

SHB 1241 - H AMD 414

By Representative Duerr

ADOPTED AS AMENDED 03/08/2021

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

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

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

13 (b) Except as otherwise provided, a county or city not planning
14 under RCW 36.70A.040 shall take action to review and, if needed,
15 revise its policies and development regulations regarding critical
16 areas and natural resource lands adopted according to this chapter to
17 ensure these policies and regulations comply with the requirements of
18 this chapter according to the deadlines in subsections (4) and (5) of
19 this section. Legislative action means the adoption of a resolution
20 or ordinance following notice and a public hearing indicating at a
21 minimum, a finding that a review and evaluation has occurred and
22 identifying the revisions made, or that a revision was not needed and
23 the reasons therefor.

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

29 (d) Any amendment of or revision to a comprehensive land use plan
30 shall conform to this chapter. Any amendment of or revision to
31 development regulations shall be consistent with and implement the
32 comprehensive plan.

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

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

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

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

24 (iv) The amendment of the capital facilities element of a
25 comprehensive plan that occurs concurrently with the adoption or
26 amendment of a county or city budget; or

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

33 (b) Except as otherwise provided in (a) of this subsection, all
34 proposals shall be considered by the governing body concurrently so
35 the cumulative effect of the various proposals can be ascertained.
36 However, after appropriate public participation a county or city may
37 adopt amendments or revisions to its comprehensive plan that conform
38 with this chapter whenever an emergency exists or to resolve an
39 appeal of a comprehensive plan filed with the growth management
40 hearings board or with the court.

1 (3) (a) Each county that designates urban growth areas under RCW
2 36.70A.110 shall review, according to the schedules established in
3 subsections (4) and (5) of this section, its designated urban growth
4 area or areas, and the densities permitted within both the
5 incorporated and unincorporated portions of each urban growth area.
6 In conjunction with this review by the county, each city located
7 within an urban growth area shall review the densities permitted
8 within its boundaries, and the extent to which the urban growth
9 occurring within the county has located within each city and the
10 unincorporated portions of the urban growth areas.

11 (b) The county comprehensive plan designating urban growth areas,
12 and the densities permitted in the urban growth areas by the
13 comprehensive plans of the county and each city located within the
14 urban growth areas, shall be revised to accommodate the urban growth
15 projected to occur in the county for the succeeding twenty-year
16 period. The review required by this subsection may be combined with
17 the review and evaluation required by RCW 36.70A.215.

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

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

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

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

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

35 (5) Except as otherwise provided in subsections (6) and (8) of
36 this section, following the review of comprehensive plans and
37 development regulations required by subsection (4) of this section,
38 counties and cities shall take action to review and, if needed,
39 revise their comprehensive plans and development regulations to

1 ensure the plan and regulations comply with the requirements of this
2 chapter as follows:

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

6 (b) On or before June 30, 2025, and every ~~((eight))~~ ten years
7 thereafter, for Clallam, Clark, Island, Jefferson, Lewis, Mason, San
8 Juan, Skagit, Thurston, and Whatcom counties and the cities within
9 those counties;

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

14 (d) On or before June 30, 2027, and every ~~((eight))~~ ten years
15 thereafter, for Adams, Asotin, Columbia, Ferry, Garfield, Grant,
16 Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille,
17 Stevens, Wahkiakum, and Whitman counties and the cities within those
18 counties.

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

25 (b) A county that is subject to a deadline established in
26 subsection (5) (~~((a)(ii) through (iv) [(b) through (d)]~~)) of this
27 section and meets the following criteria may comply with the
28 requirements of this section at any time within the twenty-four
29 months following the deadline established in subsection (5) of this
30 section: The county has a population of less than fifty thousand and
31 has had its population increase by no more than seventeen percent in
32 the ten years preceding the deadline established in subsection (5) of
33 this section as of that date.

34 (c) A city that is subject to a deadline established in
35 subsection (5) (~~((a)(ii) through (iv) [(b) through (d)]~~)) of this
36 section and meets the following criteria may comply with the
37 requirements of this section at any time within the twenty-four
38 months following the deadline established in subsection (5) of this
39 section: The city has a population of no more than five thousand and
40 has had its population increase by the greater of either no more than

1 one hundred persons or no more than seventeen percent in the ten
2 years preceding the deadline established in subsection (5) of this
3 section as of that date.

