

HB 1181 -- Redline

Substitute to Bill -- Improving the state's response to climate change by updating the state's planning framework.

Deletions ~~struck~~ · Insertions underlined

~~H-0781-1Z-0180.1~~ SUBSTITUTE HOUSE BILL 1181 State of Washington 68th Legislature 2023 Regular Session By ~~House Local Government (originally sponsored by~~ Representatives Duerr, Fitzgibbon, Berry, Peterson, Ryu, Alvarado, Taylor, Reed, Walen, Bateman, Ramel, Goodman, Doglio, Macri, Callan, Simmons, Lekanoff, Gregerson, Bergquist, Stonier, Pollet, Davis, Kloba, Riccelli, Mena, and Tharinger;

by request of Office of the ~~Governor~~ Governor READ Prefiled FIRST 01/06/23. ~~TIME 01/27/23.~~

Read first time 01/09/23.

Referred to Committee on Local Government.

amending RCW 36.70A.020, 36.70A.480, 36.70A.280, ~~36.70A.320, 36.70A.190, 86.12.200, 36.70A.030,~~ and ~~70A.125.180;~~ 36.70A.030;

~~adding and creating a new section~~ section. ~~to chapter 43.20 RCW;~~

~~and providing an expiration date.~~

1 ~~SHB~~ HB 1181 (1) Urban growth.

2 ~~SHB~~ HB 1181 (10) Environment.

~~(15) Shorelines of the state.~~

~~For shorelines of the state, the goals and policies of the shoreline management act as set forth in RCW 90.58.020 shall be considered an element of the county's or city's comprehensive plan.~~

All other portions of the shoreline master program for a county or city adopted ~~p-~~ under chapter 90.58 RCW, including use regulations, shall be considered a part of the county or city's development regulations.

~~3(2) SHB~~ The 1181 shoreline under master chapter program 90.58 shall RCW, be including adopted use pursuant regulations, to shall the be procedures considered of a chapter part 90.58 of RCW the rather county than or the city's goals, development policies, regulations, and p.

~~(2) 3 The HB shoreline 1181 master program shall be adopted pursuant to the procedures of chapter 90.58 RCW rather than the goals, policies, and procedures set forth in this chapter for the adoption of a comprehensive plan or development regulations.~~

(ii) For purposes of this subsection (3)(c), an agricultural activity that does not expand the area being used for the ~~p-~~ agricultural activity is not a redevelopment or modification.

~~4 SHB 1181 agricultural activity is not a redevelopment or modification.~~

~~(d) p. Upon department of ecology approval of a shoreline master program or critical area segment of a shoreline master program, critical areas within shorelines of the state are protected under chapter 90.58 RCW and are not subject to the procedural and substantive requirements of this chapter, except as provided in subsection (6) of this section.~~

4 HB 1181 (d) Upon department of ecology approval of a shoreline master program or critical area segment of a shoreline master program, critical areas within shorelines of the state are protected under chapter 90.58 RCW and are not subject to the procedural and substantive requirements of this chapter, except as provided in subsection (6) of this section.

The comprehensive plan of a county or city that is required or chooses to plan under RCW 36.70A.040 shall consist of a map or maps, and descriptive text covering objectives, principles, and standards p.

~~5 SHB~~ HB 1181 ~~The comprehensive plan of a county or city that is required or chooses to plan under RCW 36.70A.040 shall consist of a map or maps, and descriptive text covering objectives, principles, and standards~~ used to develop the comprehensive plan.

The land use element must reduce and mitigate the risk to lives and property posed by wildfires by using land use planning tools, which may include, but are not limited to, reducing residential development pressure in the wildland urban interface area, ~~separating~~ creating open space buffers between human development ~~from~~ and wildfire prone landscapes, and protecting existing residential development through community wildfire preparedness and fire adaptation measures.

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

~~6 p. SHB 1181 to manage projected growth, as provided by the department of commerce, including:~~

6 HB 1181 (i) Units for moderate, low, very low, and extremely low-income households;

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

~~7 SHB 1181 (g) Identifies areas that may be at higher risk of displacement from market forces that occur with changes to zoning development regulations and capital p. investments;~~

~~and~~ 7 HB 1181 (h) Establishes antidisplacement policies, with consideration given to the preservation of historical and cultural communities as well as investments in low, very low, extremely low, and moderate- income housing;

(4) A utilities element consisting of the general location, proposed location, and capacity of all existing and proposed utilities, including, but not limited to, components of drinking p.

