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**SENATE BILL 5769**

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**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** Senators Palumbo and Lias

1 AN ACT Relating to minimum urban density requirements in growth  
2 management act cities and counties; amending RCW 36.70A.110,  
3 36.70A.490, and 36.70A.130; adding new sections to chapter 36.70A  
4 RCW; adding a new section to chapter 36.22 RCW; and declaring an  
5 emergency.

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

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

9 (1) Each county that is required or chooses to plan under RCW  
10 36.70A.040 shall designate an urban growth area or areas within which  
11 urban growth shall be encouraged and outside of which growth can  
12 occur only if it is not urban in nature. Each city that is located in  
13 such a county shall be included within an urban growth area. An urban  
14 growth area may include more than a single city. An urban growth area  
15 may include territory that is located outside of a city only if such  
16 territory already is characterized by urban growth whether or not the  
17 urban growth area includes a city, or is adjacent to territory  
18 already characterized by urban growth, or is a designated new fully  
19 contained community as defined by RCW 36.70A.350.

20 (2) Based upon the growth management population projection made  
21 for the county by the office of financial management, the county and

1 each city within the county shall include areas and densities  
2 sufficient to permit the urban growth that is projected to occur in  
3 the county or city for the succeeding twenty-year period, except for  
4 those urban growth areas contained totally within a national  
5 historical reserve. As part of this planning process, each city  
6 within the county must include areas sufficient to accommodate the  
7 broad range of needs and uses that will accompany the projected urban  
8 growth including, as appropriate, medical, governmental,  
9 institutional, commercial, service, retail, and other nonresidential  
10 uses.

11 Each urban growth area shall permit urban densities of no less  
12 than six dwelling units per acre in areas designated for residential  
13 use and shall include greenbelt and open space areas. In the case of  
14 urban growth areas contained totally within a national historical  
15 reserve, the city may restrict densities, intensities, and forms of  
16 urban growth as determined to be necessary and appropriate to protect  
17 the physical, cultural, or historic integrity of the reserve. An  
18 urban growth area determination may include a reasonable land market  
19 supply factor and shall permit a range of urban densities and uses.  
20 In determining this market factor, cities and counties may consider  
21 local circumstances. Cities and counties have discretion in their  
22 comprehensive plans to make many choices about accommodating growth.

23 Within one year of July 1, 1990, each county that as of June 1,  
24 1991, was required or chose to plan under RCW 36.70A.040, shall begin  
25 consulting with each city located within its boundaries and each city  
26 shall propose the location of an urban growth area. Within sixty days  
27 of the date the county legislative authority of a county adopts its  
28 resolution of intention or of certification by the office of  
29 financial management, all other counties that are required or choose  
30 to plan under RCW 36.70A.040 shall begin this consultation with each  
31 city located within its boundaries. The county shall attempt to reach  
32 agreement with each city on the location of an urban growth area  
33 within which the city is located. If such an agreement is not reached  
34 with each city located within the urban growth area, the county shall  
35 justify in writing why it so designated the area an urban growth  
36 area. A city may object formally with the department over the  
37 designation of the urban growth area within which it is located.  
38 Where appropriate, the department shall attempt to resolve the  
39 conflicts, including the use of mediation services.

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

11 (4) In general, cities are the units of local government most  
12 appropriate to provide urban governmental services. In general, it is  
13 not appropriate that urban governmental services be extended to or  
14 expanded in rural areas except in those limited circumstances shown  
15 to be necessary to protect basic public health and safety and the  
16 environment and when such services are financially supportable at  
17 rural densities and do not permit urban development.

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

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

35 (7) An urban growth area designated in accordance with this  
36 section may include within its boundaries urban service areas or  
37 potential annexation areas designated for specific cities or towns  
38 within the county.

39 (8) (a) Except as provided in (b) of this subsection, the  
40 expansion of an urban growth area is prohibited into the one hundred

1 year floodplain of any river or river segment that: (i) Is located  
2 west of the crest of the Cascade mountains; and (ii) has a mean  
3 annual flow of one thousand or more cubic feet per second as  
4 determined by the department of ecology.

