

Proposed Substitute House Bill 1241

H-0771.1/21

By Representative Pollet

Brief summary of original version of HB

- Increases review and revision cycle for comprehensive plans and Shoreline Master Plans from eight to 10 years.
- Requires cities and counties with more than 7,500 population to produce an annual work program for implementing the comprehensive plan.
- Requires counties and cities to submit an implementation progress report with certain required information to the Department of Commerce five years after reviewing and revising a comprehensive plan.

Amendment makes the following changes to the original bill:

- Defines "tribe" and "tribal government".
- Requires counties, cities, and other local governments to consult with tribes during the planning processes under the Growth Management Act upon receipt of notice from the tribes that they are planning or would like to plan.
- Requires cities to collaborate with tribes on the port container element of the comprehensive plan.
- Allows tribes to request and receive notice of planning by counties and cities from the Department of Commerce.
- Requires cities and counties to coordinate planning efforts for urban growth when a tribe voluntarily chooses to participate in the planning process under the Growth Management Act.
- Provides that a federally recognized tribe may request consultation with the Department of Commerce regarding the tribe's concern that a proposed plan or amendment may injure rights reserved to the tribes.

BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: H-0771.1/21

ATTY/TYPIST: RB:akl

BRIEF DESCRIPTION: Planning under the growth management act.

1 AN ACT Relating to planning under the growth management act;
2 amending RCW 90.58.080, 90.58.080, 36.70A.030, 36.70A.040,
3 36.70A.080, 36.70A.106, 36.70A.110, 36.70A.190, and 36.70A.210;
4 reenacting and amending RCW 36.70A.130; providing an effective date;
5 and providing an expiration date.

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

7 **Sec. 1.** RCW 36.70A.130 and 2020 c 113 s 1 and 2020 c 20 s 1026
8 are each reenacted and amended to read as follows:

9 (1)(a) Each comprehensive land use plan and development
10 regulations shall be subject to continuing review and evaluation by
11 the county or city that adopted them. Except as otherwise provided, a
12 county or city shall take legislative action to review and, if
13 needed, revise its comprehensive land use plan and development
14 regulations to ensure the plan and regulations comply with the
15 requirements of this chapter according to the deadlines in
16 subsections (4) and (5) of this section.

17 (b) Except as otherwise provided, a county or city not planning
18 under RCW 36.70A.040 shall take action to review and, if needed,
19 revise its policies and development regulations regarding critical
20 areas and natural resource lands adopted according to this chapter to
21 ensure these policies and regulations comply with the requirements of

1 this chapter according to the deadlines in subsections (4) and (5) of
2 this section. Legislative action means the adoption of a resolution
3 or ordinance following notice and a public hearing indicating at a
4 minimum, a finding that a review and evaluation has occurred and
5 identifying the revisions made, or that a revision was not needed and
6 the reasons therefor.

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

12 (d) Any amendment of or revision to a comprehensive land use plan
13 shall conform to this chapter. Any amendment of or revision to
14 development regulations shall be consistent with and implement the
15 comprehensive plan.

16 (2)(a) Each county and city shall establish and broadly
17 disseminate to the public a public participation program consistent
18 with RCW 36.70A.035 and 36.70A.140 that identifies procedures and
19 schedules whereby updates, proposed amendments, or revisions of the
20 comprehensive plan are considered by the governing body of the county
21 or city no more frequently than once every year. "Updates" means to
22 review and revise, if needed, according to subsection (1) of this
23 section, and the deadlines in subsections (4) and (5) of this section
24 or in accordance with the provisions of subsection (6) of this
25 section. Amendments may be considered more frequently than once per
26 year under the following circumstances:

27 (i) The initial adoption of a subarea plan. Subarea plans adopted
28 under this subsection (2)(a)(i) must clarify, supplement, or
29 implement jurisdiction-wide comprehensive plan policies, and may only
30 be adopted if the cumulative impacts of the proposed plan are
31 addressed by appropriate environmental review under chapter 43.21C
32 RCW;

33 (ii) The development of an initial subarea plan for economic
34 development located outside of the one hundred year floodplain in a
35 county that has completed a state-funded pilot project that is based
36 on watershed characterization and local habitat assessment;

37 (iii) The adoption or amendment of a shoreline master program
38 under the procedures set forth in chapter 90.58 RCW;

1 (iv) The amendment of the capital facilities element of a
2 comprehensive plan that occurs concurrently with the adoption or
3 amendment of a county or city budget; or

4 (v) The adoption of comprehensive plan amendments necessary to
5 enact a planned action under RCW 43.21C.440, provided that amendments
6 are considered in accordance with the public participation program
7 established by the county or city under this subsection (2)(a) and
8 all persons who have requested notice of a comprehensive plan update
9 are given notice of the amendments and an opportunity to comment.

10 (b) Except as otherwise provided in (a) of this subsection, all
11 proposals shall be considered by the governing body concurrently so
12 the cumulative effect of the various proposals can be ascertained.
13 However, after appropriate public participation a county or city may
14 adopt amendments or revisions to its comprehensive plan that conform
15 with this chapter whenever an emergency exists or to resolve an
16 appeal of a comprehensive plan filed with the growth management
17 hearings board or with the court.

18 (3)(a) Each county that designates urban growth areas under RCW
19 36.70A.110 shall review, according to the schedules established in
20 subsections (4) and (5) of this section, its designated urban growth
21 area or areas, and the densities permitted within both the
22 incorporated and unincorporated portions of each urban growth area.
23 In conjunction with this review by the county, each city located
24 within an urban growth area shall review the densities permitted
25 within its boundaries, and the extent to which the urban growth
26 occurring within the county has located within each city and the
27 unincorporated portions of the urban growth areas.

28 (b) The county comprehensive plan designating urban growth areas,
29 and the densities permitted in the urban growth areas by the
30 comprehensive plans of the county and each city located within the
31 urban growth areas, shall be revised to accommodate the urban growth
32 projected to occur in the county for the succeeding twenty-year
33 period. The review required by this subsection may be combined with
34 the review and evaluation required by RCW 36.70A.215.

35 (4) Except as otherwise provided in subsections (6) and (8) of
36 this section, counties and cities shall take action to review and, if
37 needed, revise their comprehensive plans and development regulations
38 to ensure the plan and regulations comply with the requirements of
39 this chapter as follows:

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

3 (b) On or before June 30, 2016, for Clallam, Clark, Island,
4 Jefferson, Kitsap, Mason, San Juan, Skagit, Thurston, and Whatcom
5 counties and the cities within those counties;

6 (c) On or before June 30, 2017, for Benton, Chelan, Cowlitz,
7 Douglas, Kittitas, Lewis, Skamania, Spokane, and Yakima counties and
8 the cities within those counties; and

9 (d) On or before June 30, 2018, for Adams, Asotin, Columbia,
10 Ferry, Franklin, Garfield, Grant, Grays Harbor, Klickitat, Lincoln,
11 Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and
12 Whitman counties and the cities within those counties.

