

ESHB 1241 - S AMD TO HLG COMM AMD (S-2308.1/21) 741  
By Senator Fortunato

NOT CONSIDERED 04/26/2021

1 Beginning on page 1, line 3, strike all material through "2025."  
2 on page 30, line 4 and insert the following:

3 "Sec. 1. RCW 36.70A.020 and 2002 c 154 s 1 are each amended to  
4 read as follows:

5 The following goals are adopted to guide the development and  
6 adoption of comprehensive plans and development regulations of those  
7 counties and cities that (~~are required or~~) choose to plan under RCW  
8 36.70A.040. The following goals are not listed in order of priority  
9 and shall be used exclusively for the purpose of guiding the  
10 development of comprehensive plans and development regulations:

11 (1) Urban growth. Encourage development in urban areas where  
12 adequate public facilities and services exist or can be provided in  
13 an efficient manner.

14 (2) Reduce sprawl. Reduce the inappropriate conversion of  
15 undeveloped land into sprawling, low-density development.

16 (3) Transportation. Encourage efficient multimodal transportation  
17 systems that are based on regional priorities and coordinated with  
18 county and city comprehensive plans.

19 (4) Housing. Encourage the availability of affordable housing to  
20 all economic segments of the population of this state, promote a  
21 variety of residential densities and housing types, and encourage  
22 preservation of existing housing stock.

23 (5) Economic development. Encourage economic development  
24 throughout the state that is consistent with adopted comprehensive  
25 plans, promote economic opportunity for all citizens of this state,  
26 especially for unemployed and for disadvantaged persons, promote the  
27 retention and expansion of existing businesses and recruitment of new  
28 businesses, recognize regional differences impacting economic  
29 development opportunities, and encourage growth in areas experiencing  
30 insufficient economic growth, all within the capacities of the  
31 state's natural resources, public services, and public facilities.

1 (6) Property rights. Private property shall not be taken for  
2 public use without just compensation having been made. The property  
3 rights of landowners shall be protected from arbitrary and  
4 discriminatory actions.

5 (7) Permits. Applications for both state and local government  
6 permits should be processed in a timely and fair manner to ensure  
7 predictability.

8 (8) Natural resource industries. Maintain and enhance natural  
9 resource-based industries, including productive timber, agricultural,  
10 and fisheries industries. Encourage the conservation of productive  
11 forestlands and productive agricultural lands, and discourage  
12 incompatible uses.

13 (9) Open space and recreation. Retain open space, enhance  
14 recreational opportunities, conserve fish and wildlife habitat,  
15 increase access to natural resource lands and water, and develop  
16 parks and recreation facilities.

17 (10) Environment. Protect the environment and enhance the state's  
18 high quality of life, including air and water quality, and the  
19 availability of water.

20 (11) Citizen participation and coordination. Encourage the  
21 involvement of citizens in the planning process and ensure  
22 coordination between communities and jurisdictions to reconcile  
23 conflicts.

24 (12) Public facilities and services. Ensure that those public  
25 facilities and services necessary to support development shall be  
26 adequate to serve the development at the time the development is  
27 available for occupancy and use without decreasing current service  
28 levels below locally established minimum standards.

29 (13) Historic preservation. Identify and encourage the  
30 preservation of lands, sites, and structures, that have historical or  
31 archaeological significance.

32 **Sec. 2.** RCW 36.70A.030 and 2020 c 173 s 4 are each amended to  
33 read as follows:

34 Unless the context clearly requires otherwise, the definitions in  
35 this section apply throughout this chapter.

36 (1) "Adopt a comprehensive land use plan" means to enact a new  
37 comprehensive land use plan or to update an existing comprehensive  
38 land use plan.

1 (2) "Affordable housing" means, unless the context clearly  
2 indicates otherwise, residential housing whose monthly costs,  
3 including utilities other than telephone, do not exceed thirty  
4 percent of the monthly income of a household whose income is:

5 (a) For rental housing, sixty percent of the median household  
6 income adjusted for household size, for the county where the  
7 household is located, as reported by the United States department of  
8 housing and urban development; or

9 (b) For owner-occupied housing, eighty percent of the median  
10 household income adjusted for household size, for the county where  
11 the household is located, as reported by the United States department  
12 of housing and urban development.

13 (3) "Agricultural land" means land primarily devoted to the  
14 commercial production of horticultural, viticultural, floricultural,  
15 dairy, apiary, vegetable, or animal products or of berries, grain,  
16 hay, straw, turf, seed, Christmas trees not subject to the excise tax  
17 imposed by RCW 84.33.100 through 84.33.140, finfish in upland  
18 hatcheries, or livestock, and that has long-term commercial  
19 significance for agricultural production.

20 (4) "City" means any city or town, including a code city.

21 (5) "Comprehensive land use plan," "comprehensive plan," or  
22 "plan" means a generalized coordinated land use policy statement of  
23 the governing body of a county or city that is adopted pursuant to  
24 this chapter.

25 (6) "Critical areas" include the following areas and ecosystems:

26 (a) Wetlands; (b) areas with a critical recharging effect on aquifers  
27 used for potable water; (c) fish and wildlife habitat conservation  
28 areas; (d) frequently flooded areas; and (e) geologically hazardous  
29 areas. "Fish and wildlife habitat conservation areas" does not  
30 include such artificial features or constructs as irrigation delivery  
31 systems, irrigation infrastructure, irrigation canals, or drainage  
32 ditches that lie within the boundaries of and are maintained by a  
33 port district or an irrigation district or company.

34 (7) (~~"Department" means the department of commerce.~~

35 ~~(8))~~ "Development regulations" or "regulation" means the  
36 controls placed on development or land use activities by a county or  
37 city, including, but not limited to, zoning ordinances, critical  
38 areas ordinances, shoreline master programs, official controls,  
39 planned unit development ordinances, subdivision ordinances, and  
40 binding site plan ordinances together with any amendments thereto. A

1 development regulation does not include a decision to approve a  
2 project permit application, as defined in RCW 36.70B.020, even though  
3 the decision may be expressed in (~~a resolution or~~) an ordinance of  
4 the legislative body of the county or city.

5 (~~(9)~~) (8) "Extremely low-income household" means a single  
6 person, family, or unrelated persons living together whose adjusted  
7 income is at or below thirty percent of the median household income  
8 adjusted for household size, for the county where the household is  
9 located, as reported by the United States department of housing and  
10 urban development.

11 (~~(10)~~) (9) "Forestland" means land primarily devoted to growing  
12 trees for long-term commercial timber production on land that can be  
13 economically and practically managed for such production, including  
14 Christmas trees subject to the excise tax imposed under RCW 84.33.100  
15 through 84.33.140, and that has long-term commercial significance. In  
16 determining whether forestland is primarily devoted to growing trees  
17 for long-term commercial timber production on land that can be  
18 economically and practically managed for such production, the  
19 following factors shall be considered: (a) The proximity of the land  
20 to urban, suburban, and rural settlements; (b) surrounding parcel  
21 size and the compatibility and intensity of adjacent and nearby land  
22 uses; (c) long-term local economic conditions that affect the ability  
23 to manage for timber production; and (d) the availability of public  
24 facilities and services conducive to conversion of forestland to  
25 other uses.

26 (~~(11)~~) (10) "Freight rail dependent uses" means buildings and  
27 other infrastructure that are used in the fabrication, processing,  
28 storage, and transport of goods where the use is dependent on and  
29 makes use of an adjacent short line railroad. Such facilities are  
30 both urban and rural development for purposes of this chapter.  
31 "Freight rail dependent uses" does not include buildings and other  
32 infrastructure that are used in the fabrication, processing, storage,  
33 and transport of coal, liquefied natural gas, or "crude oil" as  
34 defined in RCW 90.56.010.

35 (~~(12)~~) (11) "Geologically hazardous areas" means areas that  
36 because of their susceptibility to erosion, sliding, earthquake, or  
37 other geological events, are not suited to the siting of commercial,  
38 residential, or industrial development consistent with public health  
39 or safety concerns.

1       (~~(13)~~) (12) "Long-term commercial significance" includes the  
2 growing capacity, productivity, and soil composition of the land for  
3 long-term commercial production, in consideration with the land's  
4 proximity to population areas, and the possibility of more intense  
5 uses of the land.

6       (~~(14)~~) (13) "Low-income household" means a single person,  
7 family, or unrelated persons living together whose adjusted income is  
8 at or below eighty percent of the median household income adjusted  
9 for household size, for the county where the household is located, as  
10 reported by the United States department of housing and urban  
11 development.