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

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

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

13 (ii) Demonstrating substantial progress towards compliance with
14 the schedules in this section for development regulations that
15 protect critical areas.

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

22 (8) (a) Except as otherwise provided in (c) of this subsection, if
23 a participating watershed is achieving benchmarks and goals for the
24 protection of critical areas functions and values, the county is not
25 required to update development regulations to protect critical areas
26 as they specifically apply to agricultural activities in that
27 watershed.

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

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

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

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

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

3 (v) Three or more years have elapsed since the receipt of
4 funding.

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

14 (9)(a) Counties subject to planning deadlines established in
15 subsection (5) of this section that meet either criteria of (a)(i) or
16 (ii) of this subsection, and cities with a population of more than
17 6,000 as of January 1, 2021, within those counties, must provide to
18 the department an implementation progress report detailing the
19 progress they have achieved in implementing their comprehensive plan
20 five years after the review and revision of their comprehensive plan.
21 This implementation progress report requirement applies only to
22 counties that meet either of the following criteria on or after
23 January 1, 2021:

24 (i) The county has a population density of at least 100 people
25 per square mile and a population of at least 200,000; or

26 (ii) The county has a population density of at least 75 people
27 per square mile and an annual growth rate of at least 1.75 percent as
28 determined by the office of financial management.

29 (b) The department shall adopt guidelines for indicators,
30 measures, milestones, and criteria for use by counties and cities in
31 the implementation progress report that must cover:

32 (i) The implementation of previously adopted changes to the
33 housing element and any effect those changes have had on housing
34 affordability and availability within the jurisdiction;

35 (ii) Permit processing timelines; and

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

1 (c) If a city or county required to provide an implementation
2 progress report under this subsection (9) has not implemented any
3 specifically identified regulations, zoning and land use changes, or
4 taken other legislative or administrative action necessary to
5 implement any changes in the most recent periodic update in their
6 comprehensive plan by the due date for the implementation progress
7 report, the city or county must identify the need for such action in
8 the implementation progress report. Cities and counties must adopt a
9 work plan to implement any necessary regulations, zoning and land use
10 changes, or take other legislative or administrative action
11 identified in the implementation progress report and complete all
12 work necessary for implementation within two years of submission of
13 the implementation progress report.

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

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

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

25 (i) On or before December 1, 2005, for the city of Port Townsend,
26 the city of Bellingham, the city of Everett, Snohomish county, and
27 Whatcom county;

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

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

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

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

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

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

8 (3)(a) Following approval by the department of a new or amended
9 master program, local governments required to develop or amend master
10 programs on or before December 1, 2009, as provided by subsection
11 (2)(a)(i) and (ii) of this section, shall be deemed to have complied
12 with the schedule established by subsection (2)(a)(iii) of this
13 section and shall not be required to complete master program
14 amendments until the applicable dates established by subsection
15 (4)(b) of this section. Any jurisdiction listed in subsection
16 (2)(a)(i) of this section that has a new or amended master program
17 approved by the department on or after March 1, 2002, but before July
18 27, 2003, shall not be required to complete master program amendments
19 until the applicable date provided by subsection (4)(b) of this
20 section.

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

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

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

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

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

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

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

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

15 (iv) On or before June 30, 2022, and every (~~eight~~) ten years
16 thereafter, for Adams, Asotin, Columbia, Ferry, Franklin, Garfield,
17 Grant, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend
18 Oreille, Stevens, Wahkiakum, Walla Walla, and Whitman counties and
19 the cities within those counties.

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

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

32 (a) Grants to local governments for developing and amending
33 master programs pursuant to the schedule established by this section
34 shall be provided at least two years before the adoption dates
35 specified in subsection (2) of this section. To the extent possible,
36 the department shall allocate grants within the amount appropriated
37 for such purposes to provide reasonable and adequate funding to local
38 governments that have indicated their intent to develop or amend
39 master programs during the biennium according to the schedule
40 established by subsection (2) of this section. Any local government

1 that applies for but does not receive funding to comply with the
2 provisions of subsection (2) of this section may delay the
3 development or amendment of its master program until the following
4 biennium.