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

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

8 (ii) Urban growth areas where expansions are precluded outside  
9 floodplains because:

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

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

14 (iii) Urban growth area expansions where:

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

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

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

26 (I) The permissible use of the land is limited to one of the  
27 following: Outdoor recreation; environmentally beneficial projects,  
28 including but not limited to habitat enhancement or environmental  
29 restoration; stormwater facilities; flood control facilities; or  
30 underground conveyances; and

31 (II) The development and use of such facilities or projects will  
32 not decrease flood storage, increase stormwater runoff, discharge  
33 pollutants to fresh or salt waters during normal operations or  
34 floods, or increase hazards to people and property.

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

38 (9) If a county, city, or utility has adopted a capital facility  
39 plan or utilities element to provide sewer service within the urban  
40 growth areas during the twenty-year planning period, nothing in this

1 chapter obligates counties, cities, or utilities to install sanitary  
2 sewer systems to properties within urban growth areas designated  
3 under subsection (2) of this section by the end of the twenty-year  
4 planning period when those properties:

5 (a)(i) Have existing, functioning, nonpolluting on-site sewage  
6 systems;

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

10 (iii) Have no redevelopment capacity; or

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

14 NEW SECTION. **Sec. 2.** A new section is added to chapter 36.70A  
15 RCW to read as follows:

16 (1) Cities and counties planning under RCW 36.70A.040 must  
17 implement the following requirements in areas designated for  
18 residential use and located within one-quarter mile of either a  
19 school, park, rail station, hospital, community center, or area  
20 designated for commercial use, mixed use, or multifamily housing:

21 (a) Allow the following types of housing to be built as a  
22 permitted use, without any conditional use permit:

23 (i) Cottage housing;

24 (ii) Courtyard apartments;

25 (iii) Duplexes;

26 (iv) Triplexes;

27 (v) Fourplexes;

28 (vi) Manufactured homes;

29 (vii) Single-room occupancies; and

30 (viii) Townhouses;

31 (b) For courtyard apartments:

32 (i) Apply infill residential design standards; and

33 (ii) Require no more than one off-street parking space per two  
34 units, or one and one-half spaces, if on-street parking is not  
35 available;

36 (c) For duplexes:

37 (i) Allow one connection to the sewer main; and

1 (ii) Require no more than one off-street parking space per two  
2 units, or one and one-half spaces, if on-street parking is not  
3 available;

4 (d) For manufactured homes:

5 (i) Remove any minimum home size requirements; and  
6 (ii) When proposed as an accessory dwelling unit, apply accessory  
7 dwelling unit design standards;

8 (e) For single-room occupancies:

9 (i) Apply infill residential design standards; and  
10 (ii) Require no more than one off-street parking space for every  
11 four units;

12 (f) For townhouses:

13 (i) Remove any limit on dwelling units per townhouse structure;  
14 (ii) Remove any side yard setback requirement that is more than  
15 five feet; and  
16 (iii) Require no more than one off-street parking space per two  
17 units, or one and one-half spaces, if on-street parking is not  
18 available;

19 (g) For triplexes and fourplexes, require no more than one off-  
20 street parking space per two units, or one and one-half spaces, if  
21 on-street parking is not available.

22 (2) For the purposes of this section:

23 (a) "Cottage housing" means a housing type where four or more  
24 single-family detached dwelling units or carriage housing units sized  
25 no more than one thousand two hundred square feet in living area are  
26 arranged around a central common open space;

27 (b) "Courtyard apartment" means five to twelve attached apartment  
28 units arranged on two or three sides of a central courtyard or lawn  
29 area;

30 (c) "Duplex" means one building containing two single-family  
31 dwelling units totally separated from each other by a one-hour fire  
32 wall or floor;

33 (d) "Fourplex" means one building containing four single-family  
34 dwelling units totally separated from each other by a one-hour fire  
35 wall or floor;

36 (e) "Manufactured home" means a single-family residence  
37 constructed after June 15, 1976, in accordance with state and federal  
38 requirements for manufactured homes, installed in accordance with the  
39 department of housing and urban development requirements for

1 manufactured housing, and bearing the appropriate insignia indicating  
2 such compliance;

3 (f) "Single-room occupancy" means a housing type consisting of  
4 one room with shared bathroom facilities, and cooking facilities that  
5 are either in the room or shared;

6 (g) "Townhouse" means a building containing three or more single-  
7 family dwelling units totally separated from each other by a one-hour  
8 fire wall; and

9 (h) "Triplex" means one building containing three single-family  
10 dwelling units totally separated from each other by a one-hour fire  
11 wall or floor.