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

20 ~~((a))~~ (i) On or before June 30, 2024, and every ~~((eight))~~ ten
21 years thereafter, for King, Kitsap, Pierce, and Snohomish counties
22 and the cities within those counties;

23 ~~((b))~~ (ii) On or before June 30, 2025, and every ~~((eight))~~ ten
24 years thereafter, for Clallam, Clark, Island, Jefferson, Lewis,
25 Mason, San Juan, Skagit, Thurston, and Whatcom counties and the
26 cities within those counties;

27 ~~((c))~~ (iii) On or before June 30, 2026, and every ~~((eight))~~ ten
28 years thereafter, for Benton, Chelan, Cowlitz, Douglas, Franklin,
29 Kittitas, Skamania, Spokane, Walla Walla, and Yakima counties and the
30 cities within those counties; and

31 ~~((d))~~ (iv) On or before June 30, 2027, and every ~~((eight))~~ ten
32 years thereafter, for Adams, Asotin, Columbia, Ferry, Garfield,
33 Grant, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend
34 Oreille, Stevens, Wahkiakum, and Whitman counties and the cities
35 within those counties.

36 (b) By no later than December 31st of the year following adoption
37 of a comprehensive plan after January 1, 2024, and annually
38 thereafter, each county and city planning under RCW 36.70A.040 with a
39 population of 7,500 or more shall create an annual work program for
40 implementing its comprehensive plan. The work program shall describe

1 the development regulations and nonregulatory measures, including
2 actions for acquiring and spending money in support of the work
3 program, which are to be considered in the upcoming year, as well as
4 those measures and actions which were considered and acted upon in
5 the current year-to-date.

6 (6) (a) Nothing in this section precludes a county or city from
7 conducting the review and evaluation required by this section before
8 the deadlines established in subsections (4) and (5) of this section.
9 Counties and cities may begin this process early and may be eligible
10 for grants from the department, subject to available funding, if they
11 elect to do so.

12 (b) A county that is subject to a deadline established in
13 subsection (5) (a) (~~((ii) through (iv) [(b) through (d)]~~) of this
14 section and meets the following criteria may comply with the
15 requirements of this section at any time within the twenty-four
16 months following the deadline established in subsection (5) of this
17 section: The county has a population of less than fifty thousand and
18 has had its population increase by no more than seventeen percent in
19 the ten years preceding the deadline established in subsection (5) of
20 this section as of that date.

21 (c) A city that is subject to a deadline established in
22 subsection (5) (a) (~~((ii) through (iv) [(b) through (d)]~~) of this
23 section and meets the following criteria may comply with the
24 requirements of this section at any time within the twenty-four
25 months following the deadline established in subsection (5) of this
26 section: The city has a population of no more than five thousand and
27 has had its population increase by the greater of either no more than
28 one hundred persons or no more than seventeen percent in the ten
29 years preceding the deadline established in subsection (5) of this
30 section as of that date.

31 (d) State agencies are encouraged to provide technical assistance
32 to the counties and cities in the review of critical area ordinances,
33 comprehensive plans, and development regulations.

34 (7) (a) The requirements imposed on counties and cities under this
35 section shall be considered "requirements of this chapter" under the
36 terms of RCW 36.70A.040(1). Only those counties and cities that meet
37 the following criteria may receive grants, loans, pledges, or
38 financial guarantees under chapter 43.155 or 70A.135 RCW:

39 (i) Complying with the deadlines in this section; or

1 (ii) Demonstrating substantial progress towards compliance with
2 the schedules in this section for development regulations that
3 protect critical areas.

4 (b) A county or city that is fewer than twelve months out of
5 compliance with the schedules in this section for development
6 regulations that protect critical areas is making substantial
7 progress towards compliance. Only those counties and cities in
8 compliance with the schedules in this section may receive preference
9 for grants or loans subject to the provisions of RCW 43.17.250.

10 (8)(a) Except as otherwise provided in (c) of this subsection, if
11 a participating watershed is achieving benchmarks and goals for the
12 protection of critical areas functions and values, the county is not
13 required to update development regulations to protect critical areas
14 as they specifically apply to agricultural activities in that
15 watershed.

16 (b) A county that has made the election under RCW 36.70A.710(1)
17 may only adopt or amend development regulations to protect critical
18 areas as they specifically apply to agricultural activities in a
19 participating watershed if:

20 (i) A work plan has been approved for that watershed in
21 accordance with RCW 36.70A.725;

22 (ii) The local watershed group for that watershed has requested
23 the county to adopt or amend development regulations as part of a
24 work plan developed under RCW 36.70A.720;

25 (iii) The adoption or amendment of the development regulations is
26 necessary to enable the county to respond to an order of the growth
27 management hearings board or court;

28 (iv) The adoption or amendment of development regulations is
29 necessary to address a threat to human health or safety; or

30 (v) Three or more years have elapsed since the receipt of
31 funding.

32 (c) Beginning ten years from the date of receipt of funding, a
33 county that has made the election under RCW 36.70A.710(1) must review
34 and, if necessary, revise development regulations to protect critical
35 areas as they specifically apply to agricultural activities in a
36 participating watershed in accordance with the review and revision
37 requirements and timeline in subsection (5) of this section. This
38 subsection (8)(c) does not apply to a participating watershed that
39 has determined under RCW 36.70A.720(2)(c)(ii) that the watershed's
40 goals and benchmarks for protection have been met.

1 (9) (a) Counties subject to planning deadlines established in
2 subsection (5) (a) and (b) of this section, and cities within those
3 counties, must provide to the department an implementation progress
4 report detailing the progress they have achieved in implementing
5 their comprehensive plan five years after the review and revision of
6 their comprehensive plan.

7 (b) The department shall adopt rules for indicators, measures,
8 milestones, and criteria for use by counties and cities in the
9 implementation progress report. At a minimum, these indicators,
10 measures, milestones, and criteria must cover:

11 (i) Housing affordability and availability within the
12 jurisdiction;

13 (ii) Permit processing timelines;

14 (iii) The protection of critical areas and the use of best
15 available science;

16 (iv) The jurisdiction's response to new statutory changes adopted
17 since the previous comprehensive plan update; and

18 (v) Achieving any required reductions to meet greenhouse gas
19 reduction and vehicle miles traveled requirements.

20 (c) Counties and cities subject to the review and evaluation
21 program requirements in RCW 36.70A.215 must include in the
22 implementation progress report an identification of inconsistencies
23 found during the review and evaluation between what has occurred
24 since the adoption of the countywide planning policies and the county
25 and city comprehensive plans and development regulations and what was
26 envisioned in those policies and plans and the planning goals and the
27 requirements of this chapter.

28 (d) If a city or county has not implemented statutory changes
29 adopted since the most recent periodic update in their comprehensive
30 plan or development regulations by the due date for the
31 implementation progress report, the city or county must identify the
32 need for such changes in the implementation progress report, and must
33 include necessary changes in the implementation work program required
34 under this section. Cities and counties must then adopt any necessary
35 changes within two years of submission for the implementation
36 progress report.

37 **Sec. 2.** RCW 90.58.080 and 2011 c 353 s 13 are each amended to
38 read as follows:

1 (1) Local governments shall develop or amend a master program for
2 regulation of uses of the shorelines of the state consistent with the
3 required elements of the guidelines adopted by the department in
4 accordance with the schedule established by this section.