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

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

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

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

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

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

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

37 (i) On or before December 1, 2005, for the city of Port Townsend,
38 the city of Bellingham, the city of Everett, Snohomish county, and
39 Whatcom county;

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

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

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

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

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

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

20 (3)(a) Following approval by the department of a new or amended
21 master program, local governments required to develop or amend master
22 programs on or before December 1, 2009, as provided by subsection
23 (2)(a)(i) and (ii) of this section, shall be deemed to have complied
24 with the schedule established by subsection (2)(a)(iii) of this
25 section and shall not be required to complete master program
26 amendments until the applicable dates established by subsection
27 (4)(b) of this section. Any jurisdiction listed in subsection
28 (2)(a)(i) of this section that has a new or amended master program
29 approved by the department on or after March 1, 2002, but before July
30 27, 2003, shall not be required to complete master program amendments
31 until the applicable date provided by subsection (4)(b) of this
32 section.

33 (b) Following approval by the department of a new or amended
34 master program, local governments choosing to develop or amend master
35 programs on or before December 1, 2009, shall be deemed to have
36 complied with the schedule established by subsection (2)(a)(iii)
37 through (vi) of this section and shall not be required to complete
38 master program amendments until the applicable dates established by
39 subsection (4)(b) of this section.

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

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

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

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

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

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

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

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

32 (5) In meeting the review requirements of subsection (4) of this
33 section, local governments are encouraged to begin the process of
34 developing or amending their master programs early and are eligible
35 for grants from the department as provided by RCW 90.58.250, subject
36 to available funding. Except for those local governments listed in
37 subsection (2) (a) (i) and (ii) of this section, the deadline for
38 completion of the new or amended master programs shall be two years
39 after the date the grant is approved by the department. Subsequent

1 master program review dates shall not be altered by the provisions of
2 this subsection.

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

5 (a) Grants to local governments for reviewing master programs
6 pursuant to the schedule established by this section shall be
7 provided at least two years before the adoption dates specified in
8 subsection (4) of this section. To the extent possible, the
9 department shall allocate grants within the amount appropriated for
10 such purposes to provide reasonable and adequate funding to local
11 governments that have indicated their intent to develop or amend
12 master programs during the biennium according to the schedule
13 established by subsection (4) of this section. Any local government
14 that applies for but does not receive funding to comply with the
15 provisions of subsection (4) of this section may delay the
16 development or amendment of its master program until the following
17 biennium.

18 (b) Local governments with delayed compliance dates as provided
19 in (a) of this subsection shall be the first priority for funding in
20 subsequent biennia, and the periodic review compliance deadline for
21 those local governments shall be two years after the date of grant
22 approval.

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

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

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

1 **Sec. 4.** 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) A federally recognized Indian tribe may voluntarily choose to
35 participate in the county or regional planning process and coordinate
36 with the county and cities that are either required to comply with
37 the provisions of this chapter pursuant to subsection (1) of this
38 section or voluntarily choose to comply with the provisions of this
39 chapter pursuant to subsection (2) of this section; provided, that
40 collaboration and participation is a nonexclusive exercise of

1 coordination and cooperation in the planning process and failure to
2 exercise discretionary collaboration and participation shall not
3 limit a party's standing for quasi-judicial or judicial review or
4 appeal under this chapter.

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

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

17 (c) Nothing in this subsection or any other provision in this
18 chapter shall affect, alter, or limit in any way, subject to a
19 memorandum of agreement adopted in accordance with (a) of this
20 subsection, a local government legislative body's authority to adopt
21 and amend comprehensive land use plans and development regulations in
22 accordance with this chapter.

23 **Sec. 5.** RCW 36.70A.080 and 2011 c 318 s 801 are each amended to
24 read as follows:

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

28 (a) Conservation;

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

30 (c) Recreation; and

31 (d) Container port elements. When including container port
32 elements, a city shall collaborate with the federally recognized
33 Indian tribe whose reservation is located within or adjacent to the
34 lands subject to the container port element.

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

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

1 (b) For purposes of this subsection, the terms "receiving city"
2 and "receiving area" have the same meanings as provided in RCW
3 39.108.010.

