 (ii) Costs for infrastructure, construction, and service support
27 for moderate, low, very low, and extremely low-income housing;

28 (iii) Construction of capital facilities that promote livable and
29 walkable neighborhoods, such as neighborhood-scale parks, trails, or
30 other recreational amenities; or

31 (iv) Creation of permanently affordable homeownership, which
32 means housing that is:

33 (A) Sponsored by a nonprofit organization or governmental entity;
34 and

35 (B) Subject to a ground lease or deed restriction that includes:

36 (I) A resale restriction designed to provide affordability for
37 future low and moderate-income home buyers;

38 (II) A right of first refusal for the sponsor organization to
39 purchase the home at resale; and

1 (III) A requirement that the sponsor must approve any
2 refinancing, including home equity lines of credit; or

3 (C) Sponsored by a nonprofit organization or governmental entity
4 and the sponsor organization:

5 (I) Executes a new ground lease or deed restriction with a
6 duration of at least 99 years at the initial sale and with each
7 successive sale; and

8 (II) Supports homeowners and enforces the ground lease or deed
9 restriction.

10 (5)(a) Counties are required to validate and identify sales of
11 qualified residential dwelling units within real estate excise tax
12 density incentive zones, including any reduction in real estate
13 excise tax distribution based on:

14 (i) The number of new dwelling units within the building that
15 could have been built under prior zoning regulations compared to the
16 number of new dwelling units built under the real estate excise tax
17 density incentive zone pursuant to section 15(4)(c) of this act; and

18 (ii) The distance from a major transit stop as defined in RCW
19 36.70A.030 pursuant to subsection (4)(c) of this section.

20 (b) A county must provide the information required in (a) of this
21 subsection to the department when the real estate excise tax
22 affidavit is submitted to the department by the county.

23 ~~((+5))~~ (6) The definitions in this subsection apply throughout
24 this section unless the context clearly requires otherwise.

25 (a) "Agricultural land" means farm and agricultural land and farm
26 and agricultural conservation land, as those terms are defined in RCW
27 84.34.020, including any structures on such land.

28 (b) "Consumer price index for shelter" means the most current
29 seasonally adjusted index for the shelter expenditure category of the
30 consumer price index for all urban consumers (CPI-U) as published by
31 July 31st by the bureau of labor statistics of the United States
32 department of labor.

33 (c) "Growth of the consumer price index for shelter" means the
34 percentage increase in the consumer price index for shelter as
35 measured from data published by the bureau of labor statistics of the
36 United States department of labor by July 31st for the most recent
37 three-year period for the selling price threshold adjustment in 2022,
38 and the most recent four-year period for subsequent selling price
39 threshold adjustments.

1 (d) "Timberland" means land classified under chapter 84.34 RCW or
2 designated under chapter 84.33 RCW, including any structures and
3 standing timber on such land, and standing timber sold apart from the
4 land upon which it sits.

5 **Sec. 17.** RCW 82.45.230 and 2019 c 424 s 2 are each amended to
6 read as follows:

7 (1) Beginning January 1, 2020, and ending June 30, 2023, the
8 amounts received for the tax imposed on each sale of real property
9 under RCW 82.45.060 must be deposited as follows:

10 (a) 1.7 percent must be deposited into the public works
11 assistance account created in RCW 43.155.050;

12 (b) 1.4 percent must be deposited into the city-county assistance
13 account created in RCW 43.08.290;

14 (c) 79.4 percent must be deposited into the general fund; and

15 (d) The remainder must be deposited into the educational legacy
16 trust account created in RCW 83.100.230.

17 (2) Beginning July 1, 2023, and thereafter, the amounts received
18 for the tax imposed on each sale of real property under RCW 82.45.060
19 must be deposited as follows:

20 (a) 5.2 percent must be deposited into the public works
21 assistance account created in RCW 43.155.050;

22 (b) 1.4 percent must be deposited into the city-county assistance
23 account created in RCW 43.08.290;

24 (c) 79.4 percent less the percentage of any amounts distributed
25 to a city or county under RCW 82.45.060 must be deposited into the
26 general fund; and

27 (d) The remainder must be deposited into the education legacy
28 trust account created in RCW 83.100.230.

29 NEW SECTION. **Sec. 18.** If specific funding for the purposes of
30 this act, referencing this act by bill or chapter number, is not
31 provided by June 30, 2022, in the omnibus appropriations act, this
32 act is null and void."

E2SHB 1099 - CONF REPT
By Conference Committee

1 On page 1, line 2 of the title, after "framework;" strike the
2 remainder of the title and insert "amending RCW 36.70A.020,
3 36.70A.480, 36.70A.070, 36.70A.320, 36.70A.190, 86.12.200,
4 36.70A.030, 82.45.060, and 82.45.230; adding new sections to chapter
5 36.70A RCW; adding a new section to chapter 70A.45 RCW; adding a new
6 section to chapter 47.80 RCW; adding a new section to chapter 90.58
7 RCW; adding a new section to chapter 43.21C RCW; and creating new
8 sections."

--- END ---