12       (~~(15)~~) (14) "Minerals" include gravel, sand, and valuable  
13 metallic substances.

14       (~~(16)~~) (15) "Permanent supportive housing" is subsidized,  
15 leased housing with no limit on length of stay that prioritizes  
16 people who need comprehensive support services to retain tenancy and  
17 utilizes admissions practices designed to use lower barriers to entry  
18 than would be typical for other subsidized or unsubsidized rental  
19 housing, especially related to rental history, criminal history, and  
20 personal behaviors. Permanent supportive housing is paired with on-  
21 site or off-site voluntary services designed to support a person  
22 living with a complex and disabling behavioral health or physical  
23 health condition who was experiencing homelessness or was at imminent  
24 risk of homelessness prior to moving into housing to retain their  
25 housing and be a successful tenant in a housing arrangement, improve  
26 the resident's health status, and connect the resident of the housing  
27 with community-based health care, treatment, or employment services.  
28 Permanent supportive housing is subject to all of the rights and  
29 responsibilities defined in chapter 59.18 RCW.

30       (~~(17)~~) (16) "Public facilities" include streets, roads,  
31 highways, sidewalks, street and road lighting systems, traffic  
32 signals, domestic water systems, storm and sanitary sewer systems,  
33 parks and recreational facilities, and schools.

34       (~~(18)~~) (17) "Public services" include fire protection and  
35 suppression, law enforcement, public health, education, recreation,  
36 environmental protection, and other governmental services.

37       (~~(19)~~) (18) "Recreational land" means land so designated under  
38 RCW 36.70A.1701 and that, immediately prior to this designation, was  
39 designated as agricultural land of long-term commercial significance  
40 under RCW 36.70A.170. Recreational land must have playing fields and

1 supporting facilities existing before July 1, 2004, for sports played  
2 on grass playing fields.

3 ~~((20))~~ (19) "Rural character" refers to the patterns of land  
4 use and development established by a county in the rural element of  
5 its comprehensive plan:

6 (a) In which open space, the natural landscape, and vegetation  
7 predominate over the built environment;

8 (b) That foster traditional rural lifestyles, rural-based  
9 economies, and opportunities to both live and work in rural areas;

10 (c) That provide visual landscapes that are traditionally found  
11 in rural areas and communities;

12 (d) That are compatible with the use of the land by wildlife and  
13 for fish and wildlife habitat;

14 (e) That reduce the inappropriate conversion of undeveloped land  
15 into sprawling, low-density development;

16 (f) That generally do not require the extension of urban  
17 governmental services; and

18 (g) That are consistent with the protection of natural surface  
19 water flows and groundwater and surface water recharge and discharge  
20 areas.

21 ~~((21))~~ (20) "Rural development" refers to development outside  
22 the urban growth area and outside agricultural, forest, and mineral  
23 resource lands designated pursuant to RCW 36.70A.170. Rural  
24 development can consist of a variety of uses and residential  
25 densities, including clustered residential development, at levels  
26 that are consistent with the preservation of rural character and the  
27 requirements of the rural element. Rural development does not refer  
28 to agriculture or forestry activities that may be conducted in rural  
29 areas.

30 ~~((22))~~ (21) "Rural governmental services" or "rural services"  
31 include those public services and public facilities historically and  
32 typically delivered at an intensity usually found in rural areas, and  
33 may include domestic water systems, fire and police protection  
34 services, transportation and public transit services, and other  
35 public utilities associated with rural development and normally not  
36 associated with urban areas. Rural services do not include storm or  
37 sanitary sewers, except as otherwise authorized by RCW 36.70A.110(4).

38 ~~((23))~~ (22) "Short line railroad" means those railroad lines  
39 designated class II or class III by the United States surface  
40 transportation board.

1       (~~(24)~~) (23) "Urban governmental services" or "urban services"  
2 include those public services and public facilities at an intensity  
3 historically and typically provided in cities, specifically including  
4 storm and sanitary sewer systems, domestic water systems, street  
5 cleaning services, fire and police protection services, public  
6 transit services, and other public utilities associated with urban  
7 areas and normally not associated with rural areas.

8       (~~(25)~~) (24) "Urban growth" refers to growth that makes  
9 intensive use of land for the location of buildings, structures, and  
10 impermeable surfaces to such a degree as to be incompatible with the  
11 primary use of land for the production of food, other agricultural  
12 products, or fiber, or the extraction of mineral resources, rural  
13 uses, rural development, and natural resource lands designated  
14 pursuant to RCW 36.70A.170. A pattern of more intensive rural  
15 development, as provided in RCW 36.70A.070(5)(d), is not urban  
16 growth. When allowed to spread over wide areas, urban growth  
17 typically requires urban governmental services. "Characterized by  
18 urban growth" refers to land having urban growth located on it, or to  
19 land located in relationship to an area with urban growth on it as to  
20 be appropriate for urban growth.

21       (~~(26)~~) (25) "Urban growth areas" means those areas designated  
22 by a county pursuant to RCW 36.70A.110.

23       (~~(27)~~) (26) "Very low-income household" means a single person,  
24 family, or unrelated persons living together whose adjusted income is  
25 at or below fifty percent of the median household income adjusted for  
26 household size, for the county where the household is located, as  
27 reported by the United States department of housing and urban  
28 development.

29       (~~(28)~~) (27) "Wetland" or "wetlands" means areas that are  
30 inundated or saturated by surface water or groundwater at a frequency  
31 and duration sufficient to support, and that under normal  
32 circumstances do support, a prevalence of vegetation typically  
33 adapted for life in saturated soil conditions. Wetlands generally  
34 include swamps, marshes, bogs, and similar areas. Wetlands do not  
35 include those artificial wetlands intentionally created from  
36 nonwetland sites, including, but not limited to, irrigation and  
37 drainage ditches, grass-lined swales, canals, detention facilities,  
38 wastewater treatment facilities, farm ponds, and landscape amenities,  
39 or those wetlands created after July 1, 1990, that were  
40 unintentionally created as a result of the construction of a road,

1 street, or highway. Wetlands may include those artificial wetlands  
2 intentionally created from nonwetland areas created to mitigate  
3 conversion of wetlands.

4 **Sec. 3.** RCW 36.70A.040 and 2014 c 147 s 1 are each amended to  
5 read as follows:

6 (1) ~~((Each))~~ A county that ~~((has both a population of fifty  
7 thousand or more and, until May 16, 1995, has had its population  
8 increase by more than ten percent in the previous ten years or, on or  
9 after May 16, 1995, has had its population increase by more than  
10 seventeen percent in the previous ten years, and the cities located  
11 within such county, and any other county regardless of its population  
12 that has had its population increase by more than twenty percent in  
13 the previous ten years,))~~ chooses to plan under this chapter, and the  
14 cities that choose to plan located within such county, shall conform  
15 with 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  
22 set of criteria, or within sixty days of the date the office of  
23 financial management certifies that a county meets this set of  
24 criteria under subsection (5) of this section. For the purposes of  
25 this subsection, a county not currently planning under this chapter  
26 is not required to include in its population count those persons  
27 confined in a correctional facility under the jurisdiction of the  
28 department of corrections that is located in the county.~~

29 ~~Once a county meets either of these sets of criteria, the  
30 requirement to conform with all of the requirements of this chapter  
31 remains in effect, even if the county no longer meets one of these  
32 sets of criteria.~~

33 ~~(2)(a) The county legislative authority of any county that does  
34 not meet either of the sets of criteria established under subsection  
35 (1) of this section may adopt a resolution indicating its intention  
36 to have subsection (1) of this section apply to the county. Each  
37 city, located in a county that chooses to plan under this subsection,  
38 shall conform with all of the requirements of this chapter. Once such  
39 a resolution has been adopted)~~



1 (2) (a) A county planning under this chapter, or that adopted an  
2 ordinance indicating its intent to plan under this chapter, as of  
3 September 1, 2021, must adopt an ordinance indicating its intent to  
4 continue to plan under this chapter by January 1, 2022. If the county  
5 adopts an ordinance, the county and the cities located within the  
6 county remain subject to all of the requirements of this chapter,  
7 unless the county subsequently adopts a withdrawal (~~(resolution)~~)  
8 ordinance for (~~(partial planning pursuant to (b) (i) of this~~  
9 ~~subsection.~~

10 ~~(b) (i) Until December 31, 2015, the legislative authority of a~~  
11 ~~county may adopt a resolution removing the county and the cities~~  
12 ~~located within the county from the requirements to plan under this~~  
13 ~~section if:~~