~~8 SHB 1181 (4)(a) A utilities element consisting of the general location, proposed location, and capacity of all existing and proposed utilities, including, but not limited to, components of drinking water, stormwater, wastewater, electrical ((lines)), ((telecommunication lines)), telecommunications and natural gas ((lines)) systems.~~

~~(b) The county or city shall identify all public entities that own utility systems and endeavor in good faith to work with other public entities, such as special purpose districts, to gather and include within its utilities element the information required in (a) of this subsection.~~

~~However, if, after a good faith effort, the county or city is unable to gather the information required in (a) of this subsection from the other public entities, the failure to include such information in the utilities element shall not be grounds for a finding of noncompliance or invalidity under this act.~~

p. (ii) Assuring visual compatibility of rural development with the surrounding rural area;

~~9 SHB 1181 (ii) Assuring visual compatibility of rural development with the surrounding rural area;~~

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

9 HB 1181 including necessary public facilities and public services to serve the limited area as follows:

p. (I) Any included retail or food service space must not exceed the footprint of previously occupied space or 5,000 square feet, whichever is greater, for the same or similar use;

~~10 SHB 1181 (I) Any included retail or food service space must not exceed the footprint of previously occupied space or 5,000 square feet, whichever is greater, for the same or similar use;~~

Public services and public facilities shall be limited to those necessary to serve the ~~recreation p. or tourist use and shall be provided in a manner that does not permit low-density sprawl;~~

10 HB 1181 recreation or tourist use and shall be provided in a manner that does not permit low-density sprawl;

The county shall establish ~~p. the logical outer boundary of an area of more intensive rural development.~~

~~11 SHB 1181 the logical outer boundary of an area of more intensive rural development.~~

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

11 HB 1181 (B) On the date the county adopted a resolution under RCW 36.70A.040(2), in a county that is planning under all of the provisions of this chapter under RCW 36.70A.040(2);

(ii) Estimated ~~((traffic))~~ traffic-multimodal level of service impacts to state-owned transportation facilities resulting from land use assumptions to assist ((the department of transportation)) in monitoring the performance of state facilities, to plan improvements for the facilities, and to assess the impact of land-use decisions on state-owned transportation facilities;

This inventory must include state- ~~p. owned transportation facilities within the city or county's jurisdictional boundaries;~~

12 (B) SHB Level 1181 of service standards for all locally owned arterials ((and)), locally and regionally operated transit routes that serve urban growth areas, state-owned or operated transit routes that serve urban areas if the department of transportation has prepared such standards, and active transportation facilities within to serve as a gauge to judge performance of the city system or and county's success jurisdictional boundaries; helping to achieve the goals of this chapter consistent with environmental justice.

~~(B) ((Level)) Multimodal level of service standards for all locally owned arterials ((and)), locally and regionally operated transit routes that serve urban growth areas, state-owned or operated transit routes that serve urban areas if the department of transportation has prepared such standards, and active transportation facilities to serve as a gauge to judge performance of the system and success in helping to achieve the goals of this chapter consistent with environmental justice.~~

(C) For state-owned transportation facilities, ~~multimodal level of service standards for highways, as prescribed in chapters 47.06 and 47.80 RCW, p. to gauge the performance of the system.~~

~~The 12 purposes HB of 1181 reflecting RCW, multimodal level of service standards for state highways in the local comprehensive plan are to monitor gauge the performance of the system, system. to evaluate improvement strategies, and to facilitate coordination between the county's or city's six-year street, road, active transportation, or transit program and the office of financial management's ten-year investment program.~~

The purposes of reflecting level of service standards for state highways in the local comprehensive plan

are to monitor the performance of the system, to evaluate improvement strategies, and to facilitate coordination between the county's or city's six-year street, road, active transportation, or transit program and the office of financial management's ten-year investment program.

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

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

~~Priority must be given to inclusion of p-~~

~~13 SHB 1181 transportation facilities and services providing the greatest multimodal safety benefit to the highest number of roadway users;~~

~~(G) A transition plan for transportation as required in Title II of the Americans with disabilities act of 1990 (ADA).~~

~~As a necessary step to a program access plan to provide accessibility under the ADA, state and local government, public entities, and public agencies are required to perform self-evaluations of their current facilities, relative to accessibility requirements of the ADA.~~

~~The agencies are then required to develop a program access plan, which can be called a transition plan, to address any deficiencies.~~

~~The plan is intended to achieve the following:~~

~~(I) Identify physical obstacles that limit the accessibility of facilities to individuals with disabilities;~~

~~(II) Describe the methods to be used to make the facilities accessible;~~

~~(III) Provide a schedule for making the access modifications;~~

~~and (IV) Identify the public officials responsible for implementation of the transition plan;~~

~~The multiyear financing plan p. should be coordinated with the ten-year investment program developed by the office of financial management as required by RCW 47.05.030;~~

~~(C) 13 If HB probable 1181 funding plan falls short of coordinated meeting with the identified ten-year needs investment of program the developed transportation by system, the including office state transportation facilities, a discussion of how financial additional management funding as will required be by raised, RCW or 47.05.030; p-~~

14 (C) SHB If 1181 probable funding falls short of meeting the identified needs of the transportation system, including state transportation facilities, a discussion of how additional funding will be raised, or how land use assumptions will be reassessed to ensure that level of service standards will be met;

