

GMA Policy Comment Toolkit

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Recent Legislative Updates to the Washington Growth Management Act (RCW 36.70A)

Purpose: This toolkit summarizes recent legislative amendments to the Washington Growth Management Act (GMA) for use in drafting public comments on local comprehensive plan updates, development regulations, and Shoreline Master Program revisions. It covers housing density mandates, climate change integration, and Critical Area Ordinance (CAO) protections, with specific statutory citations you can reference directly.

Date compiled: August 13, 2026

Disclaimer: This document is a policy-comment reference tool, not legal advice. Statutory citations point to controlling authority, but interpretation and compliance strategy should be validated with your jurisdiction's legal counsel and the Washington Department of Commerce's current guidance.

How to Use This Toolkit

1. **Quick Statutory Reference Table** — Use for at-a-glance citation of bills, RCW sections, and effective dates.
2. **Topic Sections** — Each of the three topic areas (Housing Density, Climate Change, Critical Areas) follows a consistent structure: what changed, legislative intent, statutory hooks, state guidance, local plan implications, SMP implications, and ready-to-adapt public comment language.
3. **Public Comment Prompts** — Each section includes citation language you can copy, adapt, and insert into comment letters, hearing testimony, or written comments.

Quick Statutory Reference Table

Bill	Session	Key RCW Sections	Topic Area	Effective Date
HB 1220	2021	RCW 36.70A.020(4), 36.70A.070(2)	Housing element — racially disparate impacts, displacement, emergency	90 days after 2021 session adjournment

Bill	Session	Key RCW Sections	Topic Area	Effective Date
			housing	
E2SHB 1110	2023	RCW 36.70A.030 (definitions), 36.70A.635, 36.70A.636, 36.70A.637, 36.70A.638	Middle housing density mandates	July 23, 2023
HB 1337	2023	RCW 36.70A.680, 36.70A.681	Accessory dwelling units (ADUs)	July 23, 2023; local compliance aligned with periodic update
E2SHB 1181	2023	RCW 36.70A.020(14), 36.70A.070(9), 36.70A.095, 36.70A.096	Climate change and resiliency element	July 23, 2023
Various (ongoing)	—	RCW 36.70A.060(2), 36.70A.172, 36.70A.030(12)	Critical Area Ordinance protections	Pre-existing; reviewed during periodic updates

Sources: [RCW 36.70A.020](#), [RCW 36.70A.070](#), [RCW 36.70A.095](#), [RCW 36.70A.635](#), [RCW 36.70A.480](#), [RCW 36.70A.130](#), [Commerce Climate Planning](#), [Commerce Periodic Update](#)

GMA Planning Goals (RCW 36.70A.020)

The GMA establishes 15 non-prioritized planning goals that guide the development of comprehensive plans and development regulations. Three goals are most relevant to this toolkit:

- **Goal 4 — Housing:** “Plan for and accommodate housing affordable to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.” ([RCW 36.70A.020\(4\)](#))
- **Goal 10 — Environment:** “Protect and enhance the environment and enhance the state’s high quality of life, including air and water quality, and the availability of water.” ([RCW 36.70A.020\(10\)](#))
- **Goal 14 — Climate Change and Resiliency (added by HB 1181, 2023):** “Ensure that comprehensive plans, development regulations, and regional policies, plans, and strategies under RCW 36.70A.210 and chapter 47.80 RCW adapt to and mitigate the effects of a changing climate; support reductions in greenhouse gas emissions and per capita vehicle miles traveled; prepare for climate impact scenarios; foster resiliency to climate impacts and natural hazards; protect and enhance environmental, economic, and human health and safety; and advance environmental justice.” ([RCW 36.70A.020\(14\)](#))

- **Goal 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.” ([RCW 36.70A.020\(15\)](#))

Topic 1: Housing Density Mandates

1A. Middle Housing — E2SHB 1110 (2023)

What Changed

E2SHB 1110, signed into law on May 3, 2023, and effective July 23, 2023, requires certain cities planning under the GMA to authorize minimum residential densities on lots zoned predominantly for residential use — effectively ending exclusive single-family zoning in many Washington cities. The bill codified density requirements in [RCW 36.70A.635](#) and model ordinance provisions in [RCW 36.70A.636](#). ([HB 1110 Bill Report](#))

Stated Purpose and Policy Context

The bill’s title states its purpose: “An act relating to creating more homes for Washington by increasing middle housing in areas traditionally dedicated to single-family detached housing.” Public testimony in support emphasized that Washington faces a severe housing shortage, that single-family-exclusive zoning has historical roots in racial exclusion, and that allowing middle housing types in residential neighborhoods is essential to address affordability and supply. ([HB 1110 Bill Report](#))

Statutory Hooks — Density Requirements by City Population

Cities with population 25,000 to 74,999 must authorize ([RCW 36.70A.635\(1\)\(a\)](#)):

Requirement	Minimum Units per Lot
All residential lots	At least 2 units
Within 1/4 mile walking distance of a major transit stop	At least 4 units
If at least 1 unit is affordable housing	At least 4 units

Cities with population 75,000 or more must authorize ([RCW 36.70A.635\(1\)\(b\)](#)):

Requirement	Minimum Units per Lot
All residential lots	At least 4 units
Within 1/4 mile walking distance of a major transit stop	At least 6 units
If at least 2 units are affordable housing	At least 6 units

Cities with population less than 25,000 within a contiguous urban growth area with the largest city in a county with population more than 275,000 must authorize at least 2 units per lot. ([RCW 36.70A.635\(1\)\(c\)](#))

Middle Housing Types Defined

Middle housing is defined as buildings compatible in scale, form, and character with single-family homes containing two or more attached, stacked, or clustered homes. The nine middle housing types are ([RCW 36.70A.030\(28\)](#)):

1. Duplexes
2. Triplexes
3. Fourplexes
4. Fiveplexes
5. Sixplexes
6. Townhouses
7. Stacked flats
8. Courtyard apartments
9. Cottage housing

Definitions for cottage housing and courtyard apartments are codified in [RCW 36.70A.030](#). Cities must allow any combination of middle housing types to achieve the required unit density.