4 **Sec. 6.** RCW 36.70A.106 and 2004 c 197 s 1 are each amended to
5 read as follows:

6 (1) Each county and city proposing adoption of a comprehensive
7 plan or development regulations under this chapter shall notify the
8 department of its intent to adopt such plan or regulations at least
9 sixty days prior to final adoption. State agencies including the
10 department may provide comments to the county or city on the proposed
11 comprehensive plan, or proposed development regulations, during the
12 public review process prior to adoption.

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

17 (3) (a) Any amendments for permanent changes to a comprehensive
18 plan or development regulation that are proposed by a county or city
19 to its adopted plan or regulations shall be submitted to the
20 department in the same manner as initial plans and development
21 regulations under this section. Any amendments to a comprehensive
22 plan or development regulations that are adopted by a county or city
23 shall be transmitted to the department in the same manner as the
24 initial plans and regulations under this section.

25 (b) Each county and city planning under this chapter may request
26 expedited review for any amendments for permanent changes to a
27 development regulation. Upon receiving a request for expedited
28 review, and after consultation with other state agencies, the
29 department may grant expedited review if the department determines
30 that expedited review does not compromise the state's ability to
31 provide timely comments related to compliance with the goals and
32 requirements of this chapter or on other matters of state interest.
33 Cities and counties may adopt amendments for permanent changes to a
34 development regulation immediately following the granting of the
35 request for expedited review by the department.

36 (c) A federally recognized Indian tribe may request to receive
37 from the department copies of notices received from cities or
38 counties under this section. Upon receipt of a submittal from a city

1 or county under this section, the department shall forward the
2 submittal to any tribe that has requested notification.

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

5 (1) Each county that is required or chooses to plan under RCW
6 36.70A.040 shall designate an urban growth area or areas within which
7 urban growth shall be encouraged and outside of which growth can
8 occur only if it is not urban in nature. Each city that is located in
9 such a county shall be included within an urban growth area. An urban
10 growth area may include more than a single city. An urban growth area
11 may include territory that is located outside of a city only if such
12 territory already is characterized by urban growth whether or not the
13 urban growth area includes a city, or is adjacent to territory
14 already characterized by urban growth, or is a designated new fully
15 contained community as defined by RCW 36.70A.350. When a federally
16 recognized Indian tribe whose reservation or ceded lands lie within
17 the county or city has voluntarily chosen to participate in the
18 planning process pursuant to RCW 36.70A.040, the county or city and
19 the tribe shall coordinate their planning efforts for any areas
20 planned for urban growth consistent with the terms outlined in the
21 memorandum of agreement provided for in RCW 36.70A.040(8)(a).

22 (2) Based upon the growth management population projection made
23 for the county by the office of financial management, the county and
24 each city within the county shall include areas and densities
25 sufficient to permit the urban growth that is projected to occur in
26 the county or city for the succeeding twenty-year period, except for
27 those urban growth areas contained totally within a national
28 historical reserve. As part of this planning process, each city
29 within the county must include areas sufficient to accommodate the
30 broad range of needs and uses that will accompany the projected urban
31 growth including, as appropriate, medical, governmental,
32 institutional, commercial, service, retail, and other nonresidential
33 uses.

34 Each urban growth area shall permit urban densities and shall
35 include greenbelt and open space areas. In the case of urban growth
36 areas contained totally within a national historical reserve, the
37 city may restrict densities, intensities, and forms of urban growth
38 as determined to be necessary and appropriate to protect the
39 physical, cultural, or historic integrity of the reserve. An urban

1 growth area determination may include a reasonable land market supply
2 factor and shall permit a range of urban densities and uses. In
3 determining this market factor, cities and counties may consider
4 local circumstances. Cities and counties have discretion in their
5 comprehensive plans to make many choices about accommodating growth.

6 Within one year of July 1, 1990, each county that as of June 1,
7 1991, was required or chose to plan under RCW 36.70A.040, shall begin
8 consulting with each city located within its boundaries and each city
9 shall propose the location of an urban growth area. Within sixty days
10 of the date the county legislative authority of a county adopts its
11 resolution of intention or of certification by the office of
12 financial management, all other counties that are required or choose
13 to plan under RCW 36.70A.040 shall begin this consultation with each
14 city located within its boundaries. The county shall attempt to reach
15 agreement with each city on the location of an urban growth area
16 within which the city is located. If such an agreement is not reached
17 with each city located within the urban growth area, the county shall
18 justify in writing why it so designated the area an urban growth
19 area. A city may object formally with the department over the
20 designation of the urban growth area within which it is located.
21 Where appropriate, the department shall attempt to resolve the
22 conflicts, including the use of mediation services.