5 (2)(a) Subject to the provisions of subsections (5) and (6) of
6 this section, each local government subject to this chapter shall
7 develop or amend its master program for the regulation of uses of
8 shorelines within its jurisdiction according to the following
9 schedule:

10 (i) On or before December 1, 2005, for the city of Port Townsend,
11 the city of Bellingham, the city of Everett, Snohomish county, and
12 Whatcom county;

13 (ii) On or before December 1, 2009, for King county and the
14 cities within King county greater in population than ten thousand;

15 (iii) Except as provided by (a)(i) and (ii) of this subsection,
16 on or before December 1, 2011, for Clallam, Clark, Jefferson, King,
17 Kitsap, Pierce, Snohomish, Thurston, and Whatcom counties and the
18 cities within those counties;

19 (iv) On or before December 1, 2012, for Cowlitz, Island, Lewis,
20 Mason, San Juan, Skagit, and Skamania counties and the cities within
21 those counties;

22 (v) On or before December 1, 2013, for Benton, Chelan, Douglas,
23 Grant, Kittitas, Spokane, and Yakima counties and the cities within
24 those counties; and

25 (vi) On or before December 1, 2014, for Adams, Asotin, Columbia,
26 Ferry, Franklin, Garfield, Grays Harbor, Klickitat, Lincoln,
27 Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and
28 Whitman counties and the cities within those counties.

29 (b) Nothing in this subsection (2) shall preclude a local
30 government from developing or amending its master program prior to
31 the dates established by this subsection (2).

32 (3)(a) Following approval by the department of a new or amended
33 master program, local governments required to develop or amend master
34 programs on or before December 1, 2009, as provided by subsection
35 (2)(a)(i) and (ii) of this section, shall be deemed to have complied
36 with the schedule established by subsection (2)(a)(iii) of this
37 section and shall not be required to complete master program
38 amendments until the applicable dates established by subsection
39 (4)(b) of this section. Any jurisdiction listed in subsection
40 (2)(a)(i) of this section that has a new or amended master program

1 approved by the department on or after March 1, 2002, but before July
2 27, 2003, shall not be required to complete master program amendments
3 until the applicable date provided by subsection (4)(b) of this
4 section.

5 (b) Following approval by the department of a new or amended
6 master program, local governments choosing to develop or amend master
7 programs on or before December 1, 2009, shall be deemed to have
8 complied with the schedule established by subsection (2)(a)(iii)
9 through (vi) of this section and shall not be required to complete
10 master program amendments until the applicable dates established by
11 subsection (4)(b) of this section.

12 (4)(a) Following the updates required by subsection (2) of this
13 section, local governments shall conduct a review of their master
14 programs at least once every (~~eight~~) ten years as required by (b)
15 of this subsection. Following the review required by this subsection
16 (4), local governments shall, if necessary, revise their master
17 programs. The purpose of the review is:

18 (i) To assure that the master program complies with applicable
19 law and guidelines in effect at the time of the review; and

20 (ii) To assure consistency of the master program with the local
21 government's comprehensive plan and development regulations adopted
22 under chapter 36.70A RCW, if applicable, and other local
23 requirements.

24 (b) Counties and cities shall take action to review and, if
25 necessary, revise their master programs as required by (a) of this
26 subsection as follows:

27 (i) On or before June 30, 2019, and every (~~eight~~) ten years
28 thereafter, for King, Pierce, and Snohomish counties and the cities
29 within those counties;

30 (ii) On or before June 30, 2020, and every (~~eight~~) ten years
31 thereafter, for Clallam, Clark, Island, Jefferson, Kitsap, Mason, San
32 Juan, Skagit, Thurston, and Whatcom counties and the cities within
33 those counties;

34 (iii) On or before June 30, 2021, and every (~~eight~~) ten years
35 thereafter, for Benton, Chelan, Cowlitz, Douglas, (~~Grant,~~)
36 Kittitas, Lewis, Skamania, Spokane, and Yakima counties and the
37 cities within those counties; and

38 (iv) On or before June 30, 2022, and every (~~eight~~) ten years
39 thereafter, for Adams, Asotin, Columbia, Ferry, Franklin, Garfield,
40 Grant, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend

1 Oreille, Stevens, Wahkiakum, Walla Walla, and Whitman counties and
2 the cities within those counties.

3 (5) In meeting the update requirements of subsection (2) of this
4 section, local governments are encouraged to begin the process of
5 developing or amending their master programs early and are eligible
6 for grants from the department as provided by RCW 90.58.250, subject
7 to available funding. Except for those local governments listed in
8 subsection (2)(a)(i) and (ii) of this section, the deadline for
9 completion of the new or amended master programs shall be two years
10 after the date the grant is approved by the department. Subsequent
11 master program review dates shall not be altered by the provisions of
12 this subsection.

13 (6) In meeting the update requirements of subsection (2) of this
14 section, the following shall apply:

15 (a) Grants to local governments for developing and amending
16 master programs pursuant to the schedule established by this section
17 shall be provided at least two years before the adoption dates
18 specified in subsection (2) of this section. To the extent possible,
19 the department shall allocate grants within the amount appropriated
20 for such purposes to provide reasonable and adequate funding to local
21 governments that have indicated their intent to develop or amend
22 master programs during the biennium according to the schedule
23 established by subsection (2) of this section. Any local government
24 that applies for but does not receive funding to comply with the
25 provisions of subsection (2) of this section may delay the
26 development or amendment of its master program until the following
27 biennium.

28 (b) Local governments with delayed compliance dates as provided
29 in (a) of this subsection shall be the first priority for funding in
30 subsequent biennia, and the development or amendment compliance
31 deadline for those local governments shall be two years after the
32 date of grant approval.

33 (c) Failure of the local government to apply in a timely manner
34 for a master program development or amendment grant in accordance
35 with the requirements of the department shall not be considered a
36 delay resulting from the provisions of (a) of this subsection.

37 (7) In meeting the update requirements of subsection (2) of this
38 section, all local governments subject to the requirements of this
39 chapter that have not developed or amended master programs on or
40 after March 1, 2002, shall, no later than December 1, 2014, develop

1 or amend their master programs to comply with guidelines adopted by
2 the department after January 1, 2003.

3 (8) In meeting the update requirements of subsection (2) of this
4 section, local governments may be provided an additional year beyond
5 the deadlines in this section to complete their master program or
6 amendment. The department shall grant the request if it determines
7 that the local government is likely to adopt or amend its master
8 program within the additional year.

9 **Sec. 3.** RCW 90.58.080 and 2020 c 113 s 2 are each amended to
10 read as follows:

11 (1) Local governments shall develop or amend a master program for
12 regulation of uses of the shorelines of the state consistent with the
13 required elements of the guidelines adopted by the department in
14 accordance with the schedule established by this section.