~~A if development it proposal is may possible not to be provide denied for causing the level of service on a locally owned or locally or regionally operated transportation facility needs to decline below the standards adopted in the transportation element of the a comprehensive development plan where such impacts could be adequately mitigated through active transportation facility improvements, increased or enhanced public transportation service, ride-sharing programs, demand management, or other transportation systems management strategies funded p. by the development.~~

~~(c) 14 The HB transportation 1181 element funded described by in the this development, subsection a~~

~~(6), development the approval six-year may plans not required be by denied RCW because 35.77.010 it for fails cities, to RCW meet p-traffic level of service standards.~~

15 (c) SHB The 1181 transportation element described in this subsection (6), the six-year plans required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems, and the ten-year investment program required by RCW 47.05.030 for the state, must be consistent.

and (c) an evaluation of ~~tree~~ intergovernmental ~~canopy~~ coordination coverage; opportunities to provide regional approaches for meeting park and recreational demand.

~~and ((c))) (d) an evaluation of intergovernmental coordination opportunities to provide regional approaches for meeting park and recreational demand.~~

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

p-15 HB 1181 cycle consistent with the guidelines published by the department pursuant to section 5 of this act that will:

~~16 SHB 1181~~ (A) Result in reductions in overall greenhouse gas emissions generated by transportation and land use within the jurisdiction but without increasing greenhouse gas emissions elsewhere in the state; and (C) Prioritize reductions ~~that in benefit~~ overburdened communities in order to maximize the cobenefits of reduced air pollution and environmental justice consistent with chapter 70A.02 RCW. The resiliency subelement must prioritize actions ~~that in benefit~~ overburdened communities as defined in chapter 70A.02 RCW that will disproportionately suffer from compounding environmental impacts and will be most impacted by natural hazards due to climate change.

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

~~1716 SHB HB 1181 (B)(A) Identify, protect, and enhance community natural areas to foster resiliency to climate change impacts, including as social, well economic, as and areas built of environment vital factors, habitat that for supports safe adaptation passage to and climate species impacts migration; consistent with environmental justice;~~

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

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

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

p. 17 HB 1181 may result in a potential finding of noncompliance with a jurisdiction's existing and approved federal emergency management agency natural hazard mitigation plan.

~~18 SHB 1181~~ (D) A city or county that wishes to request an extension of time must submit a request in writing to the department no later than the date on which the city or county is required to review and, if needed, revise its comprehensive plan as provided in RCW 36.70A.130.

~~(F)(f) The For adoption the of jurisdictions ordinances, set amendments forth to in comprehensive section plans, 4 amendments of to this development act, regulations, updates and to other comprehensive nonproject plans actions and taken related by development regulations county made or during city the pursuant update to cycle (d) that or begins (f) of this subsection in order 2024 to must implement adopt measures specified identified by the department pursuant to section 5 of this act that are not likely subject to administrative result or in judicial reductions appeal of under greenhouse chapter gas 43.21C emissions RCW, and per capita vehicle miles traveled.~~

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

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

~~(a) 18 AHB county 1181 with 1, a 2021, population and density the of cities at with least populations 100 greater people than per 6,000 square as mile of and April a 1, population 2021, of within at those least counties: 200,000;~~

~~(b)(a) A county bordering on the Columbia and Snake rivers with a population density of at least 75 100,000; people per square mile and an annual growth rate of at least 1.65 percent;~~

~~or (c)(b) A county located with to a the population west density of the at crest least of 75 the people Cascade per mountain square with mile a and population an annual growth rate of at least 130,000-1.75 percent.~~

p. (2) The requirements of the amendments to the transportation element of RCW 36.70A.070 set forth in this act apply only to:

~~10 SHB 1181 (2) The requirements of the amendments to the transportation element of RCW 36.70A.070 set forth in this act apply only to:~~

NEW p. SECTION.

19 HB 1181 NEW SECTION.

(1) The department of commerce, in consultation with the department of ecology, the department of health, and the department of transportation, shall publish guidelines that specify a set of ~~p-measures~~ counties and cities have available to them to take through updates to their comprehensive plans and development regulations that have a demonstrated ability to increase housing capacity within urban growth areas or reduce greenhouse gas emissions, allowing for consideration of the emissions reductions achieved through the adoption of statewide programs.