23 (3) Urban growth should be located first in areas already
24 characterized by urban growth that have adequate existing public
25 facility and service capacities to serve such development, second in
26 areas already characterized by urban growth that will be served
27 adequately by a combination of both existing public facilities and
28 services and any additional needed public facilities and services
29 that are provided by either public or private sources, and third in
30 the remaining portions of the urban growth areas. Urban growth may
31 also be located in designated new fully contained communities as
32 defined by RCW 36.70A.350.

33 (4) In general, cities are the units of local government most
34 appropriate to provide urban governmental services. In general, it is
35 not appropriate that urban governmental services be extended to or
36 expanded in rural areas except in those limited circumstances shown
37 to be necessary to protect basic public health and safety and the
38 environment and when such services are financially supportable at
39 rural densities and do not permit urban development.

1 (5) On or before October 1, 1993, each county that was initially
2 required to plan under RCW 36.70A.040(1) shall adopt development
3 regulations designating interim urban growth areas under this
4 chapter. Within three years and three months of the date the county
5 legislative authority of a county adopts its resolution of intention
6 or of certification by the office of financial management, all other
7 counties that are required or choose to plan under RCW 36.70A.040
8 shall adopt development regulations designating interim urban growth
9 areas under this chapter. Adoption of the interim urban growth areas
10 may only occur after public notice; public hearing; and compliance
11 with the state environmental policy act, chapter 43.21C RCW, and
12 under this section. Such action may be appealed to the growth
13 management hearings board under RCW 36.70A.280. Final urban growth
14 areas shall be adopted at the time of comprehensive plan adoption
15 under this chapter.

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

18 (7) An urban growth area designated in accordance with this
19 section may include within its boundaries urban service areas or
20 potential annexation areas designated for specific cities or towns
21 within the county.

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

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

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

31 (ii) Urban growth areas where expansions are precluded outside
32 floodplains because:

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

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

37 (iii) Urban growth area expansions where:

38 (A) Public facilities already exist within the floodplain and the
39 expansion of an existing public facility is only possible on the land

1 to be included in the urban growth area and located within the
2 floodplain; or

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

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

10 (I) The permissible use of the land is limited to one of the
11 following: Outdoor recreation; environmentally beneficial projects,
12 including but not limited to habitat enhancement or environmental
13 restoration; stormwater facilities; flood control facilities; or
14 underground conveyances; and

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

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

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

29 (a)(i) Have existing, functioning, nonpolluting on-site sewage
30 systems;

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

34 (iii) Have no redevelopment capacity; or

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

38 **Sec. 8.** RCW 36.70A.190 and 1991 sp.s. c 32 s 3 are each amended
39 to read as follows:

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

5 (2) The department shall develop a priority list and establish
6 funding levels for planning and technical assistance grants both for
7 counties and cities that plan under RCW 36.70A.040. Priority for
8 assistance shall be based on a county's or city's population growth
9 rates, commercial and industrial development rates, the existence and
10 quality of a comprehensive plan and development regulations, and
11 other relevant factors.

12 (3) The department shall develop and administer a grant program
13 to provide direct financial assistance to counties and cities for the
14 preparation of comprehensive plans under this chapter. The department
15 may establish provisions for county and city matching funds to
16 conduct activities under this subsection. Grants may be expended for
17 any purpose directly related to the preparation of a county or city
18 comprehensive plan as the county or city and the department may
19 agree, including, without limitation, the conducting of surveys,
20 inventories and other data gathering and management activities, the
21 retention of planning consultants, contracts with regional councils
22 for planning and related services, and other related purposes.

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

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

31 (b) Adopting by rule procedural criteria to assist counties and
32 cities in adopting comprehensive plans and development regulations
33 that meet the goals and requirements of this chapter. These criteria
34 shall reflect regional and local variations and the diversity that
35 exists among different counties and cities that plan under this
36 chapter.