Alternative Density Option (75%/25% Rule)

As an alternative, a city may implement the density requirements for at least 75% of lots primarily dedicated to single-family detached housing. The remaining 25% may be excluded if they include ([RCW 36.70A.635\(4\)](#)):

- Areas with certified displacement risk extensions under [RCW 36.70A.637](#)
- Areas with certified infrastructure capacity extensions under [RCW 36.70A.638](#)
- Lots, parcels, and tracts designated with critical areas or their buffers

Affordable Housing Bonus Requirements

To qualify for the additional units allowed under the affordable housing provisions, the applicant must commit to renting or selling the required number of units as affordable housing, maintained for a term of at least 50 years. A covenant or deed restriction must be recorded. Affordable units must be comparable in size and distributed throughout the development. ([RCW 36.70A.635\(2\)](#))

Development Regulation Requirements

Cities subject to the middle housing requirements must ([HB 1110 Bill Report](#)):

- Adopt objective development and design standards for middle housing (no personal or subjective judgment)
- Not use standards more restrictive than those for detached single-family residences

- Apply the same development permit and environmental review processes as for detached single-family residences
- Apply the same critical areas regulations to middle housing as to detached single-family residences
- Not discourage middle housing through unreasonable costs, fees, delays, or other requirements

Parking Restrictions

- No off-street parking may be required within 1/2 mile of a major transit stop
- Maximum 1 off-street space per unit on lots smaller than 6,000 sq ft
- Maximum 2 off-street spaces per unit on lots larger than 6,000 sq ft

([HB 1110 Bill Report](#))

Implementation Deadlines

A city must comply on the latter of ([RCW 36.70A.635\(11\)](#)):

- **(a)** Its next periodic comprehensive plan update required under [RCW 36.70A.130](#), if the city meets the population threshold based on 2020 OFM data; or
- **(b)** 12 months after its next implementation progress report after OFM determines the city has reached a population threshold.

If a city fails to adopt compliant ordinances by its deadline, Commerce’s model middle housing ordinance **supersedes, preempts, and invalidates** conflicting local development regulations. ([RCW 36.70A.636\(2\)\(b\)](#))

Practical deadline schedule (based on periodic update deadlines in [RCW 36.70A.130\(5\)](#); 2025 amendments aligned deadlines with periodic updates per [Commerce Planners’ Newsletter, May 2025](#)):

County Group	Periodic Update Deadline	Middle Housing Compliance Deadline
King, Kitsap, Pierce, Snohomish	December 31, 2024	June 30, 2025 (original 6-month deadline)
Clallam, Clark, Island, Jefferson, Lewis, Mason, San Juan, Skagit, Thurston, Whatcom	December 31, 2025	December 31, 2025 (aligned with periodic update)
Benton, Chelan,	December 31, 2026	December 31, 2026 (aligned with periodic update)

County Group	Periodic Update Deadline	Middle Housing Compliance Deadline
Cowlitz, Douglas, Franklin, Kittitas, Skamania, Spokane, Walla Walla, Yakima		
Adams, Asotin, Columbia, Ferry, Garfield, Grant, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Whitman	June 30, 2027	June 30, 2027 (aligned with periodic update)

Note: The 2025 legislature amended RCW 36.70A.635 to align middle housing, ADU, and design review adoption dates with comprehensive plan updates for 2025-2027 jurisdictions. For the 2024 group (King, Kitsap, Pierce, Snohomish), the original 6-month deadline (June 30, 2025) applied. Verify current deadlines with Commerce's [Housing Planning Requirements Tool](#).

Sources: [RCW 36.70A.130\(5\)](#); [Commerce Planners' Newsletter, May 2025](#); [Commerce Planners' Newsletter, October 2025](#)

State Guidance

- The Department of Commerce published model middle housing ordinances no later than six months after July 23, 2023. ([RCW 36.70A.636\(2\)\(a\)](#))
- Commerce provides technical assistance and a [Middle Housing Planning page](#) with model ordinances, grant programs, and implementation resources.
- The 2025 legislature amended middle housing deadlines to align with comprehensive plan updates for 2025-2027 jurisdictions. ([Commerce Planners' Newsletter, May 2025](#))
- HB 2269 (2025-26 session, effective June 11, 2026) allows middle housing in limited areas of more intensive rural development (LAMIRDs) within rural counties served by large on-site sewage systems. ([Commerce Planners' Newsletter, 2026](#))

1B. Accessory Dwelling Units — HB 1337 (2023)

What Changed

HB 1337 (Chapter 334, Laws of 2023), effective July 23, 2023, significantly expanded requirements for cities and counties to allow accessory dwelling units (ADUs). The old statute (RCW 36.70A.400) was repealed and replaced with new requirements codified in [RCW 36.70A.680](#) and [RCW 36.70A.681](#). The 2025 legislature amended these sections (Chapter 148, Laws of 2025) to align compliance deadlines with periodic update schedules. ([RCW 36.70A.680](#))