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

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

19 ~~(C) At least sixty days prior to adopting a resolution for~~  
20 ~~partial planning, the county provides written notification to the~~  
21 ~~legislative body of each city within the county of its intent to~~  
22 ~~consider adopting the resolution; and~~

23 ~~(D) The legislative bodies of at least sixty percent of those~~  
24 ~~cities having an aggregate population of at least seventy-five~~  
25 ~~percent of the incorporated county population have not: Adopted~~  
26 ~~resolutions opposing the action by the county; and provided written~~  
27 ~~notification of the resolutions to the county.~~

28 ~~(ii) Upon adoption of a resolution for partial planning under~~  
29 ~~(b) (i) of this subsection:~~

30 ~~(A) The county and the cities within the county are, except as~~  
31 ~~provided otherwise, no longer obligated to plan under this section;~~  
32 ~~and~~

33 ~~(B) The county may not, for a minimum of ten years from the date~~  
34 ~~of adoption of the resolution, adopt another resolution indicating~~  
35 ~~its intention to have subsection (1) of this section apply to the~~  
36 ~~county.~~

37 ~~(c) The adoption of a resolution for partial planning under~~  
38 ~~(b) (i) of this subsection does not nullify or otherwise modify the~~  
39 ~~requirements for counties and cities established in RCW 36.70A.060,~~  
40 ~~36.70A.070(5) and associated development regulations, 36.70A.170, and~~

1 36.70A.172)) complete withdrawal of the planning requirements. If the  
2 county does not adopt an ordinance indicating its intent to plan  
3 under this section and RCW 36.70A.170 by January 1, 2022, the  
4 requirements of this chapter do not apply.

5 (b) A county that has made the election to plan under this  
6 chapter may withdraw from such planning by adopting an ordinance  
7 withdrawing from the planning process after a minimum of two years  
8 following adoption of the county's original adopted ordinance  
9 indicating its intent to plan under this chapter.

10 (3) Any county or city (~~(that is initially required)~~) choosing to  
11 conform with all of the requirements of this chapter under subsection  
12 (1) of this section shall take actions under this chapter as follows:

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

1 comprehensive plan and development regulations)) a date to be  
2 determined by the county.

3 (4) ~~((Any county or city that is required to conform with all the~~  
4 ~~requirements of this chapter, as a result of the county legislative~~  
5 ~~authority adopting its resolution of intention under subsection (2)~~  
6 ~~of this section, shall take actions under this chapter as follows:~~  
7 ~~(a) The county legislative authority shall adopt a countywide~~  
8 ~~planning policy under RCW 36.70A.210; (b) the county and each city~~  
9 ~~that is located within the county shall adopt development regulations~~  
10 ~~conserving agricultural lands, forestlands, and mineral resource~~  
11 ~~lands it designated under RCW 36.70A.060 within one year of the date~~  
12 ~~the county legislative authority adopts its resolution of intention;~~  
13 ~~(c) the county shall designate and take other actions related to~~  
14 ~~urban growth areas under RCW 36.70A.110; and (d) the county and each~~  
15 ~~city that is located within the county shall adopt a comprehensive~~  
16 ~~plan and development regulations that are consistent with and~~  
17 ~~implement the comprehensive plan not later than four years from the~~  
18 ~~date the county legislative authority adopts its resolution of~~  
19 ~~intention, but a county or city may obtain an additional six months~~  
20 ~~before it is required to have adopted its development regulations by~~  
21 ~~submitting a letter notifying the department of its need prior to the~~  
22 ~~deadline for adopting both a comprehensive plan and development~~  
23 ~~regulations.~~

24 (5) ~~If the office of financial management certifies that the~~  
25 ~~population of a county that previously had not been required to plan~~  
26 ~~under subsection (1) or (2) of this section has changed sufficiently~~  
27 ~~to meet either of the sets of criteria specified under subsection (1)~~  
28 ~~of this section, and where applicable, the county legislative~~  
29 ~~authority has not adopted a resolution removing the county from these~~  
30 ~~requirements as provided in subsection (1) of this section, the~~  
31 ~~county and each city within such county shall take actions under this~~  
32 ~~chapter as follows: (a) The county legislative authority shall adopt~~  
33 ~~a countywide planning policy under RCW 36.70A.210; (b) the county and~~  
34 ~~each city located within the county shall adopt development~~  
35 ~~regulations under RCW 36.70A.060 conserving agricultural lands,~~  
36 ~~forestlands, and mineral resource lands it designated within one year~~  
37 ~~of the certification by the office of financial management; (c) the~~  
38 ~~county shall designate and take other actions related to urban growth~~  
39 ~~areas under RCW 36.70A.110; and (d) the county and each city located~~  
40 ~~within the county shall adopt a comprehensive land use plan and~~

1 ~~development regulations that are consistent with and implement the~~  
2 ~~comprehensive plan within four years of the certification by the~~  
3 ~~office of financial management, but a county or city may obtain an~~  
4 ~~additional six months before it is required to have adopted its~~  
5 ~~development regulations by submitting a letter notifying the~~  
6 ~~department of its need prior to the deadline for adopting both a~~  
7 ~~comprehensive plan and development regulations.~~

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

10 ~~(7))~~ Cities and counties planning under this chapter must amend  
11 the transportation element of the comprehensive plan to be in  
12 compliance with this chapter and chapter 47.80 RCW (~~no later than~~  
13 ~~December 31, 2000~~) by a date to be determined by that county.

14 **Sec. 4.** RCW 36.70A.060 and 2017 3rd sp.s. c 18 s 3 are each  
15 amended to read as follows:

16 (1)(a) Each county that (~~is required or~~) chooses to plan under  
17 RCW 36.70A.040, and each city that chooses to plan within such  
18 county, shall adopt development regulations (~~on or before September~~  
19 ~~1, 1991,~~) to assure the conservation of agricultural, forest, and  
20 mineral resource lands designated under RCW 36.70A.170. Regulations  
21 adopted under this subsection may not prohibit uses legally existing  
22 on any parcel prior to their adoption and shall remain in effect  
23 until the county or city adopts development regulations pursuant to  
24 RCW 36.70A.040. Such regulations shall assure that the use of lands  
25 adjacent to agricultural, forest, or mineral resource lands shall not  
26 interfere with the continued use, in the accustomed manner and in  
27 accordance with best management practices, of these designated lands  
28 for the production of food, agricultural products, or timber, or for  
29 the extraction of minerals. Any county located to the west of the  
30 crest of the Cascade mountains that has both a population of at least  
31 four hundred thousand and a border that touches another state, and  
32 any city in such county, may adopt development regulations to assure  
33 that agriculture, forest, and mineral resource lands adjacent to  
34 short line railroads may be developed for freight rail dependent  
35 uses.

36 (b) Counties and cities shall require that all plats, short  
37 plats, development permits, and building permits issued for  
38 development activities on, or within five hundred feet of, lands  
39 designated as agricultural lands, forestlands, or mineral resource

1 lands, contain a notice that the subject property is within or near  
2 designated agricultural lands, forestlands, or mineral resource lands  
3 on which a variety of commercial activities may occur that are not  
4 compatible with residential development for certain periods of  
5 limited duration. The notice for mineral resource lands shall also  
6 inform that an application might be made for mining-related  
7 activities, including mining, extraction, washing, crushing,  
8 stockpiling, blasting, transporting, and recycling of minerals.

9 ~~((c) Each county that adopts a resolution of partial planning  
10 under RCW 36.70A.040(2)(b), and each city within such county, shall  
11 adopt development regulations within one year after the adoption of  
12 the resolution of partial planning to assure the conservation of  
13 agricultural, forest, and mineral resource lands designated under RCW  
14 36.70A.170. Regulations adopted under this subsection (1)(c) must  
15 comply with the requirements governing regulations adopted under (a)  
16 of this subsection.~~

17 ~~(d)(i) A county that adopts a resolution of partial planning  
18 under RCW 36.70A.040(2)(b) and that is not in compliance with the  
19 planning requirements of this section, RCW 36.70A.040(4),  
20 36.70A.070(5), 36.70A.170, and 36.70A.172 at the time the resolution  
21 is adopted must, by January 30, 2017, apply for a determination of  
22 compliance from the department finding that the county's development  
23 regulations, including development regulations adopted to protect  
24 critical areas, and comprehensive plans are in compliance with the  
25 requirements of this section, RCW 36.70A.040(4), 36.70A.070(5),  
26 36.70A.170, and 36.70A.172. The department must approve or deny the  
27 application for a determination of compliance within one hundred  
28 twenty days of its receipt or by June 30, 2017, whichever date is  
29 earlier.~~