37 (5) The department shall provide mediation services to resolve
38 disputes between counties and cities regarding, among other things,
39 coordination of regional issues and designation of urban growth
40 areas.

1 (6) A federally recognized Indian tribe may formally request the
2 department to enter into formal government-to-government consultation
3 with the tribe regarding the tribe's concerns that the proposed plan
4 or any amendment to the county's or city's plan may directly or
5 indirectly injure rights reserved to the tribe under treaties,
6 statutes, or federal trust obligations regarding lands or activities
7 within the reservation of such tribe or rights reserved to the tribe
8 in regard to lands ceded under a treaty. Upon receipt of a formal
9 request to enter into formal government-to-government consultation
10 from a tribe, the department shall enter into formal government-to-
11 government consultation with the tribe for a period not to exceed 60
12 days. The department shall also notify the city or county of the
13 request and 60-day period and the county or city shall delay any
14 final action adopting any plan or amendment during that period. A
15 county or city must not be penalized for noncompliance under this
16 chapter due to any delays associated with the government-to-
17 government consultation process. When the government-to-government
18 consultation process is complete, the department shall provide
19 comments to the county or city including a summary and supporting
20 materials regarding the tribe's concerns and an offer to assist in
21 providing formal mediation or dispute resolution prior to adoption of
22 the proposed plan. Upon receipt of such notice and comments, the
23 county or city may either agree to amend the plan as requested
24 consistent with the comments of the department, or enter mediation
25 with the tribe, which shall be arranged by the department utilizing a
26 suitable expert to be paid by the department.

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

29 **Sec. 9.** RCW 36.70A.210 and 2009 c 121 s 2 are each amended to
30 read as follows:

31 (1) The legislature recognizes that counties are regional
32 governments within their boundaries, and cities are primary providers
33 of urban governmental services within urban growth areas. For the
34 purposes of this section, a "countywide planning policy" is a written
35 policy statement or statements used solely for establishing a
36 countywide framework from which county and city comprehensive plans
37 are developed and adopted pursuant to this chapter. This framework
38 shall ensure that city and county comprehensive plans are consistent

1 as required in RCW 36.70A.100. Nothing in this section shall be
2 construed to alter the land-use powers of cities.

3 (2) The legislative authority of a county that plans under RCW
4 36.70A.040 shall adopt a countywide planning policy in cooperation
5 with the cities located in whole or in part within the county as
6 follows:

7 (a) No later than sixty calendar days from July 16, 1991, the
8 legislative authority of each county that as of June 1, 1991, was
9 required or chose to plan under RCW 36.70A.040 shall convene a
10 meeting with representatives of each city located within the county
11 for the purpose of establishing a collaborative process that will
12 provide a framework for the adoption of a countywide planning policy.
13 In other counties that are required or choose to plan under RCW
14 36.70A.040, this meeting shall be convened no later than sixty days
15 after the date the county adopts its resolution of intention or was
16 certified by the office of financial management.

17 (b) The process and framework for adoption of a countywide
18 planning policy specified in (a) of this subsection shall determine
19 the manner in which the county and the cities agree to all procedures
20 and provisions including but not limited to desired planning
21 policies, deadlines, ratification of final agreements and
22 demonstration thereof, and financing, if any, of all activities
23 associated therewith.

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

28 (d) If there is no agreement by October 1, 1991, in a county that
29 was required or chose to plan under RCW 36.70A.040 as of June 1,
30 1991, or if there is no agreement within one hundred twenty days of
31 the date the county adopted its resolution of intention or was
32 certified by the office of financial management in any other county
33 that is required or chooses to plan under RCW 36.70A.040, the
34 governor shall first inquire of the jurisdictions as to the reason or
35 reasons for failure to reach an agreement. If the governor deems it
36 appropriate, the governor may immediately request the assistance of
37 the department of ~~((community, trade, and economic development))~~
38 commerce to mediate any disputes that preclude agreement. If
39 mediation is unsuccessful in resolving all disputes that will lead to
40 agreement, the governor may impose appropriate sanctions from those

1 specified under RCW 36.70A.340 on the county, city, or cities for
2 failure to reach an agreement as provided in this section. The
3 governor shall specify the reason or reasons for the imposition of
4 any sanction.