Stated Purpose and Policy Context

The session law includes formal legislative findings (2023 c 334) stating that Washington is experiencing a housing affordability crisis, that many cities dedicate the majority of residentially zoned land to single detached houses increasingly out of reach for many households, and that ADUs can provide a more affordable housing option. The legislature found that “localities can start to correct for historic economic and racial exclusion in single-family zones by opening up these neighborhoods to more diverse housing types, including accessory dwelling units.” ([RCW 36.70A.680, Findings—Intent—2023 c 334](#))

Statutory Hooks — Key Requirements

Cities and counties planning under RCW 36.70A.040 must adopt or amend ordinances incorporating ADU requirements to take effect **at the same time as the jurisdiction’s next periodic comprehensive plan update** required under [RCW 36.70A.130](#). If a jurisdiction fails to adopt compliant ordinances, the state requirements **supersede, preempt, and invalidate** conflicting local development regulations. These requirements apply only within urban growth areas. ([RCW 36.70A.680\(1\)](#))

All of the following policies are mandatory ([RCW 36.70A.681\(1\)](#)):

- **(a)** Impact fees for ADUs may not exceed 50% of those imposed on the principal unit
- **(b)** No owner-occupancy requirement for the lot with an ADU
- **(c)** Must allow at least **two ADUs** on all lots in zoning districts within urban growth areas that allow single-family homes, in any configuration:
 - One attached + one detached
 - Two attached
 - Two detached (one or two structures)
- **(d)** Must permit ADUs in structures detached from the principal unit
- **(e)** Must allow ADUs on any lot meeting the minimum lot size for the principal unit
- **(f)** May not establish a **maximum gross floor area requirement** for ADUs that is less than **1,000 square feet**
- **(g)** May not establish roof height limits on ADUs of less than **24 feet** (unless principal unit height limit is lower, in which case ADU height limit may not be less than principal unit limit)

- **(h)** Setback, yard coverage, tree retention, entry door, aesthetic, and design review requirements may not be more restrictive than for principal units
- **(i)** Must allow detached ADUs to be sited at a lot line abutting a public alley (except where snow plowing occurs)
- **(j)** Must allow conversion of existing structures (e.g., detached garages) even if they violate current setback/lot coverage codes
- **(k)** May not prohibit condominium sale of ADU units independently from principal units
- **(l)** May not require public street improvements as a condition of permitting

Source: [RCW 36.70A.681\(1\)](#)

Parking Restrictions

Cities and counties may not ([RCW 36.70A.681\(2\)\(a\)](#)):

- Require off-street parking within 1/2 mile walking distance of a major transit stop
- Require more than 1 off-street space per unit on lots smaller than 6,000 sq ft
- Require more than 2 off-street spaces per unit on lots larger than 6,000 sq ft

Exceptions apply if the jurisdiction submits an empirical parking study certified by Commerce, or within a 1-mile radius of a commercial airport with at least 9,000,000 annual enplanements.

([RCW 36.70A.681\(2\)\(b\)](#))

Critical Areas and Environmental Exclusions

The ADU requirements **do not apply** to lots designated with critical areas or their buffers as designated in [RCW 36.70A.060](#), or to a watershed serving a reservoir for potable water listed as impaired or threatened under Section 303(d) of the federal Clean Water Act as of July 23, 2023.

([RCW 36.70A.681\(4\)](#))

Cities and counties may also prohibit or restrict ADU construction in residential zones with density of one dwelling unit per acre or less within areas designated as wetlands, fish and wildlife habitats, flood plains, or geologically hazardous areas. ([RCW 36.70A.680\(5\)\(e\)](#))

ADU Definitions

Term	Definition
Accessory dwelling unit	A dwelling unit on the same lot as a single-family housing unit, duplex, triplex, townhome, or other housing unit
Attached ADU	An ADU located within or attached to the principal unit
Detached ADU (DADU)	An ADU in a building separate and detached from the principal unit

Source: [RCW 36.70A.681](#) (definitions within HB 1337 enacted legislation)

Implementation Timeline

- **Effective date:** July 23, 2023
- **Compliance deadline:** Aligned with the jurisdiction's next periodic comprehensive plan update under [RCW 36.70A.130](#) (as amended by 2025 c 148)
- **Preemption:** State requirements supersede conflicting local regulations if the jurisdiction fails to adopt compliant ordinances by its deadline

The 2025 legislature amended ADU deadlines to align with comprehensive plan update deadlines for 2025-2027 jurisdictions. ([Commerce Planners' Newsletter, May 2025](#))

1C. Housing Element — HB 1220 (2021)

What Changed

HB 1220 (2021) substantially revised the housing element requirements in [RCW 36.70A.070\(2\)](#) and updated the GMA housing goal in [RCW 36.70A.020\(4\)](#). The bill was enacted ahead of the 2024-2027 periodic update cycle so jurisdictions would incorporate the new requirements into their updates. ([HB 1220 Bill Report](#))

Stated Purpose and Policy Context

The bill's title: "An act relating to supporting emergency shelters and housing through local planning and development regulations." Public testimony emphasized that the existing GMA housing goal had "very soft language with no mechanism for enforcement," that jurisdictions had not always been required to plan for all economic segments, and that the bill addresses racial discrimination in land-use zoning and racial exclusion in the history of land-use systems. ([HB 1220 Bill Report](#))