30 ~~(ii) If the department denies an application under (d)(i) of this  
31 subsection, the county and each city within is obligated to comply  
32 with all requirements of this chapter and the resolution for partial  
33 planning adopted under RCW 36.70A.040(2)(b) is no longer in effect.~~

34 ~~(iii) A petition for review of a determination of compliance  
35 under (d)(i) of this subsection may only be appealed to the growth  
36 management hearings board within sixty days of the issuance of the  
37 decision by the department.~~

38 ~~(iv) In the event of a filing of a petition in accordance with  
39 (d)(iii) of this subsection, the county and the department must  
40 equally share the costs incurred by the department for defending an~~

1 ~~approval of determination of compliance that is before the growth~~  
2 ~~management hearings board.~~

3 ~~(v) The department may implement this subsection (1)(d) by~~  
4 ~~adopting rules related to determinations of compliance. The rules may~~  
5 ~~address, but are not limited to: The requirements for applications~~  
6 ~~for a determination of compliance; charging of costs under (d)(iv) of~~  
7 ~~this subsection; procedures for processing applications; criteria for~~  
8 ~~the evaluation of applications; issuance and notice of department~~  
9 ~~decisions; and applicable timelines.~~

10 ~~(e) Any county that borders both the Cascade mountains and~~  
11 ~~another country and has a population of less than fifty thousand~~  
12 ~~people, and any city in such county, may adopt development~~  
13 ~~regulations to assure that agriculture, forest, and mineral resource~~  
14 ~~lands adjacent to short line railroads may be developed for freight~~  
15 ~~rail dependent uses.))~~

16 (2) Each county and city shall adopt development regulations that  
17 protect critical areas that are required to be designated under RCW  
18 36.70A.170. ~~((For counties and cities that are required or choose to~~  
19 ~~plan under RCW 36.70A.040, such development regulations shall be~~  
20 ~~adopted on or before September 1, 1991. For the remainder of the~~  
21 ~~counties and cities, such development regulations shall be adopted on~~  
22 ~~or before March 1, 1992.))~~

23 (3) Such counties and cities shall review these designations and  
24 development regulations when adopting their comprehensive plans under  
25 RCW 36.70A.040 and implementing development regulations under RCW  
26 36.70A.120 and may alter such designations and development  
27 regulations to insure consistency.

28 (4) Forestland and agricultural land located within urban growth  
29 areas shall not be designated by a county or city as forestland or  
30 agricultural land of long-term commercial significance under RCW  
31 36.70A.170 unless the city or county has enacted a program  
32 authorizing transfer or purchase of development rights.

33 **Sec. 5.** RCW 36.70A.070 and 2017 3rd sp.s. c 18 s 4 and 2017 3rd  
34 sp.s. c 16 s 4 are each reenacted and amended to read as follows:

35 The comprehensive plan of a county or city that ~~((is required~~  
36 ~~to~~)) chooses to plan under RCW 36.70A.040 shall consist of a map or  
37 maps, and descriptive text covering objectives, principles, and  
38 standards used to develop the comprehensive plan. The plan shall be  
39 an internally consistent document and all elements shall be

1 consistent with the future land use map. A comprehensive plan shall  
2 be adopted and amended with public participation as provided in RCW  
3 36.70A.140. Each comprehensive plan shall include a plan, scheme, or  
4 design for each of the following:

5 (1) A land use element designating the proposed general  
6 distribution and general location and extent of the uses of land,  
7 where appropriate, for agriculture, timber production, housing,  
8 commerce, industry, recreation, open spaces, general aviation  
9 airports, public utilities, public facilities, and other land uses.  
10 The land use element shall include population densities, building  
11 intensities, and estimates of future population growth. The land use  
12 element shall provide for protection of the quality and quantity of  
13 groundwater used for public water supplies. Wherever possible, the  
14 land use element should consider utilizing urban planning approaches  
15 that promote physical activity. Where applicable, the land use  
16 element shall review drainage, flooding, and stormwater runoff in the  
17 area and nearby jurisdictions and provide guidance for corrective  
18 actions to mitigate or cleanse those discharges that pollute waters  
19 of the state, including Puget Sound or waters entering Puget Sound.

20 (2) A housing element ensuring the vitality and character of  
21 established residential neighborhoods that: (a) Includes an inventory  
22 and analysis of existing and projected housing needs that identifies  
23 the number of housing units necessary to manage projected growth; (b)  
24 includes a statement of goals, policies, objectives, and mandatory  
25 provisions for the preservation, improvement, and development of  
26 housing, including single-family residences; (c) identifies  
27 sufficient land for housing, including, but not limited to,  
28 government-assisted housing, housing for low-income families,  
29 manufactured housing, multifamily housing, and group homes and foster  
30 care facilities; and (d) makes adequate provisions for existing and  
31 projected needs of all economic segments of the community. In  
32 counties and cities subject to the review and evaluation requirements  
33 of RCW 36.70A.215, any revision to the housing element shall include  
34 consideration of prior review and evaluation reports and any  
35 reasonable measures identified.

36 (3) A capital facilities plan element consisting of: (a) An  
37 inventory of existing capital facilities owned by public entities,  
38 showing the locations and capacities of the capital facilities; (b) a  
39 forecast of the future needs for such capital facilities; (c) the  
40 proposed locations and capacities of expanded or new capital

1 facilities; (d) at least a six-year plan that will finance such  
2 capital facilities within projected funding capacities and clearly  
3 identifies sources of public money for such purposes; and (e) a  
4 requirement to reassess the land use element if probable funding  
5 falls short of meeting existing needs and to ensure that the land use  
6 element, capital facilities plan element, and financing plan within  
7 the capital facilities plan element are coordinated and consistent.  
8 Park and recreation facilities shall be included in the capital  
9 facilities plan element.

10 (4) A utilities element consisting of the general location,  
11 proposed location, and capacity of all existing and proposed  
12 utilities, including, but not limited to, electrical lines,  
13 telecommunication lines, and natural gas lines.

14 (5) Rural element. Counties shall include a rural element  
15 including lands that are not designated for urban growth,  
16 agriculture, forest, or mineral resources. The following provisions  
17 shall apply to the rural element:

18 (a) Growth management act goals and local circumstances. Because  
19 circumstances vary from county to county, in establishing patterns of  
20 rural densities and uses, a county may consider local circumstances,  
21 but shall develop a written record explaining how the rural element  
22 harmonizes the planning goals in RCW 36.70A.020 and meets the  
23 requirements of this chapter.

24 (b) Rural development. The rural element shall permit rural  
25 development, forestry, and agriculture in rural areas. The rural  
26 element shall provide for a variety of rural densities, uses,  
27 essential public facilities, and rural governmental services needed  
28 to serve the permitted densities and uses. To achieve a variety of  
29 rural densities and uses, counties may provide for clustering,  
30 density transfer, design guidelines, conservation easements, and  
31 other innovative techniques that will accommodate appropriate rural  
32 economic advancement, densities, and uses that are not characterized  
33 by urban growth and that are consistent with rural character.

34 (c) Measures governing rural development. The rural element shall  
35 include measures that apply to rural development and protect the  
36 rural character of the area, as established by the county, by:

37 (i) Containing or otherwise controlling rural development;

38 (ii) Assuring visual compatibility of rural development with the  
39 surrounding rural area;



1 (iii) Reducing the inappropriate conversion of undeveloped land  
2 into sprawling, low-density development in the rural area;

3 (iv) Protecting critical areas, as provided in RCW 36.70A.060,  
4 and surface water and groundwater resources; and

5 (v) Protecting against conflicts with the use of agricultural,  
6 forest, and mineral resource lands designated under RCW 36.70A.170.

7 (d) Limited areas of more intensive rural development. Subject to  
8 the requirements of this subsection and except as otherwise  
9 specifically provided in this subsection (5)(d), the rural element  
10 may allow for limited areas of more intensive rural development,  
11 including necessary public facilities and public services to serve  
12 the limited area as follows:

13 (i) Rural development consisting of the infill, development, or  
14 redevelopment of existing commercial, industrial, residential, or  
15 mixed-use areas, whether characterized as shoreline development,  
16 villages, hamlets, rural activity centers, or crossroads  
17 developments.

18 (A) A commercial, industrial, residential, shoreline, or mixed-  
19 use area are subject to the requirements of (d)(iv) of this  
20 subsection, but are not subject to the requirements of (c)(ii) and  
21 (iii) of this subsection.

22 (B) Any development or redevelopment other than an industrial  
23 area or an industrial use within a mixed-use area or an industrial  
24 area under this subsection (5)(d)(i) must be principally designed to  
25 serve the existing and projected rural population.

