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**SUBSTITUTE HOUSE BILL 1717**

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**State of Washington**

**67th Legislature**

**2022 Regular Session**

**By** House Local Government (originally sponsored by Representatives Pollet, Goehner, Fitzgibbon, Ryu, Leavitt, Berg, Taylor, Robertson, Bateman, Valdez, Duerr, Fey, Ramel, Shewmake, Simmons, Dolan, Macri, and Young)

READ FIRST TIME 01/18/22.

1 AN ACT Relating to tribal participation in planning under the  
2 growth management act; and amending RCW 36.70A.040, 36.70A.085,  
3 36.70A.106, 36.70A.110, 36.70A.190, and 36.70A.210.

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

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

7 (1) Each county that has both a population of fifty thousand or  
8 more and, until May 16, 1995, has had its population increase by more  
9 than ten percent in the previous ten years or, on or after May 16,  
10 1995, has had its population increase by more than seventeen percent  
11 in the previous ten years, and the cities located within such county,  
12 and any other county regardless of its population that has had its  
13 population increase by more than twenty percent in the previous ten  
14 years, and the cities located within such county, shall conform with  
15 all of the requirements of this chapter. However, the county  
16 legislative authority of such a county with a population of less than  
17 fifty thousand population may adopt a resolution removing the county,  
18 and the cities located within the county, from the requirements of  
19 adopting comprehensive land use plans and development regulations  
20 under this chapter if this resolution is adopted and filed with the  
21 department by December 31, 1990, for counties initially meeting this

1 set of criteria, or within sixty days of the date the office of  
2 financial management certifies that a county meets this set of  
3 criteria under subsection (5) of this section. For the purposes of  
4 this subsection, a county not currently planning under this chapter  
5 is not required to include in its population count those persons  
6 confined in a correctional facility under the jurisdiction of the  
7 department of corrections that is located in the county.

8 Once a county meets either of these sets of criteria, the  
9 requirement to conform with all of the requirements of this chapter  
10 remains in effect, even if the county no longer meets one of these  
11 sets of criteria.

12 (2)(a) The county legislative authority of any county that does  
13 not meet either of the sets of criteria established under subsection  
14 (1) of this section may adopt a resolution indicating its intention  
15 to have subsection (1) of this section apply to the county. Each  
16 city, located in a county that chooses to plan under this subsection,  
17 shall conform with all of the requirements of this chapter. Once such  
18 a resolution has been adopted, the county and the cities located  
19 within the county remain subject to all of the requirements of this  
20 chapter, unless the county subsequently adopts a withdrawal  
21 resolution for partial planning pursuant to (b)(i) of this  
22 subsection.

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

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

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

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

36 (D) The legislative bodies of at least sixty percent of those  
37 cities having an aggregate population of at least seventy-five  
38 percent of the incorporated county population have not: Adopted  
39 resolutions opposing the action by the county; and provided written  
40 notification of the resolutions to the county.

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

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

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

10 (c) The adoption of a resolution for partial planning under  
11 (b)(i) of this subsection does not nullify or otherwise modify the  
12 requirements for counties and cities established in RCW 36.70A.060,  
13 36.70A.070(5) and associated development regulations, 36.70A.170, and  
14 36.70A.172.

15 (3) Any county or city that is initially required to conform with  
16 all of the requirements of this chapter under subsection (1) of this  
17 section shall take actions under this chapter as follows: (a) The  
18 county legislative authority shall adopt a countywide planning policy  
19 under RCW 36.70A.210; (b) the county and each city located within the  
20 county shall designate critical areas, agricultural lands,  
21 forestlands, and mineral resource lands, and adopt development  
22 regulations conserving these designated agricultural lands,  
23 forestlands, and mineral resource lands and protecting these  
24 designated critical areas, under RCW 36.70A.170 and 36.70A.060; (c)  
25 the county shall designate and take other actions related to urban  
26 growth areas under RCW 36.70A.110; (~~and~~) and (d) if the county  
27 has a population of fifty thousand or more, the county and each city  
28 located within the county shall adopt a comprehensive plan under this  
29 chapter and development regulations that are consistent with and  
30 implement the comprehensive plan on or before July 1, 1994, and if  
31 the county has a population of less than fifty thousand, the county  
32 and each city located within the county shall adopt a comprehensive  
33 plan under this chapter and development regulations that are  
34 consistent with and implement the comprehensive plan by January 1,  
35 1995, but if the governor makes written findings that a county with a  
36 population of less than fifty thousand or a city located within such  
37 a county is not making reasonable progress toward adopting a  
38 comprehensive plan and development regulations the governor may  
39 reduce this deadline for such actions to be taken by no more than one  
40 hundred eighty days. Any county or city subject to this subsection

1 may obtain an additional six months before it is required to have  
2 adopted its development regulations by submitting a letter notifying  
3 the department of its need prior to the deadline for adopting both a  
4 comprehensive plan and development regulations.