Statutory Hooks — Housing Element Requirements

The comprehensive plan housing element must now ([RCW 36.70A.070\(2\)](#)):

- (a) Include an inventory and analysis of existing and projected housing needs, as provided by the Department of Commerce, including: - Units for moderate, low, very low, and extremely low-income households - Emergency housing, emergency shelters, and permanent supportive housing
- (b) Include goals, policies, objectives, and mandatory provisions for the preservation, improvement, and development of housing, including within urban growth area boundaries, moderate density housing options such as duplexes, triplexes, and townhomes
- (c) Identify sufficient land capacity for housing, including government-assisted housing, housing for all income levels, manufactured housing, multifamily housing, group homes, foster care facilities, emergency housing, emergency shelters, permanent supportive housing, and consideration of duplexes, triplexes, and townhomes

(d) Make adequate provisions for existing and projected needs of all economic segments, including documenting programs and actions needed, gaps in local funding, barriers such as development regulations, housing location relative to employment, and the role of ADUs

(e) Identify local policies and regulations that result in **racially disparate impacts, displacement, and exclusion** in housing, including: - Zoning that may have a discriminatory effect - Disinvestment - Infrastructure availability

(f) Identify and implement policies and regulations to **address and begin to undo** racially disparate impacts, displacement, and exclusion caused by local policies, plans, and actions

(g) Identify areas at higher risk of **displacement from market forces** that occur with changes to zoning, development regulations, and capital investments

(h) Establish **antidisplacement policies**, with consideration given to: - Preservation of historical and cultural communities - Investments in low, very low, extremely low, and moderate-income housing - Equitable development initiatives - Inclusionary zoning - Community planning requirements - Tenant protections - Land disposition policies - Consideration of land for affordable housing

Source: [RCW 36.70A.070\(2\)](#)

Role of the Department of Commerce

Commerce is required to provide the inventory and analysis of existing and projected housing needs that jurisdictions must use in their housing elements. Commerce maintains a [Housing Planning Requirements Tool](#) summarizing housing requirements for each county, city, and town. ([HB 1220 Bill Report](#); [Commerce Periodic Update](#))

Topic 2: Climate Change and Resiliency Integration

2A. Climate Change and Resiliency Element — E2SHB 1181 (2023)

What Changed

E2SHB 1181, signed May 3, 2023, and effective July 23, 2023, added climate change as the 14th GMA planning goal and created a new mandatory comprehensive plan element: the climate change and resiliency element. The bill also amended the land use and transportation elements to incorporate climate considerations. ([HB 1181 Bill Analysis](#); [Commerce Climate Planning](#); [MRSC](#))

Stated Purpose and Policy Context

The bill's title: "Improving the state's response to climate change by updating the state's planning framework." Key purposes include:

- Adding a climate change and resiliency goal to the GMA

- Adding a climate change and resiliency element to comprehensive plans
- Requiring certain counties and cities to address adverse climate impacts on people, property, and ecological systems
- Requiring actions to reduce greenhouse gas (GHG) emissions and vehicle miles traveled (VMT)
- Embedding environmental justice into the GMA

([HB 1181 Bill Analysis](#))

Statutory Hooks — Climate Element Structure

The climate change and resiliency element ([RCW 36.70A.070\(9\)](#)) must be:

- **Designed to result in reductions in overall greenhouse gas emissions**
- **Enhance resiliency to and avoid the adverse impacts of climate change**
- Include efforts to **reduce localized GHG emissions** and avoid creating or worsening localized climate impacts to **vulnerable populations and overburdened communities**

The element includes two subelements ([RCW 36.70A.070\(9\)\(b\)](#)):

1. **Greenhouse gas emissions reduction subelement** — mandatory for jurisdictions meeting criteria in [RCW 36.70A.095](#)
2. **Resiliency subelement** — mandatory for all jurisdictions fully planning under [RCW 36.70A.040](#)

GHG Emissions Reduction Subelement Requirements

The GHG emissions reduction subelement and related development regulations must identify actions the jurisdiction will take during the planning cycle, consistent with guidelines published by Commerce pursuant to RCW 70A.45.120, that will ([RCW 36.70A.070\(9\)\(d\)](#)):

- **(A)** Result in reductions in overall GHG emissions from transportation and land use within the jurisdiction, without increasing emissions elsewhere in the state
- **(B)** Result in reductions in per capita vehicle miles traveled within the jurisdiction, without increasing emissions elsewhere in the state
- **(C)** Prioritize reductions that benefit **overburdened communities** to maximize cobenefits of reduced air pollution and environmental justice

A jurisdiction **may not restrict population growth or limit population allocation** to achieve these requirements ([RCW 36.70A.070\(9\)\(d\)\(iii\)](#)).