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

14 (1) A state grant program is established for local planning costs  
15 associated with meeting the requirements of this act and other state  
16 land use and planning requirements.

17 (2) The program must be developed and administered by the  
18 department and the department may develop rules to administer the  
19 program.

20 (3) Cities and counties may apply to the department for a grant  
21 that goes towards local planning costs associated with meeting the  
22 requirements of this act and other state land use and planning  
23 requirements, to be paid from the growth management planning and  
24 environmental review fund established in RCW 36.70A.490, including  
25 costs associated with:

26 (a) Implementing the requirements of RCW 36.70A.110 and section 2  
27 of this act;

28 (b) Implementing changes to the review and evaluation program  
29 under RCW 36.70A.215 as required by chapter 16, Laws of 2017;

30 (c) Administrative approval of final plats as referenced in  
31 chapter 58.17 RCW;

32 (d) State environmental policy act threshold increases under  
33 chapter 43.21C RCW;

34 (e) Short plat threshold increases as referenced in chapter 58.17  
35 RCW;

36 (f) Streamlining and modernizing of permit processes;

37 (g) Updates to use matrices that add residential zones or  
38 eliminate processes that may be unnecessary, such as conditional use  
39 permits; and

1 (h) Codes that implement lot size averaging.

2 (4) (a) The department must prioritize grant awards for costs  
3 associated with subsection (3) (a) or (b) of this section.

4 (b) Only after awarding grants for costs associated with  
5 subsection (3) (a) or (b) of this section may the department award  
6 grants for costs associated with subsection (3) (c) through (h) of  
7 this section.

8 (5) Grant funding under this section is limited to ten million  
9 dollars per fiscal biennium. If requests for funding under this  
10 section exceed the balance of the fund or the limit imposed by this  
11 subsection, then the department must reduce the amount of funding  
12 paid in a manner prescribed by rule.

13 **Sec. 4.** RCW 36.70A.490 and 2012 1st sp.s. c 1 s 309 are each  
14 amended to read as follows:

15 The growth management planning and environmental review fund is  
16 hereby established in the state treasury. Moneys may be placed in the  
17 fund from the proceeds of bond sales, tax revenues, budget transfers,  
18 federal appropriations, gifts, or any other lawful source. Moneys in  
19 the fund may be spent only after appropriation. Moneys in the fund  
20 shall be used to make grants or loans to local governments for the  
21 purposes set forth in RCW 43.21C.240, 43.21C.031, section 3 of this  
22 act, or 36.70A.500. Any payment of either principal or interest, or  
23 both, derived from loans made from this fund must be deposited into  
24 the fund. The state's portion of the surcharge established in section  
25 5 of this act must be deposited in the fund. Moneys deposited from  
26 the surcharge imposed in section 5 of this act may only be expended  
27 for purposes of the grant program established in section 3 of this  
28 act.

29 NEW SECTION. **Sec. 5.** A new section is added to chapter 36.22  
30 RCW to read as follows:

31 (1) A surcharge in the amount determined under subsection (2) of  
32 this section must be charged by the county auditor for each document  
33 recorded, which will be in addition to any other charge allowed by  
34 law. The auditor may retain up to two percent for collection of the  
35 fee, and must remit the remainder to the state to be deposited into  
36 the growth management planning and environmental review fund  
37 established in RCW 36.70A.490.

1 (2) The surcharge imposed by subsection (1) of this section must  
2 be sufficient to provide ten million dollars of deposits to the  
3 growth management planning and environmental review fund each fiscal  
4 biennium. The office of financial management must establish, and  
5 periodically adjust, the surcharge at an amount no higher than  
6 necessary to meet this requirement.