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

9 (a) The county legislative authority shall adopt a countywide  
10 planning policy under RCW 36.70A.210; (b) the county and each city  
11 that is located within the county shall adopt development regulations  
12 conserving agricultural lands, forestlands, and mineral resource  
13 lands it designated under RCW 36.70A.060 within one year of the date  
14 the county legislative authority adopts its resolution of intention;  
15 (c) the county shall designate and take other actions related to  
16 urban growth areas under RCW 36.70A.110; and (d) the county and each  
17 city that is located within the county shall adopt a comprehensive  
18 plan and development regulations that are consistent with and  
19 implement the comprehensive plan not later than four years from the  
20 date the county legislative authority adopts its resolution of  
21 intention, but a county or city may obtain an additional six months  
22 before it is required to have adopted its development regulations by  
23 submitting a letter notifying the department of its need prior to the  
24 deadline for adopting both a comprehensive plan and development  
25 regulations.

26 (5) If the office of financial management certifies that the  
27 population of a county that previously had not been required to plan  
28 under subsection (1) or (2) of this section has changed sufficiently  
29 to meet either of the sets of criteria specified under subsection (1)  
30 of this section, and where applicable, the county legislative  
31 authority has not adopted a resolution removing the county from these  
32 requirements as provided in subsection (1) of this section, the  
33 county and each city within such county shall take actions under this  
34 chapter as follows: (a) The county legislative authority shall adopt  
35 a countywide planning policy under RCW 36.70A.210; (b) the county and  
36 each city located within the county shall adopt development  
37 regulations under RCW 36.70A.060 conserving agricultural lands,  
38 forestlands, and mineral resource lands it designated within one year  
39 of the certification by the office of financial management; (c) the  
40 county shall designate and take other actions related to urban growth

1 areas under RCW 36.70A.110; and (d) the county and each city located  
2 within the county shall adopt a comprehensive land use plan and  
3 development regulations that are consistent with and implement the  
4 comprehensive plan within four years of the certification by the  
5 office of financial management, but a county or city may obtain an  
6 additional six months before it is required to have adopted its  
7 development regulations by submitting a letter notifying the  
8 department of its need prior to the deadline for adopting both a  
9 comprehensive plan and development regulations.

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

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

16 (8) A federally recognized Indian tribe may voluntarily choose to  
17 participate in the county or regional planning process and coordinate  
18 with the county and cities that are either required to comply with  
19 the provisions of this chapter pursuant to subsection (1) of this  
20 section or voluntarily choose to comply with the provisions of this  
21 chapter pursuant to subsection (2) of this section. Collaboration and  
22 participation is a nonexclusive exercise of coordination and  
23 cooperation in the planning process and failure to exercise  
24 discretionary collaboration and participation shall not limit a  
25 party's standing for quasi-judicial or judicial review or appeal  
26 under this chapter.

27 (a) Upon receipt of notice in the form of a tribal resolution  
28 from a federally recognized Indian tribe whose reservation or ceded  
29 lands lie within the county, which indicates the tribe has a planning  
30 process or intends to initiate a parallel planning process, the  
31 county, cities, and other local governments conducting the planning  
32 under this chapter shall enter into good faith negotiations to  
33 develop a mutually agreeable memorandum of agreement with such tribes  
34 in regard to collaboration and participation in the planning process.  
35 If a mutually agreeable memorandum of agreement cannot be reached  
36 between the local government and such tribes, the local government  
37 shall enter mediation with such tribes for a period not to exceed 30  
38 days, which shall be arranged by the department using a suitable  
39 expert to be paid by the department. If a mutually agreeable  
40 memorandum of agreement is not reached at the conclusion of the

1 mediation period, the period shall be extended for one additional  
2 period not to exceed 30 days, upon written notice to the department  
3 by one or more parties. If a mutually agreeable memorandum of  
4 agreement cannot be reached at the end of the mediation period or the  
5 extended mediation period, the parties shall have no further  
6 obligation to develop a memorandum of agreement. Inability to reach a  
7 mutually agreeable memorandum of agreement shall not preclude a tribe  
8 from providing notice as described in this subsection (8)(a) in  
9 subsequent planning processes.

