
HOUSE BILL 1164

State of Washington

69th Legislature

2025 Regular Session

By Representatives Connors, Leavitt, Low, and Jacobsen

Prefiled 01/06/25.

1 AN ACT Relating to expanding urban growth area boundaries for
2 residential development; amending RCW 36.70A.110 and 36.70A.130;
3 adding a new section to chapter 36.70A RCW; and creating a new
4 section.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that the supply of
7 developable land for housing needs to be increased. To do so without
8 increasing the costs on local governments, the legislature intends to
9 direct cities and counties to expand urban growth area boundaries so
10 that any parcel that shares a common boundary with, or is located
11 across the road from, a residential parcel with access to urban
12 services can be developed for residential purposes.

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

15 (1) Except as provided in subsection (2) of this section,
16 beginning with the next comprehensive plan update due after the
17 effective date of this section, a city or county that is required to
18 or chooses to plan under RCW 36.70A.040 must expand its urban growth
19 area boundaries to include all parcels that:

1 (a) Share a common boundary with another parcel that: (i) Shares
2 a common boundary with an urban growth area boundary; (ii) is
3 developed for residential purposes or has been approved for
4 residential development by the county; and (iii) has access to urban
5 services or is in an area where the county plans to provide urban
6 services; or

7 (b) Are adjacent to a road along which an urban growth area
8 boundary is drawn where parcels on the opposite side of the road: (i)
9 Are within the urban growth area; (ii) are developed for residential
10 purposes or have been approved for residential development by the
11 county; and (iii) have access to urban services or are in an area
12 where the county plans to provide urban services.

13 (2) Subsection (1) of this section does not authorize a city or
14 county to expand its urban growth area boundaries to include any of
15 the following types of areas:

16 (a) Critical areas or critical area buffers under RCW 36.70A.170,
17 except for critical aquifer recharge areas where a single-family
18 detached house is an allowed use provided that any requirements to
19 maintain aquifer recharge are met;

20 (b) Areas designated as sole source aquifers by the United States
21 environmental protection agency on islands in the Puget Sound;

22 (c) Areas with a watershed serving a reservoir for potable water
23 if that watershed is or was listed, as of the effective date of this
24 section, as impaired or threatened under section 303(d) of the
25 federal clean water act (33 U.S.C. Sec. 1313(d));

26 (d) Lots that have been designated as urban separators by
27 countywide planning policies as of the effective date of this
28 section;

29 (e) Lots that have been created through the splitting of a single
30 residential lot; or

31 (f) Areas designated by the county as agricultural, forest, or
32 mineral resource lands of long-term commercial significance.

33 (3) On a parcel that meets the criteria in subsection (1) of this
34 section, a city or county must:

35 (a) Authorize residential development at the same density as
36 allowed on the types of parcels described in subsection (1)(a) and
37 (b) of this section; and

38 (b) Allow any buildings that are part of a residential
39 development to use and connect to any available urban services.

1 **Sec. 3.** RCW 36.70A.110 and 2024 c 26 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. Each
8 parcel that meets the criteria in section 2(1) of this act shall be
9 included within an urban growth area. An urban growth area may
10 include more than a single city. An urban growth area may include
11 territory that is located outside of a city only if such territory
12 already is characterized by urban growth whether or not the urban
13 growth area includes a city, or is adjacent to territory already
14 characterized by urban growth, or is a designated new fully contained
15 community as defined by RCW 36.70A.350. When a federally recognized
16 Indian tribe whose reservation or ceded lands lie within the county
17 or city has voluntarily chosen to participate in the planning process
18 pursuant to RCW 36.70A.040, the county or city and the tribe shall
19 coordinate their planning efforts for any areas planned for urban
20 growth consistent with the terms outlined in the memorandum of
21 agreement provided for in RCW 36.70A.040(8).

