
SENATE BILL 6016

State of Washington

69th Legislature

2026 Regular Session

By Senators Bateman and Short

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1 AN ACT Relating to considering critical aquifer recharge areas
2 when revising an urban growth area; and reenacting and amending RCW
3 36.70A.130.

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

5 **Sec. 1.** RCW 36.70A.130 and 2025 c 269 s 5 and 2025 c 148 s 1 are
6 each reenacted and amended to read as follows:

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

15 (b)(i) A city or town located within a county planning under RCW
16 36.70A.040 may opt out of a full review and revisions of its
17 comprehensive plan established in this section if the city or town
18 meets the following criteria:

19 (A) Has a population fewer than 500;

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

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

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

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

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

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

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

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

34 (2)(a) Each county and city shall establish and broadly
35 disseminate to the public a public participation program consistent
36 with RCW 36.70A.035 and 36.70A.140 that identifies procedures and
37 schedules whereby updates, proposed amendments, or revisions of the
38 comprehensive plan are considered by the governing body of the county
39 or city no more frequently than once every year. "Updates" means to
40 review and revise, if needed, according to subsection (1) of this

1 section, and the deadlines in subsections (4) and (5) of this section
2 or in accordance with the provisions of subsection (6) of this
3 section. Amendments may be considered more frequently than once per
4 year under the following circumstances:

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

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

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

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

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

26 (vi) The adoption or amendment of any housing element necessary
27 to receive a determination of compliance under RCW 36.70A.835.

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 The review required by this subsection may be combined with the
13 review and evaluation required by RCW 36.70A.215.

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

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

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

28 (iii) Less than 15 percent of the areas added to the urban growth
29 area are critical areas other than critical aquifer recharge areas,
30 provided that the revised urban growth area does not result in a net
31 increase in critical aquifer recharge areas within the urban growth
32 area. For the purposes of this subsection, "critical aquifer recharge
33 areas" means an area previously designated as a critical aquifer
34 recharge area by the county that is maintained per county development
35 regulations within the expanded urban growth area;

36 (iv) The areas added to the urban growth areas are suitable for
37 urban growth;

38 (v) The transportation element and capital facility plan element
39 have identified the transportation facilities, and public facilities
40 and services needed to serve the urban growth area and the funding to

1 provide the transportation facilities and public facilities and
2 services;

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

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

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

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

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

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

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

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

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

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

1 (b) On or before December 31, 2025, with the following review
2 and, if needed, revision on or before June 30, 2035, and then every
3 10 years thereafter, for Clallam, Clark, Island, Jefferson, Lewis,
4 Mason, San Juan, Skagit, Thurston, and Whatcom counties and the
5 cities within those counties;

6 (c) On or before December 31, 2026, with the following review
7 and, if needed, revision, on or before June 30, 2036, and every 10
8 years thereafter, for Benton, Chelan, Cowlitz, Douglas, Franklin,
9 Kittitas, Skamania, Spokane, Walla Walla, and Yakima counties and the
10 cities within those counties; and

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

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

21 (b) A county that is subject to a deadline established in
22 subsection (5)(b) through (d) of this section and meets the following
23 criteria may comply with the requirements of this section at any time
24 within the 24 months following the deadline established in subsection
25 (5) of this section: The county has a population of less than 50,000
26 and has had its population increase by no more than 17 percent in the
27 10 years preceding the deadline established in subsection (5) of this
28 section as of that date.

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

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

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

6 (i) The county or city is in compliance with the deadlines in
7 this section;

8 (ii) The county or city demonstrates substantial progress towards
9 compliance with the deadlines in this section for development
10 regulations that protect critical areas. For the purposes of this
11 subsection (7) (a) (ii), a county or city that is fewer than 12 months
12 out of compliance with the deadlines in this section for development
13 regulations that protect critical areas is making substantial
14 progress towards compliance with the deadlines in this section; or

15 (iii) The county or city demonstrates substantial progress
16 towards compliance with the deadlines in this section for any housing
17 element and any housing development regulations required to be
18 submitted to the department for review under RCW 36.70A.835. For the
19 purposes of this subsection (7) (a) (iii), a county or city that
20 applies to the department for review within the timelines specified
21 under RCW 36.70A.835 demonstrates substantial progress towards
22 compliance with the deadlines in this section and is eligible for
23 grants, loans, pledges, or financial guarantees under chapter 43.155
24 or 70A.135 RCW until the department or the growth management hearings
25 board issues a final decision determining that the county's or city's
26 housing element or any related housing development regulations are
27 not in compliance with the laws and regulations identified in RCW
28 36.70A.835(7).

29 (b) Only those counties and cities in compliance with the
30 schedules in this section may receive preference for grants or loans
31 subject to the provisions of RCW 43.17.250.

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

38 (b) A county that has made the election under RCW 36.70A.710(1)
39 may only adopt or amend development regulations to protect critical

1 areas as they specifically apply to agricultural activities in a
2 participating watershed if:

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

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

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

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

13 (v) Three or more years have elapsed since the receipt of
14 funding.

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

24 (9)(a) Counties subject to planning deadlines established in
25 subsection (5) of this section that are required or that choose to
26 plan under RCW 36.70A.040 and that meet either criteria of (a)(i) or
27 (ii) of this subsection, and cities with a population of more than
28 6,000 as of April 1, 2021, within those counties, must provide to the
29 department an implementation progress report detailing the progress
30 they have achieved in implementing their comprehensive plan five
31 years after the review and revision of their comprehensive plan. Once
32 a county meets the criteria in (a)(i) or (ii) of this subsection, the
33 implementation progress report requirements remain in effect
34 thereafter for that county and the cities therein with populations
35 greater than 6,000 as of April 1, 2021, even if the county later no
36 longer meets either or both criteria. A county is subject to the
37 implementation progress report requirement if it meets either of the
38 following criteria on or after April 1, 2021:

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

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

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

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

10 (ii) Permit processing timelines; and

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

15 (c) If a city or county required to provide an implementation
16 progress report under this subsection (9) has not implemented any
17 specifically identified regulations, zoning and land use changes, or
18 taken other legislative or administrative action necessary to
19 implement any changes in the most recent periodic update in their
20 comprehensive plan by the due date for the implementation progress
21 report, the city or county must identify the need for such action in
22 the implementation progress report. Cities and counties must adopt a
23 work plan to implement any necessary regulations, zoning and land use
24 changes, or take other legislative or administrative action
25 identified in the implementation progress report and complete all
26 work necessary for implementation within two years of submission of
27 the implementation progress report.

28 (10) Any county or city that is required by RCW 36.70A.095 to
29 include in its comprehensive plan a climate change and resiliency
30 element and that is also required by subsection (5)(a) of this
31 section to review and, if necessary, revise its comprehensive plan on
32 or before December 31, 2024, must update its transportation element
33 and incorporate a climate change and resiliency element into its
34 comprehensive plan as part of the first implementation progress
35 report required by subsection (9) of this section if funds are
36 appropriated and distributed by December 31, 2027, as required under
37 RCW 36.70A.070(10).

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