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

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

20 **Sec. 2.** RCW 36.70A.085 and 2009 c 514 s 2 are each amended to  
21 read as follows:

22 (1) Comprehensive plans of cities that have a marine container  
23 port with annual operating revenues in excess of sixty million  
24 dollars within their jurisdiction must include a container port  
25 element.

26 (2) Comprehensive plans of cities that include all or part of a  
27 port district with annual operating revenues in excess of twenty  
28 million dollars may include a marine industrial port element. Prior  
29 to adopting a marine industrial port element under this subsection  
30 (2), the commission of the applicable port district must adopt a  
31 resolution in support of the proposed element.

32 (3) Port elements adopted under subsections (1) and (2) of this  
33 section must be developed collaboratively between the city (~~and~~),  
34 the applicable port, and the applicable tribe, which shall comply  
35 with RCW 36.70A.040(8), and must establish policies and programs  
36 that:

37 (a) Define and protect the core areas of port and port-related  
38 industrial uses within the city;

1 (b) Provide reasonably efficient access to the core area through  
2 freight corridors within the city limits; and

3 (c) Identify and resolve key land use conflicts along the edge of  
4 the core area, and minimize and mitigate, to the extent practicable,  
5 incompatible uses along the edge of the core area.

6 (4) Port elements adopted under subsections (1) and (2) of this  
7 section must be:

8 (a) Completed and approved by the city according to the schedule  
9 specified in RCW 36.70A.130; and

10 (b) Consistent with the economic development, transportation, and  
11 land use elements of the city's comprehensive plan, and consistent  
12 with the city's capital facilities plan.

13 (5) In adopting port elements under subsections (1) and (2) of  
14 this section, cities and ports must: Ensure that there is consistency  
15 between the port elements and the port comprehensive scheme required  
16 under chapters 53.20 and 53.25 RCW; and retain sufficient planning  
17 flexibility to secure emerging economic opportunities.

18 (6) In developing port elements under subsections (1) and (2) of  
19 this section, a city may utilize one or more of the following  
20 approaches:

21 (a) Creation of a port overlay district that protects container  
22 port uses;

23 (b) Use of industrial land banks;

24 (c) Use of buffers and transition zones between incompatible  
25 uses;

26 (d) Use of joint transportation funding agreements;

27 (e) Use of policies to encourage the retention of valuable  
28 warehouse and storage facilities;

29 (f) Use of limitations on the location or size, or both, of  
30 nonindustrial uses in the core area and surrounding areas; and

31 (g) Use of other approaches by agreement between the city and the  
32 port.

33 (7) The department of community, trade, and economic development  
34 must provide matching grant funds to cities meeting the requirements  
35 of subsection (1) of this section to support development of the  
36 required container port element.

37 (8) Any planned improvements identified in port elements adopted  
38 under subsections (1) and (2) of this section must be transmitted by  
39 the city to the transportation commission for consideration of

1 inclusion in the statewide transportation plan required under RCW  
2 47.01.071.

3 **Sec. 3.** RCW 36.70A.106 and 2004 c 197 s 1 are each amended to  
4 read as follows:

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

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

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

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

35 (c) A federally recognized Indian tribe may request to receive  
36 from the department copies of notices received from cities or  
37 counties under this section. Upon receipt of a submittal from a city  
38 or county under this section, the department shall forward the  
39 submittal to any tribe that has requested notification.