Resiliency Subelement Requirements

The resiliency subelement must equitably enhance resiliency and avoid or substantially reduce adverse climate impacts in human communities and ecological systems, consistent with **best available science** and scientifically credible climate projections. It must prioritize actions

benefiting overburdened communities. Required goals, policies, and programs must include [\(RCW 36.70A.070\(9\)\(e\)\)](#):

- **(A)** Identify, protect, and enhance natural areas to foster resiliency and areas of vital habitat for safe passage and species migration
- **(B)** Identify, protect, and enhance community resiliency to climate change impacts, including social, economic, and built environment factors, consistent with environmental justice
- **(C)** Address natural hazards created or aggravated by climate change, including:
 - Sea level rise
 - Landslides
 - Flooding
 - Drought
 - Heat
 - Smoke
 - Wildfire
 - Other effects of changes to temperature and precipitation patterns

A FEMA natural hazard mitigation plan or similar plan that complies with these requirements **may be adopted by reference** to satisfy the resiliency subelement requirements. ([RCW 36.70A.070\(9\)\(e\)\(ii\)](#))

Applicability — Who Must Adopt

GHG emissions reduction subelement — mandatory only for counties (and cities with population >6,000 within those counties) that meet criteria in [RCW 36.70A.095](#), as of April 1, 2021 ([RCW 36.70A.095\(1\)](#)):

Criterion	Requirements
(a)	County with population density ≥ 100 people/sq mi AND population $\geq 200,000$
(b)	County bordering the Columbia and Snake rivers with population density ≥ 75 people/sq mi AND annual growth rate $\geq 1.65\%$
(c)	County west of the crest of the Cascade mountains with population $\geq 130,000$

Once a county meets these criteria, the requirement remains in effect even if the county later no longer meets them ([RCW 36.70A.095\(4\)](#)).

Resiliency subelement — mandatory for all jurisdictions fully planning under [RCW 36.70A.040](#). ([RCW 36.70A.070\(9\)\(c\)](#))

According to [MRSC](#), the GHG emissions reduction subelement is mandatory for approximately 11 of the state's most populous and fastest-growing counties and their cities over 6,000 population. The resiliency subelement is mandatory for all fully planning jurisdictions.

Implementation Timeline

Jurisdictions required to include the climate element and also required to update their comprehensive plan by December 31, 2024 (King, Kitsap, Pierce, Snohomish counties) must incorporate the climate element as part of their **first implementation progress report** required by [RCW 36.70A.130\(9\)](#), if funds are appropriated and distributed by December 31, 2027, as required under RCW 36.70A.070(10). ([RCW 36.70A.130\(10\)](#))

For all other fully planning jurisdictions, the climate element (at minimum the resiliency subelement) must be adopted as part of their next periodic update. ([Commerce Climate Planning](#))

Commerce Approval Process for GHG Subelement

Jurisdictions may voluntarily request Commerce approval of their GHG emissions reduction subelement. If approved, Commerce would defend its decision before the Growth Management Hearings Board if appealed. The process involves ([Commerce Climate Planning](#)):

1. **Notice of intent (NOI):** 120 days before local adoption
2. **Application submission:** Within 10 days after local adoption
3. **Commerce decision:** Within 180 days of receipt

State Guidance

- Commerce published [intermediate climate planning guidance](#) in January 2024, with early guidance issued in June 2023
- Commerce is conducting rulemaking to address requirements for the climate element, including the resilience subelement and GHG reduction subelement
- Climate support is funded through Washington's Climate Commitment Act
- A climate element can be a single comprehensive plan chapter or integrated into several elements (housing, transportation, land use)

Sources: [Commerce Climate Planning](#); [Commerce Rulemaking Notice](#); [Commerce Intermediate Climate Guidance](#)

Land Use Element Amendments

HB 1181 also amended the land use element ([RCW 36.70A.070\(1\)](#)) to require:

- **Environmental justice:** The land use element must give special consideration to achieving environmental justice in its goals and policies, including efforts to avoid creating or worsening environmental health disparities

- **VMT reduction:** The land use element should consider urban planning approaches that promote physical activity and reduce per capita vehicle miles traveled, without increasing GHG emissions elsewhere in the state
- **Stormwater:** The land use element shall review drainage, flooding, and stormwater runoff and provide guidance for corrective actions to mitigate or cleanse discharges that pollute waters of the state
- **Wildfire:** The land use element must reduce and mitigate wildfire risk using land use planning tools, which may include the Wildland Urban Interface Code, Firewise USA standards, or similar programs

Source: [RCW 36.70A.070\(1\)](#)

Topic 3: Critical Area Ordinance (CAO) Protections

3A. Critical Areas Requirements Under the GMA

What Changed

The core CAO requirements have been in place since the GMA's original enactment in 1990, but they are reviewed and potentially revised during each periodic update cycle. The most significant recent change is the integration of CAO review with the new housing density mandates (HB 1110 explicitly applies the same critical areas regulations to middle housing as to single-family residences) and the climate resiliency requirements (HB 1181 requires addressing natural hazards created or aggravated by climate change, which overlap with geologically hazardous areas and frequently flooded areas).

Statutory Hooks — Critical Areas Definitions

"Critical areas" are defined in [RCW 36.70A.030\(12\)](#) and include:

1. **Wetlands**
2. **Areas with a critical recharging effect on aquifers used for potable water** (critical aquifer recharge areas)
3. **Fish and wildlife habitat conservation areas** (does not include artificial features such as irrigation delivery systems, irrigation canals, or drainage ditches maintained by a port district or irrigation district/company)
4. **Frequently flooded areas**
5. **Geologically hazardous areas**

Source: [RCW 36.70A.030\(12\)](#)

CAO Development Regulation Requirements

Each county required or choosing to plan under the GMA, and each city within such county, must adopt development regulations to protect critical areas ([RCW 36.70A.060\(2\)](#)):

- Designate and protect critical areas per [RCW 36.70A.170](#)
- Include the **best available science (BAS)** in developing policies and development regulations to protect the functions and values of critical areas
- Give **special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries**

Source: [RCW 36.70A.172\(1\)](#)

Best Available Science (BAS) Requirements

[RCW 36.70A.172\(1\)](#) requires that “in designating and protecting critical areas under this chapter, counties and cities shall include the best available science in developing policies and development regulations to protect the functions and values of critical areas.” In addition, counties and cities “shall give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries.”