~~20The SHB guidelines 1181 must measures prioritize counties reductions and in cities overburdened may communities implement as via defined updates in to RCW their 70A.02.010, comprehensive including plans communities and development regulations that have a experienced demonstrated disproportionate ability harm due to increase air housing pollution capacity and within may urban draw growth upon areas the or most reduce recent greenhouse health gas disparities emissions, data allowing from for the consideration department of the health emission to reductions identify achieved high through pollution the areas adoption and of disproportionately statewide burdened programs, communities.~~

~~The These guidelines must prioritize be measures developed that using benefit an overburdened environmental communities justice as assessment defined pursuant into RCW 70A.02.010, 70A.02.060 including communities that have experienced disproportionate harm due to air pollution and may draw upon the most guidelines recent must health include disparities environmental data justice from assessment the processes. department of health to identify high pollution areas and disproportionately burdened communities.~~

~~These guidelines must be developed consistent with an environmental justice assessment pursuant to RCW 70A.02.060 and the guidelines must include environmental justice assessment processes.~~

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

~~2120 SHB HB 1181 (ii)(i) The most recent city greenhouse and gas county emissions population report estimates prepared by the office department of financial ecology management and the department of commerce pursuant to RCW 43.62.035; 70A.45.020(2);~~

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

The department of commerce shall update these guidelines at least every ~~five~~four years thereafter based on the most recently available data, and shall provide for a process for local governments and other parties to submit alternative actions for consideration for inclusion into the guidelines at least once per year.

The department of commerce shall publish an intermediate set of guidelines no later than December 31, ~~2023, 2022,~~ in order to be available for use by jurisdictions whose periodic updates are required by RCW 36.70A.130(5) to occur prior to December 31, 2025.

The evaluation must also address the impact that locally adopted greenhouse gas emissions reduction subelements have had on ~~meeting zoned local housing goals capacity, and targets.~~

The evaluation must also include an estimate of the impact that locally adopted greenhouse gas emissions reduction subelements will have on ~~meeting zoned local housing goals capacity, and targets.~~

~~(6) The department of commerce may not propose or adopt any guidelines that would direct or require local governments to regulate p.~~

~~2221 SHB HB 1181 (6) The department of commerce may not propose or adopt any guidelines that would direct or require local governments to regulate or tax, in any form, transportation service providers, delivery vehicles, or passenger vehicles.~~

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

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

~~(a)(3) Not Upon less receipt than 120 days prior to applying for approval of a subelement, proposed the greenhouse county gas or emissions city reduction must subelement, notify the department in shall: writing that it intends to apply for approval.~~

~~The (a) department Provide shall notice to and opportunity for written comment by all interested parties of record as a part of the local government review proposed process subelements for prior the proposal and to final all adoption persons, groups, and advise agencies the that county have or requested city in writing notice of the proposed actions greenhouse necessary gas to emissions receiver reduction approval subelements.~~

~~(b) The comment period shall be at least 30 days, unless the department may determines consult that with the other level relevant of state complexity agencies or in controversy making involved its supports determination a shorter period;~~

~~(c)(b) The In department shall publish notice in the Washington department's State discretion.~~

~~Register conduct that a city public or hearing county during has notified the department 30-day of comment its period intent in to apply for approval and the department jurisdiction shall proposing post a copy of the notice greenhouse on gas the emissions department reduction website, subelement;~~

~~(3) Procedures for an application for approval.~~

~~(a) After taking final action to adopt a greenhouse gas emissions reduction subelement, a city or county may apply to the department for approval of the subelement.~~

~~A city or county must submit its application to the department within 10 days of taking final action.~~

~~2322 SHB HB 1181 (b)(c) An Within application 15 for days approval after must the include, close at of a public minimum, comment, request the following: local government:~~

~~(i) A Review cover the letter issues from identified by the legislative public, authority interested requesting parties, approval, groups, and agencies;~~

~~and (ii) A provide copy a of written the response adopted as ordinance to or how resolution taking the legislative proposal action addresses or actions required to adopt the greenhouse identified gas issues; emissions reduction subelement;~~

~~(iii)(d) A Within statement 30 explaining days how after receipt of the local government response pursuant to (c) of this subsection, make written findings and conclusions regarding the consistency of the proposal with the policy of RCW 36.70A.070 and, after they are adopted, the applicable guidelines adopted by the department pursuant to section 5 of this act and any reduction allocations made pursuant to RCW 36.70A.100, provide a response to the issues identified in (c) of this subsection, and either approve the greenhouse gas emissions reduction subelement complies as submitted, recommend specific changes necessary to make the greenhouse gas emissions reduction subelement approvable, or deny approval of the greenhouse gas emissions reduction subelement in those instances where no alteration of the greenhouse gas emissions reduction subelement appears likely to be consistent with the provisions policy of this RCW chapter; 36.70A.070 and the applicable guidelines.~~

~~and The (iv) written A findings copy and of conclusions the shall record be developed provided by to the city local or government, county and at made any available public to meetings all or interested public persons, hearings parties, at groups, which and action agencies was of taken record on the greenhouse proposal; gas emissions reduction subelement.~~

~~(c)(e) For If purposes the of department this recommends subsection, changes to the terms proposed "action" greenhouse gas emissions reduction subelement, within 90 days after the department mails the written findings and "meeting" conclusions have to the same local definition government, as require in the RCW local 42.30.020, government to:~~

~~(4)(i) Approval Agree procedures, to the proposed changes by written notice to the department;~~

~~(a) The department shall strive to achieve final action to approve or deny (ii) Submit an application alternative within greenhouse 180 gas days emissions of reduction the subelement, date of receipt of the application.~~