26 (C) Any development or redevelopment in terms of building size,  
27 scale, use, or intensity shall be consistent with the character of  
28 the existing areas. Development and redevelopment may include changes  
29 in use from vacant land or a previously existing use so long as the  
30 new use conforms to the requirements of this subsection (5);

31 (ii) The intensification of development on lots containing, or  
32 new development of, small-scale recreational or tourist uses,  
33 including commercial facilities to serve those recreational or  
34 tourist uses, that rely on a rural location and setting, but that do  
35 not include new residential development. A small-scale recreation or  
36 tourist use is not required to be principally designed to serve the  
37 existing and projected rural population. Public services and public  
38 facilities shall be limited to those necessary to serve the  
39 recreation or tourist use and shall be provided in a manner that does  
40 not permit low-density sprawl;

1 (iii) The intensification of development on lots containing  
2 isolated nonresidential uses or new development of isolated cottage  
3 industries and isolated small-scale businesses that are not  
4 principally designed to serve the existing and projected rural  
5 population and nonresidential uses, but do provide job opportunities  
6 for rural residents. Rural counties may allow the expansion of small-  
7 scale businesses as long as those small-scale businesses conform with  
8 the rural character of the area as defined by the local government  
9 according to RCW 36.70A.030(~~((+16+))~~) (19). Rural counties may also  
10 allow new small-scale businesses to utilize a site previously  
11 occupied by an existing business as long as the new small-scale  
12 business conforms to the rural character of the area as defined by  
13 the local government according to RCW 36.70A.030(~~((+16+))~~) (19). Public  
14 services and public facilities shall be limited to those necessary to  
15 serve the isolated nonresidential use and shall be provided in a  
16 manner that does not permit low-density sprawl;

17 (iv) A county shall adopt measures to minimize and contain the  
18 existing areas or uses of more intensive rural development, as  
19 appropriate, authorized under this subsection. Lands included in such  
20 existing areas or uses shall not extend beyond the logical outer  
21 boundary of the existing area or use, thereby allowing a new pattern  
22 of low-density sprawl. Existing areas are those that are clearly  
23 identifiable and contained and where there is a logical boundary  
24 delineated predominately by the built environment, but that may also  
25 include undeveloped lands if limited as provided in this subsection.  
26 The county shall establish the logical outer boundary of an area of  
27 more intensive rural development. In establishing the logical outer  
28 boundary, the county shall address (A) the need to preserve the  
29 character of existing natural neighborhoods and communities, (B)  
30 physical boundaries, such as bodies of water, streets and highways,  
31 and land forms and contours, (C) the prevention of abnormally  
32 irregular boundaries, and (D) the ability to provide public  
33 facilities and public services in a manner that does not permit low-  
34 density sprawl;

35 (v) For purposes of (d) of this subsection, an existing area or  
36 existing use is one that was in existence:

37 (A) On July 1, 1990, in a county that was initially required to  
38 plan under all of the provisions of this chapter;

1 (B) On the date the county adopted a resolution under RCW  
2 36.70A.040(2), in a county that is planning under all of the  
3 provisions of this chapter under RCW 36.70A.040(2); or

4 (C) On the date the office of financial management  
5 (~~certifies~~)certified the county's population (~~as provided in RCW~~  
6 ~~36.70A.040(5), in a county that is planning under all of the~~  
7 ~~provisions of this chapter pursuant to RCW 36.70A.040(5))~~).

8 (e) Exception. This subsection shall not be interpreted to permit  
9 in the rural area a major industrial development or a master planned  
10 resort unless otherwise specifically permitted under RCW 36.70A.360  
11 and 36.70A.365.

12 (6) A transportation element that implements, and is consistent  
13 with, the land use element.

14 (a) The transportation element shall include the following  
15 subelements:

16 (i) Land use assumptions used in estimating travel;

17 (ii) Estimated traffic impacts to state-owned transportation  
18 facilities resulting from land use assumptions to assist the  
19 department of transportation in monitoring the performance of state  
20 facilities, to plan improvements for the facilities, and to assess  
21 the impact of land-use decisions on state-owned transportation  
22 facilities;

23 (iii) Facilities and services needs, including:

24 (A) An inventory of air, water, and ground transportation  
25 facilities and services, including transit alignments and general  
26 aviation airport facilities, to define existing capital facilities  
27 and travel levels as a basis for future planning. This inventory must  
28 include state-owned transportation facilities within the city or  
29 county's jurisdictional boundaries;

30 (B) Level of service standards for all locally owned arterials  
31 and transit routes to serve as a gauge to judge performance of the  
32 system. These standards should be regionally coordinated;

33 (C) For state-owned transportation facilities, level of service  
34 standards for highways, as prescribed in chapters 47.06 and 47.80  
35 RCW, to gauge the performance of the system. The purposes of  
36 reflecting level of service standards for state highways in the local  
37 comprehensive plan are to monitor the performance of the system, to  
38 evaluate improvement strategies, and to facilitate coordination  
39 between the county's or city's six-year street, road, or transit  
40 program and the office of financial management's ten-year investment

1 program. The concurrency requirements of (b) of this subsection do  
2 not apply to transportation facilities and services of statewide  
3 significance except for counties consisting of islands whose only  
4 connection to the mainland are state highways or ferry routes. In  
5 these island counties, state highways and ferry route capacity must  
6 be a factor in meeting the concurrency requirements in (b) of this  
7 subsection;

8 (D) Specific actions and requirements for bringing into  
9 compliance locally owned transportation facilities or services that  
10 are below an established level of service standard;

11 (E) Forecasts of traffic for at least ten years based on the  
12 adopted land use plan to provide information on the location, timing,  
13 and capacity needs of future growth;

14 (F) Identification of state and local system needs to meet  
15 current and future demands. Identified needs on state-owned  
16 transportation facilities must be consistent with the statewide  
17 multimodal transportation plan required under chapter 47.06 RCW;

18 (iv) Finance, including:

19 (A) An analysis of funding capability to judge needs against  
20 probable funding resources;

21 (B) A multiyear financing plan based on the needs identified in  
22 the comprehensive plan, the appropriate parts of which shall serve as  
23 the basis for the six-year street, road, or transit program required  
24 by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW  
25 35.58.2795 for public transportation systems. The multiyear financing  
26 plan should be coordinated with the ten-year investment program  
27 developed by the office of financial management as required by RCW  
28 47.05.030;

29 (C) If probable funding falls short of meeting identified needs,  
30 a discussion of how additional funding will be raised, or how land  
31 use assumptions will be reassessed to ensure that level of service  
32 standards will be met;

33 (v) Intergovernmental coordination efforts, including an  
34 assessment of the impacts of the transportation plan and land use  
35 assumptions on the transportation systems of adjacent jurisdictions;

36 (vi) Demand-management strategies;

37 (vii) Pedestrian and bicycle component to include collaborative  
38 efforts to identify and designate planned improvements for pedestrian  
39 and bicycle facilities and corridors that address and encourage  
40 enhanced community access and promote healthy lifestyles.

1 (b) After adoption of the comprehensive plan by jurisdictions  
2 (~~required to plan or~~) who choose to plan under RCW 36.70A.040,  
3 local jurisdictions must adopt and enforce ordinances which prohibit  
4 development approval if the development causes the level of service  
5 on a locally owned transportation facility to decline below the  
6 standards adopted in the transportation element of the comprehensive  
7 plan, unless transportation improvements or strategies to accommodate  
8 the impacts of development are made concurrent with the development.  
9 These strategies may include increased public transportation service,  
10 ride-sharing programs, demand management, and other transportation  
11 systems management strategies. For the purposes of this subsection  
12 (6), "concurrent with the development" means that improvements or  
13 strategies are in place at the time of development, or that a  
14 financial commitment is in place to complete the improvements or  
15 strategies within six years. If the collection of impact fees is  
16 delayed under RCW 82.02.050(3), the six-year period required by this  
17 subsection (6)(b) must begin after full payment of all impact fees is  
18 due to the county or city.

19 (c) The transportation element described in this subsection (6),  
20 the six-year plans required by RCW 35.77.010 for cities, RCW  
21 36.81.121 for counties, and RCW 35.58.2795 for public transportation  
22 systems, and the ten-year investment program required by RCW  
23 47.05.030 for the state, must be consistent.

24 (7) An economic development element establishing local goals,  
25 policies, objectives, and provisions for economic growth and vitality  
26 and a high quality of life. A city that has chosen to be a  
27 residential community is exempt from the economic development element  
28 requirement of this subsection.