The Growth Management Hearings Board may retain scientific or other expert advice to assist in reviewing petitions involving critical areas ([RCW 36.70A.172\(2\)](#)).

Periodic Review of CAOs

The periodic review and evaluation of comprehensive plans and development regulations **must include consideration of critical area ordinances** ([RCW 36.70A.130\(1\)\(d\)](#)). This means that each time a jurisdiction undergoes a periodic update, it must review its CAO for compliance with current GMA requirements, including BAS.

For jurisdictions that have opted into the VSP (Voluntary Stewardship Program) under [RCW 36.70A.710](#), special rules apply to critical areas regulations as they apply to agricultural activities in participating watersheds ([RCW 36.70A.130\(8\)](#)).

State Guidelines — Best Available Science (WAC 365-195-905)

The Washington Administrative Code provides detailed guidance on how counties and cities must apply the best available science requirement. [WAC 365-195-905](#) establishes assessment criteria for determining whether information constitutes “best available science” and applies to both critical areas and climate resiliency policies and regulations.

Key requirements under WAC 365-195-905:

- Counties and cities **must conduct a best available science review** when updating climate resiliency and critical area regulations. The complexity of the review should reflect the scope of the amendment.
- When feasible, counties and cities should **consult with a qualified scientific expert or team of experts** to identify scientific information, determine the best available science, and assess its applicability.
- A qualified scientific expert is determined by professional credentials, degrees, years of experience, recognized leadership, formal training, and field or laboratory experience with peer-reviewed publications.

- Counties and cities **must weigh scientific information in the record based on its scientific validity**, considering characteristics of a valid scientific process including: peer review, clearly stated and replicable methods, logical conclusions and reasonable inferences, appropriate quantitative analysis, proper context, and well-referenced citations.
- The department (Commerce) will work with state agencies to identify resources that meet the criteria for best available science.

Source: [WAC 365-195-905](#)

Interaction with Middle Housing (HB 1110)

Under HB 1110, cities must apply **the same critical areas regulations** to middle housing as to detached single-family residences ([HB 1110 Bill Report](#)). Additionally, the 75%/25% alternative density option explicitly allows exclusion of lots with critical areas or their buffers from the middle housing density requirements ([RCW 36.70A.635\(4\)\(b\)](#)).

Until June 30, 2026, for cities subject to growth targets that limit maximum residential capacity, additional residential capacity required by HB 1110 for lots with critical areas or critical area buffers **may not be considered an inconsistency** with countywide or multicounty planning policies or growth targets ([RCW 36.70A.635\(13\)](#)).

Interaction with Climate Resiliency (HB 1181)

The resiliency subelement must address natural hazards created or aggravated by climate change, which overlap with several critical area categories:

- **Sea level rise** — intersects with frequently flooded areas and geologically hazardous areas
- **Landslides** — intersects with geologically hazardous areas
- **Flooding** — intersects with frequently flooded areas
- **Wildfire** — intersects with geologically hazardous areas
- **Drought** — intersects with critical aquifer recharge areas

The resiliency subelement must also identify, protect, and enhance natural areas to foster resiliency, which overlaps with fish and wildlife habitat conservation areas ([RCW 36.70A.070\(9\)\(e\)](#)).

Topic 4: Shoreline Master Program (SMP) Intersection

4A. GMA-SMA Integration — RCW 36.70A.480

Statutory Framework

The relationship between the GMA and the Shoreline Management Act (SMA, RCW 90.58) is governed by [RCW 36.70A.480](#):

- (1) The goals and policies of the SMA (RCW 90.58.020) are added as one of the goals of the GMA **without creating an order of priority** among the 15 goals. The goals and policies of an SMP are considered **an element of the comprehensive plan**. All other portions of the SMP (including use regulations) are considered **part of the development regulations**.
- (2) The SMP shall be adopted pursuant to the procedures of chapter 90.58 RCW (SMA) rather than the GMA procedures for comprehensive plans or development regulations.
- (3)(a) The policies, goals, and provisions of chapter 90.58 RCW and applicable guidelines shall be the **sole basis for determining compliance** of an SMP with the GMA, except for internal consistency requirements.
- (3)(b) Development regulations adopted under the GMA to protect critical areas within shorelines of the state **apply within shorelines** until Ecology approves a comprehensive master program update, a critical area segment update, or a new/amended master program approved on or after March 1, 2002.
- (3)(d) Upon Ecology approval of an SMP or critical area segment, critical areas within shorelines of the state are protected under **chapter 90.58 RCW (SMA)** and are **not subject to the procedural and substantive requirements of the GMA**, except as provided in subsection (6).
- (3)(e) [RCW 36.70A.172](#) (BAS requirements) **shall not apply** to the adoption or amendment of an SMP, and shall not be used to determine SMP compliance with the SMA. However, this does not limit the quality of information applied in protecting critical areas within shorelines, as required by the SMA and Ecology guidelines.
- (4) SMPs shall provide a level of protection to critical areas within shorelines that assures **no net loss of shoreline ecological functions** necessary to sustain shoreline natural resources, as defined by Ecology guidelines adopted pursuant to [RCW 90.58.060](#).
- (5) Shorelines of the state shall not be considered critical areas under the GMA except to the extent that specific areas within shorelines qualify for critical area designation based on the definition in [RCW 36.70A.030\(12\)](#) and have been designated as such.