~~(b) If, The in department the must opinion issue of its the decision department, in the alternative is consistent with the form purpose and intent of a the written changes statement, originally including submitted findings by of the fact department and conclusions, with and this noting chapter, it shall approve the date changes and provide notice to all recipients of the issuance written of findings its and decision, conclusions.~~

~~The If department's the issued department decision determines must the conspicuously proposed and greenhouse plainly gas state emissions that reduction its subelement is then not department's consistent final with decision the purpose and that intent thereof will the be changes not proposed further by modifications the department, the department may resubmit the proposed greenhouse gas emissions reduction subelement for public and agency review pursuant to this section or reject the proposed greenhouse gas emissions reduction subelement.~~

~~(c) The department will promptly publish its decision on the application for approval as follows:~~

~~(i) Notify the city or county in writing of its determination;~~

~~(ii) Publish a notice of action in the Washington State Register;~~

~~(iii) Post a notice of its decision on the agency website;~~

~~and (iv) Notify other relevant state agencies regarding the approval decision.~~

~~(5) The department shall approve a proposed greenhouse gas emissions reduction subelement unless it determines that the proposed greenhouse gas emissions reduction subelement is not consistent with the policy of RCW 36.70A.070 and, after they are adopted, the applicable guidelines.~~

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

~~2423 SHB HB 1181 (a)(4) The department's department final shall decision to approve or reject a proposed greenhouse gas emissions reduction subelement or unless amendment it by determines a that local the government proposed planning greenhouse under gas RCW emissions 36.70A.040 reduction may subelement be is~~

~~appealed not to consistent with the growth policy management of hearings RCW board 36.70A.070 by and, filing after a they petition are as adopted, provided the inapplicable RCW guidelines. 36.70A.290.~~

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

The effective date is 14 days from the date of the department's written notice of final action to the local government stating the department has approved or rejected the proposed greenhouse gas emissions reduction subelement.

The department's written notice to the local government must conspicuously and plainly state that it is the department's final decision and that there will be no further modifications to the proposed greenhouse gas emissions reduction subelement.

The department shall maintain a record of each greenhouse gas emissions reduction subelement, the action taken on any proposed greenhouse gas emissions reduction subelement, and any appeal of the department's action.

The department's approved document of record constitutes the official greenhouse gas emissions reduction subelement.

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

This notice must be filed for all greenhouse gas emissions reduction subelements.

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

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

(b) A decision of the growth management hearings board concerning an appeal of the department's final decision to approve or reject a proposed greenhouse gas emissions reduction subelement or amendment must be based solely on whether or not the adopted or amended greenhouse gas emissions reduction subelement, any adopted amendments p.

24 HB 1181 to other elements of the comprehensive plan necessary to carry out the subelement, and any adopted or amended development regulations necessary to implement the subelement, comply with the goal set forth in RCW 36.70A.020(14) as it applies to greenhouse gas emissions reductions, RCW 36.70A.070(9) excluding RCW 36.70A.070(9)(e), the guidelines adopted under section 5 of this act applicable to the greenhouse gas emissions reduction subelement, or chapter 43.21C RCW.

~~RCW 36.70A.290 and 2011 c 360 s 17 are each amended to read as follows:~~

~~(1) The growth management hearings board shall hear and determine only those petitions alleging either:~~
~~(a) That, except as provided otherwise by this subsection, a state agency, county, or city planning under this chapter is not in compliance with the requirements of this chapter, chapter 90.58 RCW as it relates to the adoption of shoreline master programs or amendments thereto, or chapter 43.21C RCW as it relates to plans, development regulations, or amendments, adopted under RCW 36.70A.040 or chapter 90.58 RCW.~~

~~Nothing in this subsection authorizes the board to hear petitions alleging noncompliance with RCW 36.70A.5801;~~

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

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

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

~~((or)) p.~~

~~25 SHB 1181 (e) That a department certification under RCW 36.70A.735(1)(c) is erroneous;~~

~~or (f) That the department's final decision to approve or reject a proposed greenhouse gas emissions reduction subelement or amendments by a local government planning under RCW 36.70A.040 was not in compliance with the joint guidance issued by the department pursuant to section 5 of this act.~~

~~(2) A petition may be filed only by:~~

~~(a) The state, or a county or city that plans under this chapter;~~

~~(b) a person who has participated orally or in writing before the county or city regarding the matter on which a review is being requested;~~

~~(c) a person who is certified by the governor within ((sixty)) 60 days of filing the request with the board;~~

~~or (d) a person qualified pursuant to RCW 34.05.530.~~

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

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

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

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

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

~~Sec.~~

~~8.~~

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

~~26 SHB 1181 (1) Except as provided in subsections (5) and (6) of this section, comprehensive plans and development regulations, and amendments thereto, adopted under this chapter are presumed valid upon adoption.~~

~~Sec.p.~~

9-25 HB 1181 Sec.

8.