15 (2)(a) Subject to the provisions of subsections (5) and (6) of
16 this section, each local government subject to this chapter shall
17 develop or amend its master program for the regulation of uses of
18 shorelines within its jurisdiction according to the following
19 schedule:

20 (i) On or before December 1, 2005, for the city of Port Townsend,
21 the city of Bellingham, the city of Everett, Snohomish county, and
22 Whatcom county;

23 (ii) On or before December 1, 2009, for King county and the
24 cities within King county greater in population than ten thousand;

25 (iii) Except as provided by (a)(i) and (ii) of this subsection,
26 on or before December 1, 2011, for Clallam, Clark, Jefferson, King,
27 Kitsap, Pierce, Snohomish, Thurston, and Whatcom counties and the
28 cities within those counties;

29 (iv) On or before December 1, 2012, for Cowlitz, Island, Lewis,
30 Mason, San Juan, Skagit, and Skamania counties and the cities within
31 those counties;

32 (v) On or before December 1, 2013, for Benton, Chelan, Douglas,
33 Grant, Kittitas, Spokane, and Yakima counties and the cities within
34 those counties; and

35 (vi) On or before December 1, 2014, for Adams, Asotin, Columbia,
36 Ferry, Franklin, Garfield, Grays Harbor, Klickitat, Lincoln,
37 Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and
38 Whitman counties and the cities within those counties.

1 (b) Nothing in this subsection (2) shall preclude a local
2 government from developing or amending its master program prior to
3 the dates established by this subsection (2).

4 (3)(a) Following approval by the department of a new or amended
5 master program, local governments required to develop or amend master
6 programs on or before December 1, 2009, as provided by subsection
7 (2)(a)(i) and (ii) of this section, shall be deemed to have complied
8 with the schedule established by subsection (2)(a)(iii) of this
9 section and shall not be required to complete master program
10 amendments until the applicable dates established by subsection
11 (4)(b) of this section. Any jurisdiction listed in subsection
12 (2)(a)(i) of this section that has a new or amended master program
13 approved by the department on or after March 1, 2002, but before July
14 27, 2003, shall not be required to complete master program amendments
15 until the applicable date provided by subsection (4)(b) of this
16 section.

17 (b) Following approval by the department of a new or amended
18 master program, local governments choosing to develop or amend master
19 programs on or before December 1, 2009, shall be deemed to have
20 complied with the schedule established by subsection (2)(a)(iii)
21 through (vi) of this section and shall not be required to complete
22 master program amendments until the applicable dates established by
23 subsection (4)(b) of this section.

24 (4)(a) Following the updates required by subsection (2) of this
25 section, local governments shall conduct a review of their master
26 programs at least once every (~~eight~~) ten years as required by (b)
27 of this subsection. Following the review required by this subsection
28 (4), local governments shall, if necessary, revise their master
29 programs. The purpose of the review is:

30 (i) To assure that the master program complies with applicable
31 law and guidelines in effect at the time of the review; and

32 (ii) To assure consistency of the master program with the local
33 government's comprehensive plan and development regulations adopted
34 under chapter 36.70A RCW, if applicable, and other local
35 requirements.

36 (b) Counties and cities shall take action to review and, if
37 necessary, revise their master programs as required by (a) of this
38 subsection as follows:

1 (i) On or before June 30, (~~(2028)~~) 2029, and every (~~(eight)~~) ten
2 years thereafter, for King, Kitsap, Pierce, and Snohomish counties
3 and the cities within those counties;

4 (ii) On or before June 30, (~~(2029)~~) 2030, and every (~~(eight)~~) ten
5 years thereafter, for Clallam, Clark, Island, Jefferson, Lewis,
6 Mason, San Juan, Skagit, Thurston, and Whatcom counties and the
7 cities within those counties;

8 (iii) On or before June 30, (~~(2030)~~) 2031, and every (~~(eight)~~)
9 ten years thereafter, for Benton, Chelan, Cowlitz, Douglas, Franklin,
10 Kittitas, Skamania, Spokane, Walla Walla, and Yakima counties and the
11 cities within those counties; and

12 (iv) On or before June 30, (~~(2031)~~) 2032, and every (~~(eight)~~) ten
13 years thereafter, for Adams, Asotin, Columbia, Ferry, Garfield,
14 Grant, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend
15 Oreille, Stevens, Wahkiakum, and Whitman counties and the cities
16 within those counties.

17 (5) In meeting the review requirements of subsection (4) of this
18 section, local governments are encouraged to begin the process of
19 developing or amending their master programs early and are eligible
20 for grants from the department as provided by RCW 90.58.250, subject
21 to available funding. Except for those local governments listed in
22 subsection (2)(a)(i) and (ii) of this section, the deadline for
23 completion of the new or amended master programs shall be two years
24 after the date the grant is approved by the department. Subsequent
25 master program review dates shall not be altered by the provisions of
26 this subsection.

27 (6) In meeting the review requirements of subsection (4) of this
28 section, the following shall apply:

29 (a) Grants to local governments for reviewing master programs
30 pursuant to the schedule established by this section shall be
31 provided at least two years before the adoption dates specified in
32 subsection (4) of this section. To the extent possible, the
33 department shall allocate grants within the amount appropriated for
34 such purposes to provide reasonable and adequate funding to local
35 governments that have indicated their intent to develop or amend
36 master programs during the biennium according to the schedule
37 established by subsection (4) of this section. Any local government
38 that applies for but does not receive funding to comply with the
39 provisions of subsection (4) of this section may delay the

1 development or amendment of its master program until the following
2 biennium.

3 (b) Local governments with delayed compliance dates as provided
4 in (a) of this subsection shall be the first priority for funding in
5 subsequent biennia, and the periodic review compliance deadline for
6 those local governments shall be two years after the date of grant
7 approval.

8 (c) Failure of the local government to apply in a timely manner
9 for a master program development or amendment grant in accordance
10 with the requirements of the department shall not be considered a
11 delay resulting from the provisions of (a) of this subsection.

12 (7) In meeting the update requirements of subsection (2) of this
13 section, all local governments subject to the requirements of this
14 chapter that have not developed or amended master programs on or
15 after March 1, 2002, shall, no later than December 1, 2014, develop
16 or amend their master programs to comply with guidelines adopted by
17 the department after January 1, 2003.

18 (8) In meeting the review requirements of subsection (4) of this
19 section, local governments may be provided an additional year beyond
20 the deadlines in this section to complete their master program or
21 amendment. The department shall grant the request if it determines
22 that the local government is likely to adopt or amend its master
23 program within the additional year.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 (15) "Minerals" include gravel, sand, and valuable metallic
4 substances.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 (24) "Tribe" or "tribal government" means a federally recognized
32 Indian tribe whose reservation is located within the exterior
33 boundaries of the state of Washington or a federally recognized tribe
34 located outside the state of Washington with reserved treaty rights
35 in the state.

36 (25) "Urban governmental services" or "urban services" include
37 those public services and public facilities at an intensity
38 historically and typically provided in cities, specifically including
39 storm and sanitary sewer systems, domestic water systems, street
40 cleaning services, fire and police protection services, public

1 transit services, and other public utilities associated with urban
2 areas and normally not associated with rural areas.