Source: [RCW 36.70A.480](#)

Key Implications for Local Planning

1. **Dual jurisdiction:** Critical areas within shorelines are regulated under the SMA (not the GMA CAO) once Ecology has approved the SMP. However, GMA CAO regulations apply as an interim measure until SMP approval.
2. **No net loss standard:** SMPs must achieve no net loss of shoreline ecological functions. This standard is designed to halt the introduction of new impacts from new development. Both protection and restoration are needed. ([Ecology No Net Loss Guidance, Chapter 4](#))
3. **BAS does not apply to SMPs:** The GMA's best available science requirement does not apply to SMP adoption or amendment. However, the SMA requires a high quality of information for protecting critical areas within shorelines.
4. **Internal consistency:** SMPs must comply with the internal consistency provisions of [RCW 36.70A.070](#), [RCW 36.70A.040\(4\)](#), and related provisions.
5. **No net loss and redevelopment:** A use or structure legally located within shorelines may be redeveloped or modified if it is consistent with the SMP and the local government determines the redevelopment will result in **no net loss of shoreline ecological functions** ([RCW 36.70A.480\(3\)\(c\)](#)).

Topic 5: Comprehensive Plan Integration

Periodic Update Schedule

Counties and cities must review and, if needed, revise their comprehensive plans and development regulations on the following schedule ([RCW 36.70A.130\(5\)](#)):

Group	Deadline	Subsequent Review
King, Kitsap, Pierce, Snohomish	December 31, 2024	June 30, 2034, then every 10 years
Clallam, Clark, Island, Jefferson, Lewis, Mason, San Juan, Skagit, Thurston, Whatcom	December 31, 2025	June 30, 2035, then every 10 years
Benton, Chelan, Cowlitz, Douglas, Franklin, Kittitas, Skamania, Spokane, Walla Walla, Yakima	December 31, 2026	June 30, 2036, then every 10 years

Group	Deadline	Subsequent Review
Adams, Asotin, Columbia, Ferry, Garfield, Grant, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Whitman	June 30, 2027	Every 10 years thereafter

Source: [RCW 36.70A.130\(5\)](#)

Implementation Progress Reports

Counties meeting certain population criteria (population density ≥ 100 /sq mi AND population $\geq 200,000$; OR population density ≥ 75 /sq mi AND annual growth rate $\geq 1.75\%$) and cities with population $>6,000$ within those counties must submit an **implementation progress report** five years after their periodic update ([RCW 36.70A.130\(9\)](#)). The report must cover:

1. Implementation of housing element changes and effects on affordability and availability
2. Permit processing timelines
3. Progress toward GHG and VMT reduction requirements

Required Comprehensive Plan Elements

As currently amended, comprehensive plans must include ([RCW 36.70A.070](#)):

1. **Land use element** (with environmental justice, VMT, stormwater, and wildfire provisions)
 2. **Housing element** (with racially disparate impacts, displacement, emergency housing, and antidisplacement policies)
 3. **Capital facilities element**
 4. **Utilities element**
 5. **Rural element** (counties only)
 6. **Transportation element** (with multimodal LOS, active transportation, and climate considerations)
 7. **Economic development element**
 8. **Park and recreation element**
 9. **Climate change and resiliency element** (new — GHG reduction subelement + resiliency subelement)
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Public Comment Prompts and Citation Language

Housing Density — Sample Comment Language

The City's proposed comprehensive plan update must comply with the middle housing density mandates established in [RCW 36.70A.635](#), enacted through E2SHB 1110 (Chapter 332, Laws of 2023). As a city with a population of [insert population], the City is required to authorize development of at least [insert number] units per lot on all lots zoned predominantly for residential use. The City's proposed development regulations must not apply standards to middle housing that are more restrictive than those for detached single-family residences, and must adopt objective development and design standards as required by statute. The housing element must also address racially disparate impacts and displacement risk pursuant to [RCW 36.70A.070\(2\)\(e\)-\(h\)](#), as amended by HB 1220 (2021).

ADUs — Sample Comment Language

Pursuant to HB 1337 (Chapter 334, Laws of 2023), codified in [RCW 36.70A.680](#) and [RCW 36.70A.681](#), the City must adopt or amend ordinances incorporating the accessory dwelling unit requirements to take effect at the same time as its next periodic comprehensive plan update. The City's proposed ADU regulations must comply with all mandatory requirements, including permitting detached ADUs, allowing at least two ADUs on all lots in single-family zoning districts within urban growth areas, not establishing a maximum gross floor area requirement of less than 1,000 square feet, and not imposing setback or design review requirements more restrictive than those for principal units. The ADU requirements do not apply to lots designated with critical areas or their buffers per [RCW 36.70A.681\(4\)](#).

Climate Change — Sample Comment Language

Pursuant to [RCW 36.70A.070\(9\)](#), enacted through E2SHB 1181 (Chapter 228, Laws of 2023), the comprehensive plan must include a climate change and resiliency element. The resiliency subelement, which is mandatory for all jurisdictions fully planning under [RCW 36.70A.040](#), must address natural hazards created or aggravated by climate change, including sea level rise, landslides, flooding, drought, heat, smoke, and wildfire ([RCW 36.70A.070\(9\)\(e\)\(i\)\(C\)](#)). The plan must prioritize actions that benefit overburdened communities and must be consistent with best available science. The land use element must also give special consideration to achieving environmental justice and reducing per capita vehicle miles traveled ([RCW 36.70A.070\(1\)](#)).