Priority for assistance shall be based on a county's or city's population growth rates, commercial and industrial development rates, the existence and p-quality of a comprehensive plan and development regulations, the presence of overburdened communities, and other relevant factors.

~~27 SHB 1181 quality of a comprehensive plan and development regulations, the presence of overburdened communities, and other relevant factors.~~

These criteria shall reflect regional and local variations and the diversity that existsp.-among ~~different counties and cities that plan under this chapter.~~

26 HB 1181 exists among different counties and cities that plan under this chapter.

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

~~28 SHB 1181 concern with a proposed comprehensive plan and its development regulations, or any amendment to the comprehensive plan and its development regulations.~~

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

~~(8)27 TheHB department1181 shall(7) develop,The in collaboration with the department ofshall ecology,provide theplanning departmentgrants of fish and wildlife, the department of natural resources, the department of health, the emergency management division of the military department, as well as any federally recognized tribe who chooses to voluntarilyenhance participate,citizen andparticipation adoptunder byRCW rule36.70A.140. guidance that creates a model climate change and resiliency element that may be used by counties, cities, and multiple-county planning regions for developing and implementing p-~~

29(8) SHBThe 1181department shall develop, in collaboration with the department of ecology, the department of fish and wildlife, the department of natural resources, the department of health, the emergency management division of the military department, as well as any federally recognized tribe who chooses to voluntarily participate, and adopt by rule guidance that creates a model climate change and resiliency element that may be used by counties, cities, and multiple-county planning regions for

developing and implementing climate change and resiliency plans and policies required by RCW 36.70A.070(9), subject to the following provisions:

~~10-9.~~

~~NEW p. SECTION.~~

28 HB 1181 NEW SECTION.

~~11-10.~~

~~12-11.~~

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

~~30 SHB 1181 The county legislative authority of any county may adopt a comprehensive flood control management plan for any drainage basin that is located wholly or partially within the county.~~

~~((and)) (5)p. Establishing restrictions on land clearing activities and development practices that exacerbate flood problems by increasing the flow or accumulation of flood waters, or the intensity of drainage, on low-lying areas.~~

29 HB 1181 (5) Establishing restrictions on land clearing activities and development practices that exacerbate flood problems by increasing the flow or accumulation of flood waters, or the intensity of drainage, on low-lying areas.

~~p.~~ A comprehensive flood control management plan shall be subject to the minimum requirements for participation in the national flood insurance program, requirements exceeding the minimum national flood insurance program that have been adopted by the department of ecology for a specific floodplain pursuant to RCW 86.16.031, and rules adopted by the department of ecology pursuant to RCW 86.26.050 relating to floodplain management activities.

~~31 SHB 1181 A comprehensive flood control management plan shall be subject to the minimum requirements for participation in the national flood insurance program, requirements exceeding the minimum national flood insurance program that have been adopted by the department of ecology for a specific floodplain pursuant to RCW 86.16.031, and rules adopted by the department of ecology pursuant to RCW 86.26.050 relating to floodplain management activities.~~

~~13-12.~~

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

NEW SECTION.

13.

(1) The obligation of local governments to comply with the requirements established in:

(a) The amendments to RCW 36.70A.070 set forth in this act;

and (b) the updated shoreline master program guidelines adopted pursuant to section 10 of this act, is contingent on the provision of state funding to local governments for the specific purpose of complying with these requirements.

(2) The obligation of local governments to comply with the requirements established in:

(a) The amendments to RCW 36.70A.070 set forth in this act;

and (b) the updated shoreline master program guidelines adopted pursuant to section 10 of this act, takes effect two years after the date the legislature appropriates state funding p.

30 HB 1181 to provide to local governments for the purpose of complying with these requirements.

Sec.

(a) For rental housing, ~~((sixty))sixty-60~~ percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development;

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

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

~~32 SHB 1181 (3) "Agricultural land" means land primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, finfish in upland hatcheries, or livestock, and that has long-term commercial~~

~~significance for agricultural production.~~

"Fish and wildlife habitat conservation areas" does not include such artificial features or constructs as irrigation delivery ~~systems, p. irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of and are maintained by a port district or an irrigation district or company.~~
31 HB 1181 systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of and are maintained by a port district or an irrigation district or company.

(10) "Emergency shelter" means a facility that provides a temporary shelter for individuals or families who are currently ~~p. homeless.~~

~~33 SHB 1181 homeless.~~

In determining whether forestland is primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, the ~~following p. factors shall be considered:~~

32 HB 1181 following factors shall be considered:

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

~~34 SHB 1181 (15) "Long-term commercial significance" includes the growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of the land.~~

~~(19)p. "Permanent supportive housing" is subsidized, leased housing with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy and utilizes admissions practices designed to use lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors.~~

33 HB 1181 (19) "Permanent supportive housing" is subsidized, leased housing with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy and utilizes admissions practices designed to use lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors.