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

9 (1) The comprehensive plan, as referenced in RCW 36.70A.070, of a  
10 city or county planning under RCW 36.70A.040 must be consistent with  
11 this act.

12 (2) Cities and counties planning under RCW 36.70A.040 must  
13 implement RCW 36.70A.110 and section 2 of this act in the housing  
14 element of their comprehensive plans and in their local zoning maps  
15 before December 31, 2020.

16 (3) Any plans, development regulations, or amendments adopted by  
17 a city or county pursuant to RCW 36.70A.110 and section 2 of this act  
18 are not subject to review under RCW 36.70A.280 until the next  
19 periodic update as required under RCW 36.70A.130.

20 (4) Any state environmental policy act decision, as referenced in  
21 chapter 43.21C RCW, that arises from implementing the requirements of  
22 subsection (2) of this section is not subject to appeal under RCW  
23 43.21C.075.

24 **Sec. 7.** RCW 36.70A.130 and 2012 c 191 s 1 are each amended to  
25 read as follows:

26 (1)(a) Each comprehensive land use plan and development  
27 regulations shall be subject to continuing review and evaluation by  
28 the county or city that adopted them. Except as otherwise provided, a  
29 county or city shall take legislative action to review and, if  
30 needed, revise its comprehensive land use plan and development  
31 regulations to ensure the plan and regulations comply with the  
32 requirements of this chapter according to the deadlines in  
33 subsections (4) and (5) of this section.

34 (b) Except as otherwise provided, a county or city not planning  
35 under RCW 36.70A.040 shall take action to review and, if needed,  
36 revise its policies and development regulations regarding critical  
37 areas and natural resource lands adopted according to this chapter to  
38 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, except that, until  
22 December 31, 2015, the program shall provide for consideration of  
23 amendments of an urban growth area in accordance with RCW 36.70A.1301  
24 once every year. "Updates" means to review and revise, if needed,  
25 according to subsection (1) of this section, and the deadlines in  
26 subsections (4) and (5) of this section or in accordance with the  
27 provisions of subsection (6) of this section. Amendments may be  
28 considered more frequently than once per year under the following  
29 circumstances:

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

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

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

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

6 (v) The adoption of comprehensive plan amendments necessary to  
7 enact a planned action under RCW (~~(43.21C.031(2))~~) 43.21C.440,  
8 provided that amendments are considered in accordance with the public  
9 participation program established by the county or city under this  
10 subsection (2)(a) and all persons who have requested notice of a  
11 comprehensive plan update are given notice of the amendments and an  
12 opportunity to comment; or

13 (vi) The adoption of comprehensive plan amendments necessary to  
14 meet the requirements of RCW 36.70A.110 or section 2 of this act.

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

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

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

1 (4) Except as provided in subsection (6) of this section,  
2 counties and cities shall take action to review and, if needed,  
3 revise their comprehensive plans and development regulations to  
4 ensure the plan and regulations comply with the requirements of this  
5 chapter as follows:

6 (a) On or before December 1, 2004, for Clallam, Clark, Jefferson,  
7 King, Kitsap, Pierce, Snohomish, Thurston, and Whatcom counties and  
8 the cities within those counties;

9 (b) On or before December 1, 2005, for Cowlitz, Island, Lewis,  
10 Mason, San Juan, Skagit, and Skamania counties and the cities within  
11 those counties;

12 (c) On or before December 1, 2006, for Benton, Chelan, Douglas,  
13 Grant, Kittitas, Spokane, and Yakima counties and the cities within  
14 those counties; and

15 (d) On or before December 1, 2007, for Adams, Asotin, Columbia,  
16 Ferry, Franklin, Garfield, Grays Harbor, Klickitat, Lincoln,  
17 Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and  
18 Whitman counties and the cities within those counties.