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

3       (1) Each county that is required or chooses to plan under RCW  
4 36.70A.040 shall designate an urban growth area or areas within which  
5 urban growth shall be encouraged and outside of which growth can  
6 occur only if it is not urban in nature. Each city that is located in  
7 such a county shall be included within an urban growth area. An urban  
8 growth area may include more than a single city. An urban growth area  
9 may include territory that is located outside of a city only if such  
10 territory already is characterized by urban growth whether or not the  
11 urban growth area includes a city, or is adjacent to territory  
12 already characterized by urban growth, or is a designated new fully  
13 contained community as defined by RCW 36.70A.350. When a federally  
14 recognized Indian tribe whose reservation or ceded lands lie within  
15 the county or city has voluntarily chosen to participate in the  
16 planning process pursuant to RCW 36.70A.040, the county or city and  
17 the tribe shall coordinate their planning efforts for any areas  
18 planned for urban growth consistent with the terms outlined in the  
19 memorandum of agreement provided for in RCW 36.70A.040(8).

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

32       Each urban growth area shall permit urban densities and shall  
33 include greenbelt and open space areas. In the case of urban growth  
34 areas contained totally within a national historical reserve, the  
35 city may restrict densities, intensities, and forms of urban growth  
36 as determined to be necessary and appropriate to protect the  
37 physical, cultural, or historic integrity of the reserve. An urban  
38 growth area determination may include a reasonable land market supply  
39 factor and shall permit a range of urban densities and uses. In  
40 determining this market factor, cities and counties may consider

1 local circumstances. Cities and counties have discretion in their  
2 comprehensive plans to make many choices about accommodating growth.

3 Within one year of July 1, 1990, each county that as of June 1,  
4 1991, was required or chose to plan under RCW 36.70A.040, shall begin  
5 consulting with each city located within its boundaries and each city  
6 shall propose the location of an urban growth area. Within sixty days  
7 of the date the county legislative authority of a county adopts its  
8 resolution of intention or of certification by the office of  
9 financial management, all other counties that are required or choose  
10 to plan under RCW 36.70A.040 shall begin this consultation with each  
11 city located within its boundaries. The county shall attempt to reach  
12 agreement with each city on the location of an urban growth area  
13 within which the city is located. If such an agreement is not reached  
14 with each city located within the urban growth area, the county shall  
15 justify in writing why it so designated the area an urban growth  
16 area. A city may object formally with the department over the  
17 designation of the urban growth area within which it is located.  
18 Where appropriate, the department shall attempt to resolve the  
19 conflicts, including the use of mediation services.

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

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

37 (5) On or before October 1, 1993, each county that was initially  
38 required to plan under RCW 36.70A.040(1) shall adopt development  
39 regulations designating interim urban growth areas under this  
40 chapter. Within three years and three months of the date the county

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

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

14 (7) An urban growth area designated in accordance with this  
15 section may include within its boundaries urban service areas or  
16 potential annexation areas designated for specific cities or towns  
17 within the county.

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

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

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

27 (ii) Urban growth areas where expansions are precluded outside  
28 floodplains because:

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

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

33 (iii) Urban growth area expansions where:

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

38 (B) Urban development already exists within a floodplain as of  
39 July 26, 2009, and is adjacent to, but outside of, the urban growth

1 area, and the expansion of the urban growth area is necessary to  
2 include such urban development within the urban growth area; or

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

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

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

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

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

25 (a)(i) Have existing, functioning, nonpolluting on-site sewage  
26 systems;

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

30 (iii) Have no redevelopment capacity; or

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

34 **Sec. 5.** RCW 36.70A.190 and 1991 sp.s. c 32 s 3 are each amended  
35 to read as follows:

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

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

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

19 (4) The department shall establish a program of technical  
20 assistance:

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

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

33 (5) The department shall provide mediation services to resolve  
34 disputes between counties and cities regarding, among other things,  
35 coordination of regional issues and designation of urban growth  
36 areas.

37 (6) The department shall provide services to facilitate the  
38 timely resolution of disputes between a federally recognized Indian  
39 tribe and a city or county.

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

6 (b) Upon receipt of a request from a tribe, the department shall  
7 notify the city or county of the request and offer to assist in  
8 providing facilitation services to encourage resolution before  
9 adoption of the proposed comprehensive plan. Upon receipt of the  
10 notice from the department, the city or county must delay any final  
11 action to adopt any comprehensive plan or any amendment or its  
12 development regulations for at least 60 days. The tribe and the city  
13 or county may jointly agree to extend this period by notifying the  
14 department. A county or city must not be penalized for noncompliance  
15 under this chapter due to any delays associated with this process.