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

~~35 SHB 1181 (21) "Public services" include fire protection and suppression, law enforcement, public health, education, recreation, environmental protection, and other governmental services.~~

~~(e)p. That reduce the inappropriate conversion of undeveloped land into sprawling, low-density development;~~

34 HB 1181 (e) That reduce the inappropriate conversion of undeveloped land into sprawling, low-density development;

(25) "Rural governmental services" or "rural services" include those public services and public facilities historically and typically delivered at an intensity usually found in rural areas, and may include domestic water systems, fire and police protection services, transportation and public transit services, and other ~~p. public utilities associated with rural development and normally not associated with urban areas.~~

~~36 SHB 1181 public utilities associated with rural development and normally not associated with urban areas.~~

A pattern of more intensive rural development, as ~~provided p. in RCW 36.70A.070(5)(d), is not urban growth.~~

35 HB 1181 provided in RCW 36.70A.070(5)(d), is not urban growth.

Wetlands do not include those ~~p. artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway.~~

~~37 SHB 1181 artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway.~~

Planning for active transportation must consider and address accommodation ~~pursuant p. to the Americans with disabilities act and the distinct needs of each form of active transportation.~~

36 HB 1181 pursuant to the Americans with disabilities act and the distinct needs of each form of active transportation.

(35) "Environmental justice" means the fair treatment and meaningful involvement of all people

regardless of race, color, national origin, or income with respect to development, implementation, and enforcement of environmental laws, regulations, and ~~policies~~ policies;

~~Environmental with justice~~ includes focus addressing on disproportionate the environmental equitable and distribution health of impacts resources, in benefits, all laws, rules, and policies burdens within environmental a impacts manner by that prioritizing prioritizes vulnerable communities populations that and experience overburdened communities, the equitable greatest distribution inequities, of disproportionate resources impacts, and benefits, have and the eliminating greatest harm, unmet needs.

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

~~38 SHB 1181 (37) "Green space" means an area of land, vegetated by natural features such as grass, trees, or shrubs, within an urban context and less than one acre in size that creates public value through one or more of the following attributes:~~

(1)(a) Each comprehensive land use plan and development regulations shall be subject to continuing review and evaluation by ~~the p. county or city that adopted them.~~

37 HB 1181 the county or city that adopted them.

(c) The review and evaluation required by this subsection shall include, but is not limited to, consideration of critical area ~~p.~~ ordinances and, if planning under RCW 36.70A.040, an analysis of the population allocated to a city or county from the most recent ((ten)) 10-year population forecast by the office of financial management.

~~30 SHB 1181 ordinances and, if planning under RCW 36.70A.040, an analysis of the population allocated to a city or county from the most recent ((ten)) 10-year population forecast by the office of financial management.~~

Subarea plans adopted under this subsection (2)(a)(i) must clarify, supplement, or implement jurisdiction-wide comprehensive plan policies, and may only ~~be p.~~ adopted if the cumulative impacts of the proposed plan are addressed by appropriate environmental review under chapter 43.21C RCW;

38 HB 1181 be adopted if the cumulative impacts of the proposed plan are addressed by appropriate environmental review under chapter 43.21C RCW;

~~p.~~ (b) Except as otherwise provided in (a) of this subsection, all proposals shall be considered by the governing body concurrently so the cumulative effect of the various proposals can be ascertained.

~~40 SHB 1181 (b) Except as otherwise provided in (a) of this subsection, all proposals shall be considered by the governing body concurrently so the cumulative effect of the various proposals can be ascertained.~~

(b) The county comprehensive plan designating urban growth areas, and the densities permitted in the urban growth areas by the comprehensive plans of the county and each city located within the ~~urban p.~~ growth areas, shall be revised to accommodate the urban growth projected to occur in the county for the succeeding ((twenty)) 20- year period.

39 HB 1181 urban growth areas, shall be revised to accommodate the urban growth projected to occur in the county for the succeeding ((twenty)) 20- year period.

~~p.~~ (iii) Less than 15 percent of the areas added to the urban growth area are critical areas;

~~41 SHB 1181 (iii) Less than 15 percent of the areas added to the urban growth area are critical areas;~~

~~(a) p. On or before June 30, 2015, for King, Pierce, and Snohomish counties and the cities within those counties;~~

40 HB 1181 (a) On or before June 30, 2015, for King, Pierce, and Snohomish counties and the cities within those counties;

(5) Except as otherwise provided in subsections (6) and (8) of this section, following the review of comprehensive plans and development regulations required by subsection (4) of this section, counties and cities shall take action to review and, if needed, revise their comprehensive plans and development regulations to ~~p.~~ ensure the plan and regulations comply with the requirements of this chapter as follows:

~~42 SHB 1181 ensure the plan and regulations comply with the requirements of this chapter as follows:~~

Counties and cities may begin this process early and may be eligible ~~for p.~~ grants from the department, subject to available funding, if they elect to do so.