3 ~~((25))~~ (26) "Urban growth" refers to growth that makes
4 intensive use of land for the location of buildings, structures, and
5 impermeable surfaces to such a degree as to be incompatible with the
6 primary use of land for the production of food, other agricultural
7 products, or fiber, or the extraction of mineral resources, rural
8 uses, rural development, and natural resource lands designated
9 pursuant to RCW 36.70A.170. A pattern of more intensive rural
10 development, as provided in RCW 36.70A.070(5)(d), is not urban
11 growth. When allowed to spread over wide areas, urban growth
12 typically requires urban governmental services. "Characterized by
13 urban growth" refers to land having urban growth located on it, or to
14 land located in relationship to an area with urban growth on it as to
15 be appropriate for urban growth.

16 ~~((26))~~ (27) "Urban growth areas" means those areas designated
17 by a county pursuant to RCW 36.70A.110.

18 ~~((27))~~ (28) "Very low-income household" means a single person,
19 family, or unrelated persons living together whose adjusted income is
20 at or below fifty percent of the median household income adjusted for
21 household size, for the county where the household is located, as
22 reported by the United States department of housing and urban
23 development.

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

1 **Sec. 5.** RCW 36.70A.040 and 2014 c 147 s 1 are each amended to
2 read as follows:

3 (1) Each county that has both a population of fifty thousand or
4 more and, until May 16, 1995, has had its population increase by more
5 than ten percent in the previous ten years or, on or after May 16,
6 1995, has had its population increase by more than seventeen percent
7 in the previous ten years, and the cities located within such county,
8 and any other county regardless of its population that has had its
9 population increase by more than twenty percent in the previous ten
10 years, and the cities located within such county, shall conform with
11 all of the requirements of this chapter. However, the county
12 legislative authority of such a county with a population of less than
13 fifty thousand population may adopt a resolution removing the county,
14 and the cities located within the county, from the requirements of
15 adopting comprehensive land use plans and development regulations
16 under this chapter if this resolution is adopted and filed with the
17 department by December 31, 1990, for counties initially meeting this
18 set of criteria, or within sixty days of the date the office of
19 financial management certifies that a county meets this set of
20 criteria under subsection (5) of this section. For the purposes of
21 this subsection, a county not currently planning under this chapter
22 is not required to include in its population count those persons
23 confined in a correctional facility under the jurisdiction of the
24 department of corrections that is located in the county.

25 Once a county meets either of these sets of criteria, the
26 requirement to conform with all of the requirements of this chapter
27 remains in effect, even if the county no longer meets one of these
28 sets of criteria.

29 (2)(a) The county legislative authority of any county that does
30 not meet either of the sets of criteria established under subsection
31 (1) of this section may adopt a resolution indicating its intention
32 to have subsection (1) of this section apply to the county. Each
33 city, located in a county that chooses to plan under this subsection,
34 shall conform with all of the requirements of this chapter. Once such
35 a resolution has been adopted, the county and the cities located
36 within the county remain subject to all of the requirements of this
37 chapter, unless the county subsequently adopts a withdrawal
38 resolution for partial planning pursuant to (b)(i) of this
39 subsection.

1 (b) (i) Until December 31, 2015, the legislative authority of a
2 county may adopt a resolution removing the county and the cities
3 located within the county from the requirements to plan under this
4 section if:

5 (A) The county has a population, as estimated by the office of
6 financial management, of twenty thousand or fewer inhabitants at any
7 time between April 1, 2010, and April 1, 2015;

8 (B) The county has previously adopted a resolution indicating its
9 intention to have subsection (1) of this section apply to the county;

10 (C) At least sixty days prior to adopting a resolution for
11 partial planning, the county provides written notification to the
12 legislative body of each city within the county of its intent to
13 consider adopting the resolution; and

14 (D) The legislative bodies of at least sixty percent of those
15 cities having an aggregate population of at least seventy-five
16 percent of the incorporated county population have not: Adopted
17 resolutions opposing the action by the county; and provided written
18 notification of the resolutions to the county.

19 (ii) Upon adoption of a resolution for partial planning under
20 (b) (i) of this subsection:

21 (A) The county and the cities within the county are, except as
22 provided otherwise, no longer obligated to plan under this section;
23 and

24 (B) The county may not, for a minimum of ten years from the date
25 of adoption of the resolution, adopt another resolution indicating
26 its intention to have subsection (1) of this section apply to the
27 county.

28 (c) The adoption of a resolution for partial planning under
29 (b) (i) of this subsection does not nullify or otherwise modify the
30 requirements for counties and cities established in RCW 36.70A.060,
31 36.70A.070(5) and associated development regulations, 36.70A.170, and
32 36.70A.172.

33 (3) Any county or city that is initially required to conform with
34 all of the requirements of this chapter under subsection (1) of this
35 section shall take actions under this chapter as follows: (a) The
36 county legislative authority shall adopt a countywide planning policy
37 under RCW 36.70A.210; (b) the county and each city located within the
38 county shall designate critical areas, agricultural lands,
39 forestlands, and mineral resource lands, and adopt development
40 regulations conserving these designated agricultural lands,

1 forestlands, and mineral resource lands and protecting these
2 designated critical areas, under RCW 36.70A.170 and 36.70A.060; (c)
3 the county shall designate and take other actions related to urban
4 growth areas under RCW 36.70A.110; (~~and~~) and (d) if the county
5 has a population of fifty thousand or more, the county and each city
6 located within the county shall adopt a comprehensive plan under this
7 chapter and development regulations that are consistent with and
8 implement the comprehensive plan on or before July 1, 1994, and if
9 the county has a population of less than fifty thousand, the county
10 and each city located within the county shall adopt a comprehensive
11 plan under this chapter and development regulations that are
12 consistent with and implement the comprehensive plan by January 1,
13 1995, but if the governor makes written findings that a county with a
14 population of less than fifty thousand or a city located within such
15 a county is not making reasonable progress toward adopting a
16 comprehensive plan and development regulations the governor may
17 reduce this deadline for such actions to be taken by no more than one
18 hundred eighty days. Any county or city subject to this subsection
19 may obtain an additional six months before it is required to have
20 adopted its development regulations by submitting a letter notifying
21 the department of its need prior to the deadline for adopting both a
22 comprehensive plan and development regulations.

23 (4) Any county or city that is required to conform with all the
24 requirements of this chapter, as a result of the county legislative
25 authority adopting its resolution of intention under subsection (2)
26 of this section, shall take actions under this chapter as follows:

27 (a) The county legislative authority shall adopt a countywide
28 planning policy under RCW 36.70A.210; (b) the county and each city
29 that is located within the county shall adopt development regulations
30 conserving agricultural lands, forestlands, and mineral resource
31 lands it designated under RCW 36.70A.060 within one year of the date
32 the county legislative authority adopts its resolution of intention;

33 (c) the county shall designate and take other actions related to
34 urban growth areas under RCW 36.70A.110; and (d) the county and each
35 city that is located within the county shall adopt a comprehensive
36 plan and development regulations that are consistent with and
37 implement the comprehensive plan not later than four years from the
38 date the county legislative authority adopts its resolution of
39 intention, but a county or city may obtain an additional six months
40 before it is required to have adopted its development regulations by

1 submitting a letter notifying the department of its need prior to the
2 deadline for adopting both a comprehensive plan and development
3 regulations.