29 (8) A park and recreation element that implements, and is  
30 consistent with, the capital facilities plan element as it relates to  
31 park and recreation facilities. The element shall include: (a)  
32 Estimates of park and recreation demand for at least a ten-year  
33 period; (b) an evaluation of facilities and service needs; and (c) an  
34 evaluation of intergovernmental coordination opportunities to provide  
35 regional approaches for meeting park and recreational demand.

36 (~~(9) It is the intent that new or amended elements required~~  
37 ~~after January 1, 2002, be adopted concurrent with the scheduled~~  
38 ~~update provided in RCW 36.70A.130. Requirements to incorporate any~~  
39 ~~such new or amended elements shall be null and void until funds~~  
40 ~~sufficient to cover applicable local government costs are~~

1 ~~appropriated and distributed by the state at least two years before~~  
2 ~~local government must update comprehensive plans as required in RCW~~  
3 ~~36.70A.130.)~~)

4 **Sec. 6.** RCW 36.70A.085 and 2009 c 514 s 2 are each amended to  
5 read as follows:

6 (1) Comprehensive plans of cities that have a marine container  
7 port with annual operating revenues in excess of sixty million  
8 dollars within their jurisdiction must include a container port  
9 element.

10 (2) Comprehensive plans of cities that include all or part of a  
11 port district with annual operating revenues in excess of twenty  
12 million dollars may include a marine industrial port element. Prior  
13 to adopting a marine industrial port element under this subsection  
14 (2), the commission of the applicable port district must adopt (~~a~~  
15 ~~resolution~~) an ordinance in support of the proposed element.

16 (3) Port elements adopted under subsections (1) and (2) of this  
17 section must be developed collaboratively between the city and the  
18 applicable port, and must establish policies and programs that:

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

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

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

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

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

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

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

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

4 (a) Creation of a port overlay district that protects container  
5 port uses;

6 (b) Use of industrial land banks;

7 (c) Use of buffers and transition zones between incompatible  
8 uses;

9 (d) Use of joint transportation funding agreements;

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

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

14 (g) Use of other approaches by agreement between the city and the  
15 port.

16 ~~(7) ((The department of community, trade, and economic  
17 development must provide matching grant funds to cities meeting the  
18 requirements of subsection (1) of this section to support development  
19 of the required container port element.~~

20 ~~(8))~~ Any planned improvements identified in port elements  
21 adopted under subsections (1) and (2) of this section must be  
22 transmitted by the city to the transportation commission for  
23 consideration of inclusion in the statewide transportation plan  
24 required under RCW 47.01.071.

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

27 (1) Each county that ~~((is required or))~~ chooses to plan under RCW  
28 36.70A.040 shall designate an urban growth area or areas within which  
29 urban growth shall be encouraged and outside of which growth can  
30 occur only if it is not urban in nature. Each city that is located in  
31 such a county shall be included within an urban growth area. An urban  
32 growth area may include more than a single city. An urban growth area  
33 may include territory that is located outside of a city only if such  
34 territory already is characterized by urban growth whether or not the  
35 urban growth area includes a city, or is adjacent to territory  
36 already characterized by urban growth, or is a designated new fully  
37 contained community as defined by RCW 36.70A.350.

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

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

11 Each urban growth area shall permit urban densities and shall  
12 include greenbelt and open space areas. In the case of urban growth  
13 areas contained totally within a national historical reserve, the  
14 city may restrict densities, intensities, and forms of urban growth  
15 as determined to be necessary and appropriate to protect the  
16 physical, cultural, or historic integrity of the reserve. An urban  
17 growth area determination may include a reasonable land market supply  
18 factor and shall permit a range of urban densities and uses. In  
19 determining this market factor, cities and counties may consider  
20 local circumstances. Cities and counties have discretion in their  
21 comprehensive plans to make many choices about accommodating growth.

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



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

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

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

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

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

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

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

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

10 (ii) Urban growth areas where expansions are precluded outside  
11 floodplains because:

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

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

16 (iii) Urban growth area expansions where:

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

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

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

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

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

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

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

8 (a)(i) Have existing, functioning, nonpolluting on-site sewage  
9 systems;

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

13 (iii) Have no redevelopment capacity; or

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

17 **Sec. 8.** RCW 36.70A.115 and 2017 3rd sp.s. c 16 s 1 are each  
18 amended to read as follows:

19 (1) Counties and cities that (~~are required or~~) choose to plan  
20 under RCW 36.70A.040 shall ensure that, taken collectively, adoption  
21 of and amendments to their comprehensive plans and/or development  
22 regulations provide sufficient capacity of land suitable for  
23 development within their jurisdictions to accommodate their allocated  
24 housing and employment growth, including the accommodation of, as  
25 appropriate, the medical, governmental, educational, institutional,  
26 commercial, and industrial facilities related to such growth, as  
27 adopted in the applicable countywide planning policies and consistent  
28 with the twenty-year population forecast from the office of financial  
29 management.

30 (2) This analysis shall include the reasonable measures findings  
31 developed under RCW 36.70A.215, if applicable to such counties and  
32 cities.

33 **Sec. 9.** RCW 36.70A.120 and 1993 sp.s. c 6 s 3 are each amended  
34 to read as follows:

35 Each county and city that (~~is required or~~) chooses to plan  
36 under RCW 36.70A.040 shall perform its activities and make capital  
37 budget decisions in conformity with its comprehensive plan.

1       **Sec. 10.** RCW 36.70A.130 and 2020 c 113 s 1 and 2020 c 20 s 1026  
2 are each reenacted and amended to read as follows:

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

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

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

27       ~~(d))~~ Each jurisdiction planning under this chapter is authorized  
28 to review and evaluate its adopted comprehensive land use plan and  
29 development regulations and, if needed, revise its policies and  
30 regulations. Any amendment of or revision to a comprehensive land use  
31 plan 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 planning 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 one hundred year floodplain in a  
13 county that has completed a state-funded pilot project that is based  
14 on 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; or

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).

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

34 ((3) (a) Each county that designates urban growth areas under RCW  
35 36.70A.110 shall review, according to the schedules established in  
36 subsections (4) and (5) of this section, its designated urban growth  
37 area or areas, and the densities permitted within both the  
38 incorporated and unincorporated portions of each urban growth area.  
39 In conjunction with this review by the county, each city located  
40 within an urban growth area shall review the densities permitted

1 within its boundaries, and the extent to which the urban growth  
2 occurring within the county has located within each city and the  
3 unincorporated portions of the urban growth areas.

4 ~~(b) The county comprehensive plan designating urban growth areas,~~  
5 ~~and the densities permitted in the urban growth areas by the~~  
6 ~~comprehensive plans of the county and each city located within the~~  
7 ~~urban growth areas, shall be revised to accommodate the urban growth~~  
8 ~~projected to occur in the county for the succeeding twenty-year~~  
9 ~~period. The review required by this subsection may be combined with~~  
10 ~~the review and evaluation required by RCW 36.70A.215.~~

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) On or before June 30, 2024, and every eight years thereafter,~~  
36 ~~for King, Kitsap, Pierce, and Snohomish counties and the cities~~  
37 ~~within those counties;~~

38 ~~(b) On or before June 30, 2025, and every eight years thereafter,~~  
39 ~~for Clallam, Clark, Island, Jefferson, Lewis, Mason, San Juan,~~

1 ~~Skagit, Thurston, and Whatcom counties and the cities within those~~  
2 ~~counties;~~

3 ~~(c) On or before June 30, 2026, and every eight 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 eight 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) (a) (ii) through (iv) [(b) through (d)] of this section~~  
19 ~~and meets the following criteria may comply with the requirements of~~  
20 ~~this section at any time within the twenty-four months following the~~  
21 ~~deadline established in subsection (5) of this section: The county~~  
22 ~~has a population of less than fifty thousand and has had its~~  
23 ~~population increase by no more than seventeen percent in the ten~~  
24 ~~years preceding the deadline established in subsection (5) of this~~  
25 ~~section as of that date.~~

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

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

39 ~~(7) (a) The requirements imposed on counties and cities under this~~  
40 ~~section shall be considered "requirements of this chapter" under the~~

~~1 terms of RCW 36.70A.040(1). Only those counties and cities that meet  
2 the following criteria may receive grants, loans, pledges, or  
3 financial guarantees under chapter 43.155 or 70A.135 RCW:~~

~~4 (i) Complying with the deadlines in this section; or~~

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

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

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

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

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

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

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

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

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

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



1 ~~requirements and timeline in subsection (5) of this section. This~~  
2 ~~subsection (8)(c) does not apply to a participating watershed that~~  
3 ~~has determined under RCW 36.70A.720(2)(c)(ii) that the watershed's~~  
4 ~~goals and benchmarks for protection have been met.)~~)

5 **Sec. 11.** RCW 36.70A.131 and 1998 c 286 s 7 are each amended to  
6 read as follows:

7 As part of ~~((the))~~ any review ~~((required by))~~ completed pursuant  
8 to RCW 36.70A.130(1), a county or city shall review its mineral  
9 resource lands designations adopted pursuant to RCW 36.70A.170 and  
10 mineral resource lands development regulations adopted pursuant to  
11 RCW 36.70A.040 and 36.70A.060. In its review, the county or city  
12 shall take into consideration:

13 (1) New information made available since the adoption or last  
14 review of its designations or development regulations, including data  
15 available from the department of natural resources relating to  
16 mineral resource deposits; and

17 (2) New or modified model development regulations for mineral  
18 resource lands prepared by the department of natural resources, the  
19 department of ~~((community, trade, and economic development))~~  
20 commerce, or the Washington state association of counties.