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~~) 20-year period,
27 except for those urban growth areas contained totally within a
28 national historical reserve. As part of this planning process, each
29 city within the county must include areas sufficient to accommodate
30 the broad range of needs and uses that will accompany the projected
31 urban 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
40 growth area determination may include a reasonable land market supply

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

5 Within one year of July 1, 1990, each county that as of June 1,
6 1991, was required or chose to plan under RCW 36.70A.040, shall begin
7 consulting with each city located within its boundaries and each city
8 shall propose the location of an urban growth area. Within (~~sixty~~)
9 60 days of the date the county legislative authority of a county
10 adopts its resolution of intention or of certification by the office
11 of financial management, all other counties that are required or
12 choose to plan under RCW 36.70A.040 shall begin this consultation
13 with each city located within its boundaries. The county shall
14 attempt to reach agreement with each city on the location of an urban
15 growth area within which the city is located. If such an agreement is
16 not reached with each city located within the urban growth area, the
17 county shall justify in writing why it so designated the area an
18 urban growth area. A city may object formally with the department
19 over the designation of the urban growth area within which it is
20 located. Where appropriate, the department shall attempt to resolve
21 the conflicts, including the use of mediation services.

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

32 (4) In general, cities are the units of local government most
33 appropriate to provide urban governmental services. In general, it is
34 not appropriate that urban governmental services be extended to or
35 expanded in rural areas except (~~if~~):

36 (a) In those limited circumstances shown to be necessary to
37 protect basic public health and safety and the environment and when
38 such services are financially supportable at rural densities and do
39 not permit urban development; or

1 (b) When necessary for residential development of a parcel that
2 meets the criteria in section 2(1) of this act.

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

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

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

24 (8) If, during the county's annual review under RCW
25 36.70A.130(2)(a), the county determines revision of the urban growth
26 area is not required to accommodate the population projection for the
27 county made by the office of financial management for the succeeding
28 20-year period, but does determine that patterns of development have
29 created pressure for development in areas exceeding the amount of
30 available developable lands within the urban growth area, then the
31 county may revise the urban growth area or areas based on identified
32 patterns of development and likely future development pressure if the
33 following requirements are met:

34 (a) The revised urban growth area would not result in a net
35 increase in the total acreage or development capacity of the urban
36 growth area or areas;

37 (b) The areas added to the urban growth area are not designated
38 by the county as agricultural, forest, or mineral resource lands of
39 long-term commercial significance;

1 (c) If the areas added to the urban growth area have previously
2 been designated as agricultural, forest, or mineral resource lands of
3 long-term commercial significance, either an equivalent amount of
4 agricultural, forest, or mineral resource lands of long-term
5 commercial significance must be added to the area outside of the
6 urban growth area, or the county must wait a minimum of two years
7 before another swap may occur;

8 (d) Less than 15 percent of the areas added to the urban growth
9 area are critical areas other than critical aquifer recharge areas.
10 Critical aquifer recharge areas must have been previously designated
11 by the county and be maintained per county development regulations
12 within the expanded urban growth area and the revised urban growth
13 area must not result in a net increase in critical aquifer recharge
14 areas within the urban growth area;

15 (e) The areas added to the urban growth areas are suitable for
16 urban growth;

17 (f) The transportation element and capital facility plan element
18 of the county's comprehensive plan have identified the transportation
19 facilities and public facilities and services needed to serve the
20 urban growth area and the funding to provide the transportation
21 facilities and public facilities and services;

22 (g) The areas removed from the urban growth area are not
23 characterized by urban growth or urban densities;

24 (h) The revised urban growth area is contiguous, does not include
25 holes or gaps, and will not increase pressures to urbanize rural or
26 natural resource lands;

27 (i) The county's proposed urban growth area revision has been
28 reviewed according to the process and procedure in the countywide
29 planning policies adopted and approved according to RCW 36.70A.210;
30 and

31 (j) The revised urban growth area meets all other requirements of
32 this section.

33 (9) (a) At the earliest possible date prior to the revision of the
34 county's urban growth area authorized under subsection (8) of this
35 section, the county must engage in meaningful consultation with any
36 federally recognized Indian tribe that may be potentially affected by
37 the proposed revision. Meaningful consultation must include
38 discussion of the potential impacts to cultural resources and tribal
39 treaty rights.