16 (c) Upon receipt of a request, the department shall provide  
17 comments to the county or city including a summary and supporting  
18 materials regarding the tribe's concerns. The county or city may  
19 either agree to amend the comprehensive plan as requested consistent  
20 with the comments from the department, or enter into a facilitated  
21 process with the tribe, which must be arranged by the department  
22 using a suitable expert to be paid by the department. This  
23 facilitated process may also extend the 60-day delay of adoption,  
24 upon agreement of the tribe and the city or county.

25 (d) At the end of the 60-day period, unless by agreement there is  
26 an extension of the 60-day period, the city or county may proceed  
27 with adoption of the proposed comprehensive plan and development  
28 regulations. The facilitator shall write a report of findings  
29 describing the basis for agreements or disagreements that occurred  
30 during the process that are allowed to be disclosed by the parties  
31 and the resulting agreed upon elements of the plan to be amended.

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

34 **Sec. 6.** RCW 36.70A.210 and 2009 c 121 s 2 are each amended to  
35 read as follows:

36 (1) The legislature recognizes that counties are regional  
37 governments within their boundaries, and cities are primary providers  
38 of urban governmental services within urban growth areas. For the  
39 purposes of this section, a "countywide planning policy" is a written

1 policy statement or statements used solely for establishing a  
2 countywide framework from which county and city comprehensive plans  
3 are developed and adopted pursuant to this chapter. This framework  
4 shall ensure that city and county comprehensive plans are consistent  
5 as required in RCW 36.70A.100. Nothing in this section shall be  
6 construed to alter the land-use powers of cities.

7 (2) The legislative authority of a county that plans under RCW  
8 36.70A.040 shall adopt a countywide planning policy in cooperation  
9 with the cities located in whole or in part within the county as  
10 follows:

11 (a) No later than sixty calendar days from July 16, 1991, the  
12 legislative authority of each county that as of June 1, 1991, was  
13 required or chose to plan under RCW 36.70A.040 shall convene a  
14 meeting with representatives of each city located within the county  
15 for the purpose of establishing a collaborative process that will  
16 provide a framework for the adoption of a countywide planning policy.  
17 In other counties that are required or choose to plan under RCW  
18 36.70A.040, this meeting shall be convened no later than sixty days  
19 after the date the county adopts its resolution of intention or was  
20 certified by the office of financial management.

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

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

32 (d) If there is no agreement by October 1, 1991, in a county that  
33 was required or chose to plan under RCW 36.70A.040 as of June 1,  
34 1991, or if there is no agreement within one hundred twenty days of  
35 the date the county adopted its resolution of intention or was  
36 certified by the office of financial management in any other county  
37 that is required or chooses to plan under RCW 36.70A.040, the  
38 governor shall first inquire of the jurisdictions as to the reason or  
39 reasons for failure to reach an agreement. If the governor deems it  
40 appropriate, the governor may immediately request the assistance of

1 the department of (~~community, trade, and economic development~~)  
2 commerce to mediate any disputes that preclude agreement. If  
3 mediation is unsuccessful in resolving all disputes that will lead to  
4 agreement, the governor may impose appropriate sanctions from those  
5 specified under RCW 36.70A.340 on the county, city, or cities for  
6 failure to reach an agreement as provided in this section. The  
7 governor shall specify the reason or reasons for the imposition of  
8 any sanction.

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

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

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

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

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

28 (d) Policies for countywide transportation facilities and  
29 strategies;

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

33 (f) Policies for joint county and city planning within urban  
34 growth areas;

35 (g) Policies for countywide economic development and employment,  
36 which must include consideration of the future development of  
37 commercial and industrial facilities; (~~and~~)

38 (h) An analysis of the fiscal impact; and

39 (i) Policies that address the protection of tribal cultural  
40 resources in collaboration with federally recognized Indian tribes



1 that are invited pursuant to subsection (4) of this section, provided  
2 that a tribe, or more than one tribe, chooses to participate in the  
3 process.

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

9 (5) Failure to adopt a countywide planning policy that meets the  
10 requirements of this section may result in the imposition of a  
11 sanction or sanctions on a county or city within the county, as  
12 specified in RCW 36.70A.340. In imposing a sanction or sanctions, the  
13 governor shall specify the reasons for failure to adopt a countywide  
14 planning policy in order that any imposed sanction or sanctions are  
15 fairly and equitably related to the failure to adopt a countywide  
16 planning policy.

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

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

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