4 (5) If the office of financial management certifies that the
5 population of a county that previously had not been required to plan
6 under subsection (1) or (2) of this section has changed sufficiently
7 to meet either of the sets of criteria specified under subsection (1)
8 of this section, and where applicable, the county legislative
9 authority has not adopted a resolution removing the county from these
10 requirements as provided in subsection (1) of this section, the
11 county and each city within such county shall take actions under this
12 chapter as follows: (a) The county legislative authority shall adopt
13 a countywide planning policy under RCW 36.70A.210; (b) the county and
14 each city located within the county shall adopt development
15 regulations under RCW 36.70A.060 conserving agricultural lands,
16 forestlands, and mineral resource lands it designated within one year
17 of the certification by the office of financial management; (c) the
18 county shall designate and take other actions related to urban growth
19 areas under RCW 36.70A.110; and (d) the county and each city located
20 within the county shall adopt a comprehensive land use plan and
21 development regulations that are consistent with and implement the
22 comprehensive plan within four years of the certification by the
23 office of financial management, but a county or city may obtain an
24 additional six months before it is required to have adopted its
25 development regulations by submitting a letter notifying the
26 department of its need prior to the deadline for adopting both a
27 comprehensive plan and development regulations.

28 (6) A copy of each document that is required under this section
29 shall be submitted to the department at the time of its adoption.

30 (7) Cities and counties planning under this chapter must amend
31 the transportation element of the comprehensive plan to be in
32 compliance with this chapter and chapter 47.80 RCW no later than
33 December 31, 2000.

34 (8) An Indian tribe may voluntarily choose to participate in the
35 county or regional planning process and coordinate with the county
36 and cities that are either required to comply with the provisions of
37 this chapter pursuant to subsection (1) of this section or
38 voluntarily choose to comply with the provisions of this chapter
39 pursuant to subsection (2) of this section.

1 (a) Upon receipt of notice in the form of a tribal resolution
2 from a tribe whose reservation or ceded lands lie within the county,
3 which indicates the tribe has a planning process or intends to
4 initiate a parallel planning process, the county, cities and other
5 local governments conducting the planning under this chapter shall
6 enter into an agreement with such tribes in regard to coordination,
7 cooperation, and participation in the planning process.

8 (b) Nothing in this subsection, any other provision in this
9 chapter, or a tribe's decision to become a participating tribe for
10 planning purposes, shall affect, alter, or limit in any way a tribe's
11 authority, jurisdiction, or any treaty or other rights it may have by
12 virtue of its status as a sovereign Indian tribe.

13 **Sec. 6.** RCW 36.70A.080 and 2011 c 318 s 801 are each amended to
14 read as follows:

15 (1) A comprehensive plan may include additional elements, items,
16 or studies dealing with other subjects relating to the physical
17 development within its jurisdiction, including, but not limited to:

18 (a) Conservation;

19 (b) Solar energy; ~~((and))~~

20 (c) Recreation; and

21 (d) Port container elements. When including port container
22 elements, a city shall collaborate with the federally recognized
23 Indian tribe whose reservation is located within or adjacent to the
24 lands subject to the port container element.

25 (2) A comprehensive plan may include, where appropriate, subarea
26 plans, each of which is consistent with the comprehensive plan.

27 (3)(a) Cities that qualify as a receiving city may adopt a
28 comprehensive plan element and associated development regulations
29 that apply within receiving areas under chapter 39.108 RCW.

30 (b) For purposes of this subsection, the terms "receiving city"
31 and "receiving area" have the same meanings as provided in RCW
32 39.108.010.

33 **Sec. 7.** RCW 36.70A.106 and 2004 c 197 s 1 are each amended to
34 read as follows:

35 (1) Each county and city proposing adoption of a comprehensive
36 plan or development regulations under this chapter shall notify the
37 department of its intent to adopt such plan or regulations at least
38 sixty days prior to final adoption. State agencies including the

1 department may provide comments to the county or city on the proposed
2 comprehensive plan, or proposed development regulations, during the
3 public review process prior to adoption.

4 (2) Each county and city planning under this chapter shall
5 transmit a complete and accurate copy of its comprehensive plan or
6 development regulations to the department within ten days after final
7 adoption.

8 (3)(a) Any amendments for permanent changes to a comprehensive
9 plan or development regulation that are proposed by a county or city
10 to its adopted plan or regulations shall be submitted to the
11 department in the same manner as initial plans and development
12 regulations under this section. Any amendments to a comprehensive
13 plan or development regulations that are adopted by a county or city
14 shall be transmitted to the department in the same manner as the
15 initial plans and regulations under this section.

16 (b) Each county and city planning under this chapter may request
17 expedited review for any amendments for permanent changes to a
18 development regulation. Upon receiving a request for expedited
19 review, and after consultation with other state agencies, the
20 department may grant expedited review if the department determines
21 that expedited review does not compromise the state's ability to
22 provide timely comments related to compliance with the goals and
23 requirements of this chapter or on other matters of state interest.
24 Cities and counties may adopt amendments for permanent changes to a
25 development regulation immediately following the granting of the
26 request for expedited review by the department.

27 (c) Tribes may request to receive from the department copies of
28 notices received from cities or counties under this section. Upon
29 receipt of a submittal from a city or county under this section, the
30 department shall forward the submittal to any tribe that has
31 requested notification.

32 **Sec. 8.** RCW 36.70A.110 and 2017 c 305 s 1 are each amended to
33 read as follows:

34 (1) Each county that is required or chooses to plan under RCW
35 36.70A.040 shall designate an urban growth area or areas within which
36 urban growth shall be encouraged and outside of which growth can
37 occur only if it is not urban in nature. Each city that is located in
38 such a county shall be included within an urban growth area. An urban
39 growth area may include more than a single city. An urban growth area

1 may include territory that is located outside of a city only if such
2 territory already is characterized by urban growth whether or not the
3 urban growth area includes a city, or is adjacent to territory
4 already characterized by urban growth, or is a designated new fully
5 contained community as defined by RCW 36.70A.350. When an Indian
6 tribe has voluntarily chosen to participate in the planning process
7 pursuant to RCW 36.70A.040, the county and the tribe shall coordinate
8 their planning efforts for any areas planned for urban growth.

9 (2) Based upon the growth management population projection made
10 for the county by the office of financial management, the county and
11 each city within the county shall include areas and densities
12 sufficient to permit the urban growth that is projected to occur in
13 the county or city for the succeeding twenty-year period, except for
14 those urban growth areas contained totally within a national
15 historical reserve. As part of this planning process, each city
16 within the county must include areas sufficient to accommodate the
17 broad range of needs and uses that will accompany the projected urban
18 growth including, as appropriate, medical, governmental,
19 institutional, commercial, service, retail, and other nonresidential
20 uses.