21 **Sec. 12.** RCW 36.70A.140 and 1995 c 347 s 107 are each amended to  
22 read as follows:

23 Each county and city that ~~((is required or))~~ chooses to plan  
24 under RCW 36.70A.040 shall establish and broadly disseminate to the  
25 public a public participation program identifying procedures  
26 providing for early and continuous public participation in the  
27 development and amendment of comprehensive land use plans and  
28 development regulations implementing such plans. The procedures shall  
29 provide for broad dissemination of proposals and alternatives,  
30 opportunity for written comments, public meetings after effective  
31 notice, provision for open discussion, communication programs,  
32 information services, and consideration of and response to public  
33 comments. In enacting legislation in response to ~~((the board's~~  
34 ~~decision pursuant to RCW 36.70A.300))~~ a court's decision declaring  
35 part or all of a comprehensive plan or development regulation  
36 invalid, the county or city shall provide for public participation  
37 that is appropriate and effective under the circumstances presented  
38 by the ~~((board's))~~ court's order. Errors in exact compliance with the

1 established program and procedures shall not render the comprehensive  
2 land use plan or development regulations invalid if the spirit of the  
3 program and procedures is observed.

4 **Sec. 13.** RCW 36.70A.150 and 1991 c 322 s 23 are each amended to  
5 read as follows:

6 Each county and city that (~~is required or~~) chooses to prepare a  
7 comprehensive land use plan under RCW 36.70A.040 shall identify lands  
8 useful for public purposes such as utility corridors, transportation  
9 corridors, landfills, sewage treatment facilities, stormwater  
10 management facilities, recreation, schools, and other public uses.  
11 The county shall work with the state and the cities within its  
12 borders to identify areas of shared need for public facilities. The  
13 jurisdictions within the county shall prepare a prioritized list of  
14 lands necessary for the identified public uses including an estimated  
15 date by which the acquisition will be needed.

16 The respective capital acquisition budgets for each jurisdiction  
17 shall reflect the jointly agreed upon priorities and time schedule.

18 **Sec. 14.** RCW 36.70A.160 and 1992 c 227 s 1 are each amended to  
19 read as follows:

20 Each county and city that (~~is required or~~) chooses to prepare a  
21 comprehensive land use plan under RCW 36.70A.040 shall identify open  
22 space corridors within and between urban growth areas. They shall  
23 include lands useful for recreation, wildlife habitat, trails, and  
24 connection of critical areas as defined in RCW 36.70A.030.  
25 Identification of a corridor under this section by a county or city  
26 shall not restrict the use or management of lands within the corridor  
27 for agricultural or forest purposes. Restrictions on the use or  
28 management of such lands for agricultural or forest purposes imposed  
29 after identification solely to maintain or enhance the value of such  
30 lands as a corridor may occur only if the county or city acquires  
31 sufficient interest to prevent development of the lands or to control  
32 the resource development of the lands. The requirement for  
33 acquisition of sufficient interest does not include those corridors  
34 regulated by the interstate commerce commission, under provisions of  
35 16 U.S.C. Sec. 1247(d), 16 U.S.C. Sec. 1248, or 43 U.S.C. Sec. 912.  
36 Nothing in this section shall be interpreted to alter the authority  
37 of the state, or a county or city, to regulate land use activities.

1 The city or county may acquire by donation or purchase the fee  
2 simple or lesser interests in these open space corridors using funds  
3 authorized by RCW 84.34.230 or other sources.

4 **Sec. 15.** RCW 36.70A.170 and 1990 1st ex.s. c 17 s 17 are each  
5 amended to read as follows:

6 ~~((1) On or before September 1, 1991, each county, and each~~  
7 ~~city,)) A county that chooses to plan under RCW 36.70A.040 and  
8 36.70A.070, and the cities located within such county, shall  
9 designate where appropriate:~~

10 ~~((a))~~ (1) Agricultural lands that are not already characterized  
11 by urban growth and that have long-term significance for the  
12 commercial production of food or other agricultural products;

13 ~~((b))~~ (2) Forestlands that are not already characterized by  
14 urban growth and that have long-term significance for the commercial  
15 production of timber;

16 ~~((c))~~ (3) Mineral resource lands that are not already  
17 characterized by urban growth and that have long-term significance  
18 for the extraction of minerals; and

19 ~~((d))~~ (4) Critical areas.

20 ~~((2) In making the designations required by this section,~~  
21 ~~counties and cities shall consider the guidelines established~~  
22 ~~pursuant to RCW 36.70A.050.))~~

23 **Sec. 16.** RCW 36.70A.171 and 2005 c 423 s 5 are each amended to  
24 read as follows:

25 In accordance with RCW 36.70A.030, 36.70A.060, ~~((36.70A.1701,))~~  
26 and 36.70A.130, playing fields and supporting facilities existing  
27 before July 1, 2004, on designated recreational lands shall be  
28 considered in compliance with the requirements of this chapter.

29 **Sec. 17.** RCW 36.70A.172 and 2010 c 211 s 3 are each amended to  
30 read as follows:

31 (1) In designating and protecting critical areas under this  
32 chapter, counties and cities shall include the best available science  
33 in developing policies and development regulations to protect the  
34 functions and values of critical areas. In addition, counties and  
35 cities shall give special consideration to conservation or protection  
36 measures necessary to preserve or enhance anadromous fisheries.

1           (2) ~~((If it determines that advice from scientific or other~~  
2 ~~experts is necessary or will be of substantial assistance in reaching~~  
3 ~~its decision, the growth management hearings board may retain~~  
4 ~~scientific or other expert advice to assist in reviewing a petition~~  
5 ~~under RCW 36.70A.290 that involves critical areas.)) For purposes of  
6 this section, best available science for each planning jurisdiction  
7 must be peer-reviewed following the procedures in this subsection.~~

8           (a) Before taking a significant agency action, the planning city  
9 or county must identify the sources of information reviewed and  
10 relied upon by the planning city or county in the course of preparing  
11 to take significant agency action. Peer-reviewed literature, if  
12 applicable, must be identified, as well as any scientific literature  
13 or other sources of information used. The planning city or county  
14 shall make available on the city's or county's website the index of  
15 records required under RCW 42.56.070 that are relied upon or invoked  
16 in support of a proposal for significant agency action.

17           (b) The planning city's or county's website, if it has one, must  
18 identify and categorize each source of information that is relied  
19 upon in the form of a bibliography, citation list, or similar list of  
20 sources. The categories in (c) of this subsection do not imply or  
21 infer any hierarchy or level of quality.

22           (c) The bibliography, citation list, or similar list of sources  
23 must categorize the sources of information as belonging to one or  
24 more of the following categories:

25           (i) Independent peer review: Review is overseen by an independent  
26 third party;

27           (ii) Internal peer review: Review by staff internal to the  
28 planning city or county;

29           (iii) External peer review: Review by persons that are external  
30 to and selected by the planning city or county;

31           (iv) Open review: Documented open public review process that is  
32 not limited to invited organizations or individuals;

33           (v) Legal and policy document: Documents related to the legal  
34 framework for the significant agency action, including but not  
35 limited to:

36           (A) Federal and state statutes;

37           (B) Court and hearings board decisions;

38           (C) Federal and state administrative rules and regulations; and

39           (D) Policy and regulatory documents adopted by local governments;

1 (vi) Data from primary research, monitoring activities, or other  
2 sources, but that has not been incorporated as part of documents  
3 reviewed under the processes described in (c)(i), (ii), (iii), and  
4 (iv) of this subsection;

5 (vii) Records of the best professional judgment of the city or  
6 county or other individuals; or

7 (viii) Other: Sources of information that do not fit into one of  
8 the categories identified in this subsection (2)(c).