1 (b) A county must notify the affected federally recognized Indian
2 tribe of the proposed revision using at least two methods, including
3 by mail. Upon receiving a notice, the federally recognized Indian
4 tribe may request a consultation to determine whether an agreement
5 can be reached related to the revision of the county's urban growth
6 area. If an agreement is not reached, the parties must enter
7 mediation pursuant to RCW 36.70A.040.

8 (10)(a) Except as provided in (b) of this subsection, the
9 expansion of an urban growth area is prohibited into the ((~~one~~
10 ~~hundred~~)) 100 year floodplain of any river or river segment that: (i)
11 Is located west of the crest of the Cascade mountains; and (ii) has a
12 mean annual flow of ((~~one thousand~~)) 1,000 or more cubic feet per
13 second as determined by the department of ecology.

14 (b) Subsection (10)(a) of this section does not apply to:

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

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

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

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

23 (iii) Urban growth area expansions where:

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

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

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

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

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

5 (c) For the purposes of this subsection (10), "~~((one hundred))~~
6 100 year floodplain" means the same as "special flood hazard area" as
7 set forth in WAC 173-158-040 as it exists on July 26, 2009.

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

15 (a)(i) Have existing, functioning, nonpolluting on-site sewage
16 systems;

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

20 (iii) Have no redevelopment capacity; or

21 (b) Do not require sewer service because development densities
22 are limited due to wetlands, floodplains, fish and wildlife habitats,
23 or geological hazards.

24 **Sec. 4.** RCW 36.70A.130 and 2024 c 17 s 1 are each amended to
25 read as follows:

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

34 (b)(i) A city or town located within a county planning under RCW
35 36.70A.040 may opt out of a full review and revisions of its
36 comprehensive plan established in this section if the city or town
37 meets the following criteria:

38 (A) Has a population fewer than 500;

1 (B) Is not located within 10 miles of a city with a population
2 over 100,000;

3 (C) Experienced a population growth rate of fewer than 10 percent
4 in the preceding 10 years; and

5 (D) Has provided the department with notice of its intent to
6 participate in a partial review and revision of its comprehensive
7 plan.

8 (ii) The department shall review the population growth rate for a
9 city or town participating in the partial review and revision of its
10 comprehensive plan process at least three years before the periodic
11 update is due as outlined in subsection (4) of this section and
12 notify cities of their eligibility.

13 (iii) A city or town that opts out of a full review and revision
14 of its comprehensive plan must update its critical areas regulations
15 and its capital facilities element and its transportation element.

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

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

32 (e) Any amendment of or revision to a comprehensive land use plan
33 shall conform to this chapter. Any amendment of or revision to
34 development regulations shall be consistent with and implement the
35 comprehensive plan.

36 (2) (a) Each county and city shall establish and broadly
37 disseminate to the public a public participation program consistent
38 with RCW 36.70A.035 and 36.70A.140 that identifies procedures and
39 schedules whereby updates, proposed amendments, or revisions of the
40 comprehensive plan are considered by the governing body of the county

1 or city no more frequently than once every year. "Updates" means to
2 review and revise, if needed, according to subsection (1) of this
3 section, and the deadlines in subsections (4) and (5) of this section
4 or in accordance with the provisions of subsection (6) of this
5 section. Amendments may be considered more frequently than once per
6 year under the following circumstances:

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

13 (ii) The development of an initial subarea plan for economic
14 development located outside of the 100 year floodplain in a county
15 that has completed a state-funded pilot project that is based on
16 watershed characterization and local habitat assessment;

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

19 (iv) The amendment of the capital facilities element of a
20 comprehensive plan that occurs concurrently with the adoption or
21 amendment of a county or city budget; or

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

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

36 (3)(a) Each county that designates urban growth areas under RCW
37 36.70A.110 shall review, according to the schedules established in
38 subsections (4) and (5) of this section, its designated urban growth
39 area or areas, patterns of development occurring within the urban
40 growth area or areas, and the densities permitted within both the

1 incorporated and unincorporated portions of each urban growth area.
2 In conjunction with this review by the county, each city located
3 within an urban growth area shall review the densities permitted
4 within its boundaries, and the extent to which the urban growth
5 occurring within the county has located within each city and the
6 unincorporated portions of the urban growth areas.