21 Each urban growth area shall permit urban densities and shall
22 include greenbelt and open space areas. In the case of urban growth
23 areas contained totally within a national historical reserve, the
24 city may restrict densities, intensities, and forms of urban growth
25 as determined to be necessary and appropriate to protect the
26 physical, cultural, or historic integrity of the reserve. An urban
27 growth area determination may include a reasonable land market supply
28 factor and shall permit a range of urban densities and uses. In
29 determining this market factor, cities and counties may consider
30 local circumstances. Cities and counties have discretion in their
31 comprehensive plans to make many choices about accommodating growth.

32 Within one year of July 1, 1990, each county that as of June 1,
33 1991, was required or chose to plan under RCW 36.70A.040, shall begin
34 consulting with each city located within its boundaries and each city
35 shall propose the location of an urban growth area. Within sixty days
36 of the date the county legislative authority of a county adopts its
37 resolution of intention or of certification by the office of
38 financial management, all other counties that are required or choose
39 to plan under RCW 36.70A.040 shall begin this consultation with each
40 city located within its boundaries. The county shall attempt to reach

1 agreement with each city on the location of an urban growth area
2 within which the city is located. If such an agreement is not reached
3 with each city located within the urban growth area, the county shall
4 justify in writing why it so designated the area an urban growth
5 area. A city may object formally with the department over the
6 designation of the urban growth area within which it is located.
7 Where appropriate, the department shall attempt to resolve the
8 conflicts, including the use of mediation services.

9 (3) Urban growth should be located first in areas already
10 characterized by urban growth that have adequate existing public
11 facility and service capacities to serve such development, second in
12 areas already characterized by urban growth that will be served
13 adequately by a combination of both existing public facilities and
14 services and any additional needed public facilities and services
15 that are provided by either public or private sources, and third in
16 the remaining portions of the urban growth areas. Urban growth may
17 also be located in designated new fully contained communities as
18 defined by RCW 36.70A.350.

19 (4) In general, cities are the units of local government most
20 appropriate to provide urban governmental services. In general, it is
21 not appropriate that urban governmental services be extended to or
22 expanded in rural areas except in those limited circumstances shown
23 to be necessary to protect basic public health and safety and the
24 environment and when such services are financially supportable at
25 rural densities and do not permit urban development.

26 (5) On or before October 1, 1993, each county that was initially
27 required to plan under RCW 36.70A.040(1) shall adopt development
28 regulations designating interim urban growth areas under this
29 chapter. Within three years and three months of the date the county
30 legislative authority of a county adopts its resolution of intention
31 or of certification by the office of financial management, all other
32 counties that are required or choose to plan under RCW 36.70A.040
33 shall adopt development regulations designating interim urban growth
34 areas under this chapter. Adoption of the interim urban growth areas
35 may only occur after public notice; public hearing; and compliance
36 with the state environmental policy act, chapter 43.21C RCW, and
37 under this section. Such action may be appealed to the growth
38 management hearings board under RCW 36.70A.280. Final urban growth
39 areas shall be adopted at the time of comprehensive plan adoption
40 under this chapter.

1 (6) Each county shall include designations of urban growth areas
2 in its comprehensive plan.

3 (7) An urban growth area designated in accordance with this
4 section may include within its boundaries urban service areas or
5 potential annexation areas designated for specific cities or towns
6 within the county.

7 (8)(a) Except as provided in (b) of this subsection, the
8 expansion of an urban growth area is prohibited into the one hundred
9 year floodplain of any river or river segment that: (i) Is located
10 west of the crest of the Cascade mountains; and (ii) has a mean
11 annual flow of one thousand or more cubic feet per second as
12 determined by the department of ecology.

13 (b) Subsection (8)(a) of this section does not apply to:

14 (i) Urban growth areas that are fully contained within a
15 floodplain and lack adjacent buildable areas outside the floodplain;

16 (ii) Urban growth areas where expansions are precluded outside
17 floodplains because:

18 (A) Urban governmental services cannot be physically provided to
19 serve areas outside the floodplain; or

20 (B) Expansions outside the floodplain would require a river or
21 estuary crossing to access the expansion; or

22 (iii) Urban growth area expansions where:

23 (A) Public facilities already exist within the floodplain and the
24 expansion of an existing public facility is only possible on the land
25 to be included in the urban growth area and located within the
26 floodplain; or

27 (B) Urban development already exists within a floodplain as of
28 July 26, 2009, and is adjacent to, but outside of, the urban growth
29 area, and the expansion of the urban growth area is necessary to
30 include such urban development within the urban growth area; or

31 (C) The land is owned by a jurisdiction planning under this
32 chapter or the rights to the development of the land have been
33 permanently extinguished, and the following criteria are met:

34 (I) The permissible use of the land is limited to one of the
35 following: Outdoor recreation; environmentally beneficial projects,
36 including but not limited to habitat enhancement or environmental
37 restoration; stormwater facilities; flood control facilities; or
38 underground conveyances; and

39 (II) The development and use of such facilities or projects will
40 not decrease flood storage, increase stormwater runoff, discharge

1 pollutants to fresh or salt waters during normal operations or
2 floods, or increase hazards to people and property.

3 (c) For the purposes of this subsection (8), "one hundred year
4 floodplain" means the same as "special flood hazard area" as set
5 forth in WAC 173-158-040 as it exists on July 26, 2009.

6 (9) If a county, city, or utility has adopted a capital facility
7 plan or utilities element to provide sewer service within the urban
8 growth areas during the twenty-year planning period, nothing in this
9 chapter obligates counties, cities, or utilities to install sanitary
10 sewer systems to properties within urban growth areas designated
11 under subsection (2) of this section by the end of the twenty-year
12 planning period when those properties:

13 (a)(i) Have existing, functioning, nonpolluting on-site sewage
14 systems;

15 (ii) Have a periodic inspection program by a public agency to
16 verify the on-site sewage systems function properly and do not
17 pollute surface or groundwater; and

18 (iii) Have no redevelopment capacity; or

19 (b) Do not require sewer service because development densities
20 are limited due to wetlands, flood plains, fish and wildlife
21 habitats, or geological hazards.

22 **Sec. 9.** RCW 36.70A.190 and 1991 sp.s. c 32 s 3 are each amended
23 to read as follows:

24 (1) The department shall establish a program of technical and
25 financial assistance and incentives to counties and cities to
26 encourage and facilitate the adoption and implementation of
27 comprehensive plans and development regulations throughout the state.

28 (2) The department shall develop a priority list and establish
29 funding levels for planning and technical assistance grants both for
30 counties and cities that plan under RCW 36.70A.040. Priority for
31 assistance shall be based on a county's or city's population growth
32 rates, commercial and industrial development rates, the existence and
33 quality of a comprehensive plan and development regulations, and
34 other relevant factors.

35 (3) The department shall develop and administer a grant program
36 to provide direct financial assistance to counties and cities for the
37 preparation of comprehensive plans under this chapter. The department
38 may establish provisions for county and city matching funds to
39 conduct activities under this subsection. Grants may be expended for

1 any purpose directly related to the preparation of a county or city
2 comprehensive plan as the county or city and the department may
3 agree, including, without limitation, the conducting of surveys,
4 inventories and other data gathering and management activities, the
5 retention of planning consultants, contracts with regional councils
6 for planning and related services, and other related purposes.