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

26 (a) On or before June 30, 2015, and every eight years thereafter,  
27 for King, Pierce, and Snohomish counties and the cities within those  
28 counties;

29 (b) On or before June 30, 2016, and every eight years thereafter,  
30 for Clallam, Clark, Island, Jefferson, Kitsap, Mason, San Juan,  
31 Skagit, Thurston, and Whatcom counties and the cities within those  
32 counties;

33 (c) On or before June 30, 2017, and every eight years thereafter,  
34 for Benton, Chelan, Cowlitz, Douglas, Kittitas, Lewis, Skamania,  
35 Spokane, and Yakima counties and the cities within those counties;  
36 and

37 (d) On or before June 30, 2018, and every eight years thereafter,  
38 for Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Grays  
39 Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens,

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

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

9 (b) A county that is subject to a deadline established in  
10 subsection (4) (b) through (d) of this section and meets the following  
11 criteria may comply with the requirements of this section at any time  
12 within the thirty-six months following the deadline established in  
13 subsection (4) of this section: The county has a population of less  
14 than fifty thousand and has had its population increase by no more  
15 than seventeen percent in the ten years preceding the deadline  
16 established in subsection (4) of this section as of that date.

17 (c) A city that is subject to a deadline established in  
18 subsection (4) (b) through (d) of this section and meets the following  
19 criteria may comply with the requirements of this section at any time  
20 within the thirty-six months following the deadline established in  
21 subsection (4) of this section: The city has a population of no more  
22 than five thousand and has had its population increase by the greater  
23 of either no more than one hundred persons or no more than seventeen  
24 percent in the ten years preceding the deadline established in  
25 subsection (4) of this section as of that date.

26 (d) A county or city that is subject to a deadline established in  
27 subsection (4) (d) of this section and that meets the criteria  
28 established in (b) or (c) of this subsection may comply with the  
29 requirements of subsection (4) (d) of this section at any time within  
30 the thirty-six months after the extension provided in (b) or (c) of  
31 this subsection.

32 (e) A county that is subject to a deadline established in  
33 subsection (5) (b) through (d) of this section and meets the following  
34 criteria may comply with the requirements of this section at any time  
35 within the twenty-four months following the deadline established in  
36 subsection (5) of this section: The county has a population of less  
37 than fifty thousand and has had its population increase by no more  
38 than seventeen percent in the ten years preceding the deadline  
39 established in subsection (5) of this section as of that date.

1 (f) A city that is subject to a deadline established in  
2 subsection (5)(b) through (d) of this section and meets the following  
3 criteria may comply with the requirements of this section at any time  
4 within the twenty-four months following the deadline established in  
5 subsection (5) of this section: The city has a population of no more  
6 than five thousand and has had its population increase by the greater  
7 of either no more than one hundred persons or no more than seventeen  
8 percent in the ten years preceding the deadline established in  
9 subsection (5) of this section as of that date.

10 (g) State agencies are encouraged to provide technical assistance  
11 to the counties and cities in the review of critical area ordinances,  
12 comprehensive plans, and development regulations.

13 (7)(a) The requirements imposed on counties and cities under this  
14 section shall be considered "requirements of this chapter" under the  
15 terms of RCW 36.70A.040(1). Only those counties and cities that meet  
16 the following criteria may receive grants, loans, pledges, or  
17 financial guarantees under chapter 43.155 or 70.146 RCW:

18 (i) Complying with the deadlines in this section;

19 (ii) Demonstrating substantial progress towards compliance with  
20 the schedules in this section for development regulations that  
21 protect critical areas; or

22 (iii) Complying with the extension provisions of subsection  
23 (6)(b), (c), or (d) of this section.

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

30 (8)(a) Except as otherwise provided in (c) of this subsection, if  
31 a participating watershed is achieving benchmarks and goals for the  
32 protection of critical areas functions and values, the county is not  
33 required to update development regulations to protect critical areas  
34 as they specifically apply to agricultural activities in that  
35 watershed.

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

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

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

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

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

11 (v) Three or more years have elapsed since the receipt of  
12 funding.

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

22 NEW SECTION. **Sec. 8.** This act is necessary for the immediate  
23 preservation of the public peace, health, or safety, or support of  
24 the state government and its existing public institutions, and takes  
25 effect immediately.

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