41 HB 1181 for grants from the department, subject to available funding, if they elect to do so.

The city has a population of no more than five thousand and has had its population increase by the greater of either no more than one hundred persons or no more than seventeen ~~p.~~ percent in the ten years preceding the deadline established in subsection (5) of this section as of that date.

~~43 SHB 1181 percent in the ten years preceding the deadline established in subsection (5) of this section as of that date.~~

(8)(a) Except as otherwise provided in (c) of this subsection, if a participating watershed is achieving benchmarks and goals for the protection of critical areas functions and values, the county is not

~~requiredp. to update development regulations to protect critical areas as they specifically apply to agricultural activities in that watershed.~~

42 HB 1181 required to update development regulations to protect critical areas as they specifically apply to agricultural activities in that watershed.

~~or p-(v) Three or more years have elapsed since the receipt of funding.~~

~~44 SHB 1181 (v) Three or more years have elapsed since the receipt of funding.~~

Once a county meets the criteria in (a)(i) or (ii) of this subsection, the implementation progress report requirements remain in effect thereafter for that county and the cities therein with populations greater than 6,000 as of April 1, 2021, even if the county later no ~~longerp. meets either or both~~ criteria.

43 HB 1181 longer meets either or both criteria.

and (iii) Progress toward implementing any actions required to achieve reductions to meet greenhouse gas and vehicle miles traveled ~~p.requirements as provided for in any element of the comprehensive plan under RCW 36.70A.070.~~

~~45 SHB 1181 requirements as provided for in any element of the comprehensive plan under RCW 36.70A.070.~~

(10) Any county or city that is required by section 4 of this act to include in its comprehensive plan a climate change and resiliency element and that is also required by subsection (5)(a) of this section to review and, if necessary, revise its comprehensive plan on or before December 31, 2024, must incorporate a climate change and resiliency element into its comprehensive plan as part of the first ~~implementationp. progress report required by subsection (9) of this section.~~

NEW44 SECTION. HB 1181 implementation progress report required by subsection (9) of this section.

~~Sec.~~

~~16.~~

~~A new section is added to chapter 36.70A RCW to read as follows:~~

~~(1) Notwithstanding the requirements of RCW 36.70A.070(10), it is the intent that jurisdictions subject to RCW 36.70A.130(5)(b) implement the requirements of this act on or before June 30, 2025.~~

~~Any funding provided to cover applicable local government costs related to implementation of this act shall be considered timely.~~

~~(2) This section expires July 31, 2025.~~

~~NEW SECTION.~~

~~Sec.~~

~~17.~~

~~A new section is added to chapter 43.20 RCW to read as follows:~~

~~(1)(a) Beginning with water system plans initiated after June 30, 2024, the department shall ensure water system plans for group A community public water systems serving 1,000 or more connections include a climate resilience element at the time of approval.~~

~~p-~~

~~46 SHB 1181 (b) The department must update its water system planning guidebook to assist water systems in implementing the climate resilience element, including guidance on any available technical and financial resources.~~

~~(c) The department shall provide technical assistance to public water systems based on their system size, location, and water source, by providing references to existing state or federal risk management, climate resiliency, or emergency management and response tools that may be used to satisfy the climate resilience element.~~

~~(d) Subject to the availability of amounts appropriated for this specific purpose, the University of Washington climate impacts group shall assist the department in the development of tools for the technical assistance to be provided in (c) of this subsection.~~

~~(2) To fulfill the requirements of the climate resilience element, water systems must:~~

~~(a) Determine which extreme weather events pose significant challenges to their system and build scenarios to identify potential impacts;~~

~~(b) Assess critical assets and the actions necessary to protect the system from the consequences of extreme weather events on system operations;~~

~~and (c) Generate reports describing the costs and benefits of the system's risk reduction strategies and capital project needs.~~

~~(3) Climate readiness projects, including planning to meet the requirements of this section and actions to protect a water system from extreme weather events, including infrastructure and design projects, are eligible for financial assistance under RCW 70A.125.180.~~

~~The department must develop grant and loan eligibility criteria and consider applications from water systems that identify climate readiness projects.~~

~~Sec.~~

~~18.~~

~~RCW 70A.125.180 and 2020 c 20 s 1350 are each amended to read as follows:~~

~~Subject to the availability of amounts appropriated for this specific purpose, the department shall provide financial assistance through a water system acquisition and rehabilitation program, hereby created.~~

~~((The program shall be jointly administered with the public works board and the department of commerce.)) The ((agencies)) department shall adopt guidelines for the program using as a model the procedures and criteria of the drinking water revolving loan p.~~

~~47 SHB 1181 program authorized under RCW 70A.125.160.~~

~~All financing provided through the program must be in the form of grants or loans that partially cover project costs, including projects and planning required under RCW 36.70A.480.~~

~~The maximum grant or loan to any eligible entity may not exceed ((twenty-five)) 25 percent of the funds allocated to the appropriation in any fiscal year.~~

~~48~~45 ~~SHB~~HB 1181