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

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

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

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

25 (6) A federally recognized Indian tribe whose reservation is
26 located within the boundaries of Washington state may formally
27 request the department to enter into formal government-to-government
28 consultation with the tribe regarding the tribe's concerns that the
29 proposed plan or any amendment to the county's plan may directly or
30 indirectly injure rights reserved to the tribe under treaties,
31 statutes, or federal trust obligations regarding lands or activities
32 within the reservation of such tribe or rights reserved to the tribe
33 in regard to lands ceded under a treaty. The department shall include
34 in comments to the county during the comment period a summary and
35 supporting materials regarding the tribe's concerns and an offer to
36 assist in providing formal mediation or dispute resolution prior to
37 adoption of the proposed plan. If the department receives formal
38 notice of a tribe's objections to a county's adopted plan or
39 amendment within 30 days of the department receiving notice of final
40 adoption pursuant to RCW 37.70A.106(2), the department shall enter

1 into formal government-to-government consultation with the tribe for
2 a period of 60 days. If the department determines that tribal rights
3 under relevant treaties, statutes, or trust responsibilities will be
4 diminished or violated, the department shall notify the county. Upon
5 receipt of such notice, the county may either agree to amend the plan
6 as requested consistent with the comments of the department, or enter
7 mediation with the tribe, which shall be arranged by the department
8 utilizing a suitable expert to be paid by the department. If a county
9 does not amend the plan or enter into mediation in good faith, the
10 department may disapprove the relevant provisions of the county's
11 plan and withhold grant funds as otherwise provided by this chapter.
12 A county may appeal such disapproval to the growth management
13 hearings board.

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

16 **Sec. 10.** RCW 36.70A.210 and 2009 c 121 s 2 are each amended to
17 read as follows:

18 (1) The legislature recognizes that counties are regional
19 governments within their boundaries, and cities are primary providers
20 of urban governmental services within urban growth areas. For the
21 purposes of this section, a "countywide planning policy" is a written
22 policy statement or statements used solely for establishing a
23 countywide framework from which county and city comprehensive plans
24 are developed and adopted pursuant to this chapter. This framework
25 shall ensure that city and county comprehensive plans are consistent
26 as required in RCW 36.70A.100. Nothing in this section shall be
27 construed to alter the land-use powers of cities.

28 (2) The legislative authority of a county that plans under RCW
29 36.70A.040 shall adopt a countywide planning policy in cooperation
30 with the cities located in whole or in part within the county as
31 follows:

32 (a) No later than sixty calendar days from July 16, 1991, the
33 legislative authority of each county that as of June 1, 1991, was
34 required or chose to plan under RCW 36.70A.040 shall convene a
35 meeting with representatives of each city located within the county
36 for the purpose of establishing a collaborative process that will
37 provide a framework for the adoption of a countywide planning policy.
38 In other counties that are required or choose to plan under RCW
39 36.70A.040, this meeting shall be convened no later than sixty days

1 after the date the county adopts its resolution of intention or was
2 certified by the office of financial management.

3 (b) The process and framework for adoption of a countywide
4 planning policy specified in (a) of this subsection shall determine
5 the manner in which the county and the cities agree to all procedures
6 and provisions including but not limited to desired planning
7 policies, deadlines, ratification of final agreements and
8 demonstration thereof, and financing, if any, of all activities
9 associated therewith.

10 (c) If a county fails for any reason to convene a meeting with
11 representatives of cities as required in (a) of this subsection, the
12 governor may immediately impose any appropriate sanction or sanctions
13 on the county from those specified under RCW 36.70A.340.

14 (d) If there is no agreement by October 1, 1991, in a county that
15 was required or chose to plan under RCW 36.70A.040 as of June 1,
16 1991, or if there is no agreement within one hundred twenty days of
17 the date the county adopted its resolution of intention or was
18 certified by the office of financial management in any other county
19 that is required or chooses to plan under RCW 36.70A.040, the
20 governor shall first inquire of the jurisdictions as to the reason or
21 reasons for failure to reach an agreement. If the governor deems it
22 appropriate, the governor may immediately request the assistance of
23 the department of ~~((community, trade, and economic development))~~
24 commerce to mediate any disputes that preclude agreement. If
25 mediation is unsuccessful in resolving all disputes that will lead to
26 agreement, the governor may impose appropriate sanctions from those
27 specified under RCW 36.70A.340 on the county, city, or cities for
28 failure to reach an agreement as provided in this section. The
29 governor shall specify the reason or reasons for the imposition of
30 any sanction.

31 (e) No later than July 1, 1992, the legislative authority of each
32 county that was required or chose to plan under RCW 36.70A.040 as of
33 June 1, 1991, or no later than fourteen months after the date the
34 county adopted its resolution of intention or was certified by the
35 office of financial management the county legislative authority of
36 any other county that is required or chooses to plan under RCW
37 36.70A.040, shall adopt a countywide planning policy according to the
38 process provided under this section and that is consistent with the
39 agreement pursuant to (b) of this subsection, and after holding a

1 public hearing or hearings on the proposed countywide planning
2 policy.

3 (3) A countywide planning policy shall at a minimum, address the
4 following:

5 (a) Policies to implement RCW 36.70A.110;

6 (b) Policies for promotion of contiguous and orderly development
7 and provision of urban services to such development;

8 (c) Policies for siting public capital facilities of a countywide
9 or statewide nature, including transportation facilities of statewide
10 significance as defined in RCW 47.06.140;

11 (d) Policies for countywide transportation facilities and
12 strategies;

13 (e) Policies that consider the need for affordable housing, such
14 as housing for all economic segments of the population and parameters
15 for its distribution;

16 (f) Policies for joint county and city planning within urban
17 growth areas;

18 (g) Policies for countywide economic development and employment,
19 which must include consideration of the future development of
20 commercial and industrial facilities; and

21 (h) An analysis of the fiscal impact.

22 (4) Federal agencies and Indian tribes (~~may~~) shall be invited
23 to participate in and cooperate with the countywide planning policy
24 adoption process. Adopted countywide planning policies shall be
25 adhered to by state agencies.

26 (5) Failure to adopt a countywide planning policy that meets the
27 requirements of this section may result in the imposition of a
28 sanction or sanctions on a county or city within the county, as
29 specified in RCW 36.70A.340. In imposing a sanction or sanctions, the
30 governor shall specify the reasons for failure to adopt a countywide
31 planning policy in order that any imposed sanction or sanctions are
32 fairly and equitably related to the failure to adopt a countywide
33 planning policy.

34 (6) Cities and the governor may appeal an adopted countywide
35 planning policy to the growth management hearings board within sixty
36 days of the adoption of the countywide planning policy.

37 (7) Multicounty planning policies shall be adopted by two or more
38 counties, each with a population of four hundred fifty thousand or
39 more, with contiguous urban areas and may be adopted by other
40 counties, according to the process established under this section or

1 other processes agreed to among the counties and cities within the
2 affected counties throughout the multicounty region.

3 NEW SECTION. **Sec. 11.** Section 2 of this act expires July 1,
4 2025.

5 NEW SECTION. **Sec. 12.** Section 3 of this act takes effect July
6 1, 2025.

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