5 (e) No later than July 1, 1992, the legislative authority of each
6 county that was required or chose to plan under RCW 36.70A.040 as of
7 June 1, 1991, or no later than fourteen months after the date the
8 county adopted its resolution of intention or was certified by the
9 office of financial management the county legislative authority of
10 any other county that is required or chooses to plan under RCW
11 36.70A.040, shall adopt a countywide planning policy according to the
12 process provided under this section and that is consistent with the
13 agreement pursuant to (b) of this subsection, and after holding a
14 public hearing or hearings on the proposed countywide planning
15 policy.

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

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

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

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

24 (d) Policies for countywide transportation facilities and
25 strategies;

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

29 (f) Policies for joint county and city planning within urban
30 growth areas;

31 (g) Policies for countywide economic development and employment,
32 which must include consideration of the future development of
33 commercial and industrial facilities; and

34 (h) An analysis of the fiscal impact.

35 (4) Federal agencies and federally recognized Indian tribes
36 (~~may~~) whose reservation or ceded lands lie within the county shall
37 be invited to participate in and cooperate with the countywide
38 planning policy adoption process. Adopted countywide planning
39 policies shall be adhered to by state agencies.

1 (5) Failure to adopt a countywide planning policy that meets the
2 requirements of this section may result in the imposition of a
3 sanction or sanctions on a county or city within the county, as
4 specified in RCW 36.70A.340. In imposing a sanction or sanctions, the
5 governor shall specify the reasons for failure to adopt a countywide
6 planning policy in order that any imposed sanction or sanctions are
7 fairly and equitably related to the failure to adopt a countywide
8 planning policy.

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

12 (7) Multicounty planning policies shall be adopted by two or more
13 counties, each with a population of four hundred fifty thousand or
14 more, with contiguous urban areas and may be adopted by other
15 counties, according to the process established under this section or
16 other processes agreed to among the counties and cities within the
17 affected counties throughout the multicounty region.

18 NEW SECTION. **Sec. 10.** Section 2 of this act expires July 1,
19 2025.

20 NEW SECTION. **Sec. 11.** Section 3 of this act takes effect July
21 1, 2025."

22 Correct the title.

EFFECT: (1) Removes annual work program requirements.

(2) Limits implementation progress report requirements to counties that on or after January 1, 2021, have either: (a) A population density of at least 100 people per square mile and a population of at least 200,000; or (b) a population density of at least 75 people per square mile and an annual growth rate of at least 1.75 percent as determined by the office of financial management, and to cities within such counties with a population of more than 6,000 as of January 1, 2021.

(3) Limits the topics required to be covered in the implementation progress report to: (a) The implementation of changes adopted to the housing element; (b) permit processing timelines; and (c) progress toward implementing any actions required to achieve reductions to meet greenhouse gas and vehicle miles traveled reduction requirements as provided for in any element of the comprehensive plan.

(4) Requires cities and counties providing an implementation progress report to identify regulations, zoning and land use changes, and legislative and administrative actions necessary to implement changes made in the most recent comprehensive plan update that have not been made by the time the implementation progress report is due,

and requires cities and counties to adopt a work plan for implementing those changes and for completing all work necessary for implementation within two years of the implementation progress report.

(5) Removes language that limited certain provisions to apply only to federally recognized Indian tribes that have a reservation located within Washington or that have reserved treaty rights in the state, with these provisions instead referring to federally recognized Indian tribes generally.

(6) Provides that nothing in the act affects, alters, or limits a local government's authority to adopt and amend comprehensive land use plans and development regulations in accordance with the Growth Management Act.

(7) Prohibits a county or city from taking a final action on an update or amendment to a comprehensive plan if the Department of Commerce is conducting government-to-government consultation with a federally recognized tribe over the tribe's concerns that the proposed plan or amendment will injure the tribe's rights, and provides that the county or city cannot be penalized for any resulting delay in adopting an update or amendment.

(8) Removes provisions related to a tribe's objections to an adopted comprehensive plan or amendment.

(9) Limits the tribes that must be invited to participate in the countywide planning policy process to federally recognized tribes whose reservation or ceded lands lie within the county.

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