Critical Areas — Sample Comment Language

Pursuant to [RCW 36.70A.060\(2\)](#) and [RCW 36.70A.172\(1\)](#), the City's critical area regulations must include the best available science in developing policies and development regulations to protect the functions and values of critical areas, and must give special consideration to conservation measures necessary to preserve or enhance anadromous fisheries. The periodic review required by [RCW 36.70A.130\(1\)\(d\)](#) must include consideration of the critical area ordinance. Critical areas are defined in [RCW 36.70A.030\(12\)](#) as wetlands, critical aquifer recharge areas, fish and wildlife habitat conservation areas, frequently flooded areas, and geologically hazardous areas. The

City's middle housing regulations must apply the same critical areas regulations to middle housing as to detached single-family residences, as required by [RCW 36.70A.635](#). The ADU requirements do not apply to lots designated with critical areas or their buffers per [RCW 36.70A.681\(4\)](#).

Shoreline Master Program — Sample Comment Language

Pursuant to [RCW 36.70A.480\(4\)](#), the Shoreline Master Program must provide a level of protection to critical areas within shorelines that assures no net loss of shoreline ecological functions necessary to sustain shoreline natural resources. While [RCW 36.70A.172](#) (best available science) does not apply to SMP adoption, the SMP must still apply a high quality of information in protecting critical areas within shorelines, as required by chapter 90.58 RCW and applicable Ecology guidelines. The SMP's goals and policies are an element of the comprehensive plan, and the use regulations are part of the development regulations, ensuring internal consistency with the comprehensive plan under [RCW 36.70A.070](#).

Source List

Primary Statutory Sources (Washington Legislature)

- [RCW 36.70A.020 — GMA Planning Goals](#)
- [RCW 36.70A.030 — Definitions](#)
- [RCW 36.70A.060 — Natural resource lands and critical areas development regulations](#)
- [RCW 36.70A.070 — Comprehensive plans, mandatory elements](#)
- [RCW 36.70A.095 — Climate change and resiliency element, affected counties](#)
- [RCW 36.70A.130 — Periodic review and update requirements](#)
- [RCW 36.70A.172 — Best available science](#)
- [RCW 36.70A.480 — Shorelines of the state](#)
- [RCW 36.70A.635 — Middle housing density requirements](#)
- [RCW 36.70A.636 — Model middle housing ordinances](#)
- [RCW 36.70A.637 — Extension for displacement risk](#)
- [RCW 36.70A.638 — Extension for lack of infrastructure capacity](#)
- [RCW 36.70A.680 — Accessory dwelling units](#)
- [RCW 36.70A.681 — ADU requirements and policies](#)

Bill Reports and Session Law (Washington Legislature)

- [HB 1110 Bill Report \(2023\)](#)
- [HB 1181 Bill Analysis \(2023\)](#)
- [HB 1220 Bill Report \(2021\)](#)
- [RCW 36.70A.680 — ADU statutory text \(includes legislative findings\)](#)
- [RCW 36.70A.681 — ADU requirements](#)

State Agency Guidance

- [Commerce — Climate Planning](#)
- [Commerce — Periodic Update](#)
- [Commerce — Housing Planning](#)
- [Commerce — Planners' Newsletter, May 2025 \(Legislative Update\)](#)
- [Commerce — Planners' Newsletter, October 2025](#)
- [Commerce — Intermediate Climate Guidance \(January 2024\)](#)
- [Commerce — Rulemaking Notice: GMA Climate Element](#)
- [Commerce — Planners' Newsletter: Legislative Update 2026](#)
- [Ecology — No Net Loss of Shoreline Ecological Functions, Chapter 4](#)
- [WAC 365-195-905 — Best Available Science Assessment Criteria](#)

Explanatory Sources

- [MRSC — New Legislation Related to Climate and the Natural Environment \(July 2023\)](#)
 - [MRSC — Expanded Housing Options for Counties \(May 2026\)](#)
 - [HB 1181 Session Law \(Chapter 228, Laws of 2023\)](#)
 - [HB 1181 Bill Summary \(app.leg.wa.gov\)](#)
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Key Caveats

1. **Applicability varies by jurisdiction.** Middle housing density requirements vary by city population and location. The GHG emissions reduction subelement applies only to qualifying counties and cities. Verify your jurisdiction's specific obligations using Commerce's [Housing Planning Requirements Tool](#).
2. **Deadlines are staggered.** Periodic update deadlines range from December 31, 2024 to June 30, 2027 depending on county. Middle housing and ADU compliance deadlines are aligned with the periodic update schedule (as amended by the 2025 legislature).
3. **2025 amendments changed some deadlines.** The 2025 legislature amended middle housing (RCW 36.70A.635), ADU, and design review adoption dates to align with comprehensive plan updates for 2025-2027 jurisdictions. Verify current deadlines with Commerce guidance.
4. **SMP and GMA CAO are distinct regimes.** Critical areas within shorelines are regulated under the SMA (chapter 90.58 RCW) once Ecology approves the SMP, not under the GMA CAO. The BAS requirement does not apply to SMPs, but the no net loss standard applies.
5. **Climate element timing for 2024 group.** For jurisdictions with December 31, 2024 periodic update deadlines, the climate element must be incorporated as part of the first implementation progress report (approximately 2029), if funds are appropriated by December 31, 2027. Other jurisdictions must adopt as part of their periodic update.

6. **Not legal advice.** This toolkit is a policy reference for public comment preparation. Consult your jurisdiction's legal counsel and Commerce guidance for compliance strategy.