7 (b) The county comprehensive plan designating urban growth areas,
8 and the densities permitted in the urban growth areas by the
9 comprehensive plans of the county and each city located within the
10 urban growth areas, shall be revised to accommodate the urban growth
11 projected to occur in the county for the succeeding 20-year period
12 and to accommodate the inclusion of parcels that meet the criteria in
13 section 2(1) of this act within the urban growth areas. The review
14 required by this subsection may be combined with the review and
15 evaluation required by RCW 36.70A.215.

16 (c) If, during the county's review under (a) of this subsection,
17 the county determines revision of the urban growth area is not
18 required to accommodate the urban growth projected to occur in the
19 county for the succeeding 20-year period, but does determine that
20 patterns of development have created pressure in areas that exceed
21 available, developable lands within the urban growth area, the urban
22 growth area or areas may be revised to accommodate identified
23 patterns of development and likely future development pressure for
24 the succeeding 20-year period if the following requirements are met:

25 (i) The revised urban growth area may not result in an increase
26 in the total surface areas of the urban growth area or areas;

27 (ii) The areas added to the urban growth area are not or have not
28 been designated as agricultural, forest, or mineral resource lands of
29 long-term commercial significance;

30 (iii) Less than 15 percent of the areas added to the urban growth
31 area are critical areas;

32 (iv) The areas added to the urban growth areas are suitable for
33 urban growth;

34 (v) The transportation element and capital facility plan element
35 have identified the transportation facilities, and public facilities
36 and services needed to serve the urban growth area and the funding to
37 provide the transportation facilities and public facilities and
38 services;

1 (vi) The urban growth area is not larger than needed to
2 accommodate the growth planned for the succeeding 20-year planning
3 period and a reasonable land market supply factor;

4 (vii) The areas removed from the urban growth area do not include
5 urban growth or urban densities; and

6 (viii) The revised urban growth area is contiguous, does not
7 include holes or gaps, and will not increase pressures to urbanize
8 rural or natural resource lands.

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

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

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

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

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

26 (5) Except as otherwise provided in subsections (6) and (8) of
27 this section, following the review of comprehensive plans and
28 development regulations required by subsection (4) of this section,
29 counties and cities shall take action to review and, if needed,
30 revise their comprehensive plans and development regulations to
31 ensure the plan and regulations comply with the requirements of this
32 chapter as follows:

33 (a) Except as provided in subsection (10) of this section, on or
34 before December 31, 2024, with the following review and, if needed,
35 revision on or before June 30, 2034, and then every 10 years
36 thereafter, for King, Kitsap, Pierce, and Snohomish counties and the
37 cities within those counties;

38 (b) On or before December 31, 2025, with the following review
39 and, if needed, revision on or before June 30, 2035, and then every
40 10 years thereafter, for Clallam, Clark, Island, Jefferson, Lewis,

1 Mason, San Juan, Skagit, Thurston, and Whatcom counties and the
2 cities within those counties;

3 (c) On or before June 30, 2026, and every 10 years thereafter,
4 for Benton, Chelan, Cowlitz, Douglas, Franklin, Kittitas, Skamania,
5 Spokane, Walla Walla, and Yakima counties and the cities within those
6 counties; and

7 (d) On or before June 30, 2027, and every 10 years thereafter,
8 for Adams, Asotin, Columbia, Ferry, Garfield, Grant, Grays Harbor,
9 Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens,
10 Wahkiakum, and Whitman counties and the cities within those counties.

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

17 (b) A county that is subject to a deadline established in
18 subsection (5)(b) through (d) of this section and meets the following
19 criteria may comply with the requirements of this section at any time
20 within the 24 months following the deadline established in subsection
21 (5) of this section: The county has a population of less than 50,000
22 and has had its population increase by no more than 17 percent in the
23 10 years preceding the deadline established in subsection (5) of this
24 section as of that date.

25 (c) A city that is subject to a deadline established in
26 subsection (5)(b) through (d) of this section and meets the following
27 criteria may comply with the requirements of this section at any time
28 within the 24 months following the deadline established in subsection
29 (5) of this section: The city has a population of no more than 5,000
30 and has had its population increase by the greater of either no more
31 than 100 persons or no more than 17 percent in the 10 years preceding
32 the deadline established in subsection (5) of this section as of that
33 date.

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

37 (7)(a) The requirements imposed on counties and cities under this
38 section shall be considered "requirements of this chapter" under the
39 terms of RCW 36.70A.040(1). Only those counties and cities that meet

1 the following criteria may receive grants, loans, pledges, or
2 financial guarantees under chapter 43.155 or 70A.135 RCW:

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

4 (ii) Demonstrating substantial progress towards compliance with
5 the schedules in this section for development regulations that
6 protect critical areas.

7 (b) A county or city that is fewer than 12 months out of
8 compliance with the schedules in this section for development
9 regulations that protect critical areas is making substantial
10 progress towards compliance. Only those counties and cities in
11 compliance with the schedules in this section may receive preference
12 for grants or loans subject to the provisions of RCW 43.17.250.

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

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

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

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

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

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

33 (v) Three or more years have elapsed since the receipt of
34 funding.

35 (c) Beginning 10 years from the date of receipt of funding, a
36 county that has made the election under RCW 36.70A.710(1) must review
37 and, if necessary, revise development regulations to protect critical
38 areas as they specifically apply to agricultural activities in a
39 participating watershed in accordance with the review and revision
40 requirements and timeline in subsection (5) of this section. This

1 subsection (8)(c) does not apply to a participating watershed that
2 has determined under RCW 36.70A.720(2)(c)(ii) that the watershed's
3 goals and benchmarks for protection have been met.

4 (9)(a) Counties subject to planning deadlines established in
5 subsection (5) of this section that are required or that choose to
6 plan under RCW 36.70A.040 and that meet either criteria of (a)(i) or
7 (ii) of this subsection, and cities with a population of more than
8 6,000 as of April 1, 2021, within those counties, must provide to the
9 department an implementation progress report detailing the progress
10 they have achieved in implementing their comprehensive plan five
11 years after the review and revision of their comprehensive plan. Once
12 a county meets the criteria in (a)(i) or (ii) of this subsection, the
13 implementation progress report requirements remain in effect
14 thereafter for that county and the cities therein with populations
15 greater than 6,000 as of April 1, 2021, even if the county later no
16 longer meets either or both criteria. A county is subject to the
17 implementation progress report requirement if it meets either of the
18 following criteria on or after April 1, 2021:

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

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

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

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

30 (ii) Permit processing timelines; and

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

35 (c) If a city or county required to provide an implementation
36 progress report under this subsection (9) has not implemented any
37 specifically identified regulations, zoning and land use changes, or
38 taken other legislative or administrative action necessary to
39 implement any changes in the most recent periodic update in their
40 comprehensive plan by the due date for the implementation progress

1 report, the city or county must identify the need for such action in
2 the implementation progress report. Cities and counties must adopt a
3 work plan to implement any necessary regulations, zoning and land use
4 changes, or take other legislative or administrative action
5 identified in the implementation progress report and complete all
6 work necessary for implementation within two years of submission of
7 the implementation progress report.

8 (10) Any county or city that is required by RCW 36.70A.095 to
9 include in its comprehensive plan a climate change and resiliency
10 element and that is also required by subsection (5)(a) of this
11 section to review and, if necessary, revise its comprehensive plan on
12 or before December 31, 2024, must update its transportation element
13 and incorporate a climate change and resiliency element into its
14 comprehensive plan as part of the first implementation progress
15 report required by subsection (9) of this section if funds are
16 appropriated and distributed by December 31, 2027, as required under
17 RCW 36.70A.070(10).

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