9 (3) For the purposes of this section, "significant agency action"  
10 means an act of the city or county that:

11 (a) Results in the development of a significant legislative rule  
12 as defined in RCW 34.05.328; or

13 (b) Results in the development of technical guidance, technical  
14 assessments, or technical documents that are used to directly support  
15 implementation of a state rule or state statute.

16 (4) This section is not intended to affect agency action  
17 regarding individual permitting, compliance and enforcement  
18 decisions, or guidance provided by an agency to a local government on  
19 a case-by-case basis.

20 **Sec. 18.** RCW 36.70A.200 and 2020 c 128 s 1 and 2020 c 20 s 1027  
21 are each reenacted and amended to read as follows:

22 (1)(a) The comprehensive plan of each county and city that is  
23 planning under RCW 36.70A.040 shall include a process for identifying  
24 and siting essential public facilities. Essential public facilities  
25 include those facilities that are typically difficult to site, such  
26 as airports, state education facilities and state or regional  
27 transportation facilities as defined in RCW 47.06.140, regional  
28 transit authority facilities as defined in RCW 81.112.020, state and  
29 local correctional facilities, solid waste handling facilities, and  
30 inpatient facilities including substance abuse facilities, mental  
31 health facilities, group homes, and secure community transition  
32 facilities as defined in RCW 71.09.020.

33 (b) Unless a facility is expressly listed in (a) of this  
34 subsection, essential public facilities do not include facilities  
35 that are operated by a private entity in which persons are detained  
36 in custody under process of law pending the outcome of legal  
37 proceedings but are not used for punishment, correction, counseling,  
38 or rehabilitation following the conviction of a criminal offense.  
39 Facilities included under this subsection (1)(b) shall not include

1 facilities detaining persons under RCW 71.09.020 (6) or (15) or  
2 chapter 10.77 or 71.05 RCW.

3 (2) Each county and city planning under RCW 36.70A.040 shall, not  
4 later than September 1, 2002, establish a process, or amend its  
5 existing process, for identifying and siting essential public  
6 facilities and adopt or amend its development regulations as  
7 necessary to provide for the siting of secure community transition  
8 facilities consistent with statutory requirements applicable to these  
9 facilities.

10 (3) Any city or county not planning under RCW 36.70A.040 shall,  
11 not later than September 1, 2002, establish a process for siting  
12 secure community transition facilities and adopt or amend its  
13 development regulations as necessary to provide for the siting of  
14 such facilities consistent with statutory requirements applicable to  
15 these facilities.

16 (4) The office of financial management shall maintain a list of  
17 those essential state public facilities that are required or likely  
18 to be built within the next six years. (~~The office of financial  
19 management may at any time add facilities to the list.~~)

20 (5) No local comprehensive plan or development regulation may  
21 preclude the siting of essential public facilities.

22 (6) No person may bring a cause of action for civil damages based  
23 on the good faith actions of any county or city to provide for the  
24 siting of secure community transition facilities in accordance with  
25 this section and with the requirements of chapter 12, Laws of 2001  
26 2nd sp. sess. For purposes of this subsection, "person" includes, but  
27 is not limited to, any individual, agency as defined in RCW  
28 42.17A.005, corporation, partnership, association, and limited  
29 liability entity.

30 (7) Counties or cities siting facilities pursuant to subsection  
31 (2) or (3) of this section shall comply with RCW 71.09.341.

32 (8) The failure of a county or city to act by the deadlines  
33 established in subsections (2) and (3) of this section is not:

34 (a) A condition that would disqualify the county or city for  
35 grants, loans, or pledges under RCW 43.155.070 or 70A.135.070;

36 (b) A consideration for grants or loans provided under RCW  
37 43.17.250(3); or

38 (c) A basis for any petition under RCW 36.70A.280 or for any  
39 private cause of action.

1       **Sec. 19.** RCW 36.70A.210 and 2009 c 121 s 2 are each amended to  
2 read as follows:

3       (1) The legislature recognizes that counties are regional  
4 governments within their boundaries, and cities are primary providers  
5 of urban governmental services within urban growth areas. For the  
6 purposes of this section, a "countywide planning policy" is a written  
7 policy statement or statements used solely for establishing a  
8 countywide framework from which county and city comprehensive plans  
9 are developed and adopted pursuant to this chapter. This framework  
10 shall ensure that city and county comprehensive plans are consistent  
11 as required in RCW 36.70A.100. Nothing in this section shall be  
12 construed to alter the land-use powers of cities.

13       (2) ~~((The))~~ If a countywide planning policy has not been  
14 completed, the legislative authority of a county that plans under RCW  
15 36.70A.040 shall adopt a countywide planning policy in cooperation  
16 with the cities located in whole or in part within the county as  
17 follows:

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

29       (b) The process and framework for adoption of a countywide  
30 planning policy specified in (a) of this subsection shall determine  
31 the manner in which the county and the cities agree to all procedures  
32 and provisions including but not limited to desired planning  
33 policies, deadlines, ratification of final agreements and  
34 demonstration thereof, and financing, if any, of all activities  
35 associated therewith.

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

1 ~~(d) If there is no agreement by October 1, 1991, in a county that~~  
2 ~~was required or chose to plan under RCW 36.70A.040 as of June 1,~~  
3 ~~1991, or if there is no agreement within one hundred twenty days of~~  
4 ~~the date the county adopted its resolution of intention or was~~  
5 ~~certified by the office of financial management in any other county~~  
6 ~~that is required or chooses to plan under RCW 36.70A.040, the~~  
7 ~~governor shall first inquire of the jurisdictions as to the reason or~~  
8 ~~reasons for failure to reach an agreement. If the governor deems it~~  
9 ~~appropriate, the governor may immediately request the assistance of~~  
10 ~~the department of community, trade, and economic development to~~  
11 ~~mediate any disputes that preclude agreement. If mediation is~~  
12 ~~unsuccessful in resolving all disputes that will lead to agreement,~~  
13 ~~the governor may impose appropriate sanctions from those specified~~  
14 ~~under RCW 36.70A.340 on the county, city, or cities for failure to~~  
15 ~~reach an agreement as provided in this section. The governor shall~~  
16 ~~specify the reason or reasons for the imposition of any sanction.~~

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

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

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

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

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

36 (d) Policies for countywide transportation facilities and  
37 strategies;

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



1 (f) Policies for joint county and city planning within urban  
2 growth areas;

3 (g) Policies for countywide economic development and employment,  
4 which must include consideration of the future development of  
5 commercial and industrial facilities; and

6 (h) An analysis of the fiscal impact.

7 (4) Federal agencies and Indian tribes may participate in and  
8 cooperate with the countywide planning policy adoption process.  
9 Adopted countywide planning policies shall be adhered to by state  
10 agencies.

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

19 ~~(6))~~ Cities ~~((and the governor))~~ may appeal an adopted  
20 countywide planning policy to ~~((the growth management hearings~~  
21 ~~board))~~ superior court within sixty days of the adoption of the  
22 countywide planning policy.

23 ~~((7))~~ (6) Multicounty planning policies shall be adopted by two  
24 or more counties, each with a population of four hundred fifty  
25 thousand or more, with contiguous urban areas and may be adopted by  
26 other counties, according to the process established under this  
27 section or other processes agreed to among the counties and cities  
28 within the affected counties throughout the multicounty region.

29 **Sec. 20.** RCW 36.70A.280 and 2011 c 360 s 17 are each amended to  
30 read as follows:

31 (1) Disputes regarding this chapter shall be heard in superior  
32 court under chapter 36.70C RCW. The ~~((growth management hearings~~  
33 ~~board))~~ superior court shall hear and determine only those petitions  
34 alleging either:

35 (a) That, except as provided otherwise by this subsection, a  
36 ~~((state agency,))~~ county~~((,))~~ or city planning under this chapter is  
37 not in compliance with the requirements of this chapter, chapter  
38 90.58 RCW as it relates to the adoption of shoreline master programs  
39 or amendments thereto, or chapter 43.21C RCW as it relates to plans,

1 development regulations, or amendments, adopted under RCW 36.70A.040  
2 or chapter 90.58 RCW. Nothing in this subsection authorizes the  
3 (~~board~~) court to hear petitions alleging noncompliance with RCW  
4 36.70A.5801;

5 (b) That the twenty-year growth management planning population  
6 projections adopted by the office of financial management pursuant to  
7 RCW 43.62.035 should be adjusted;

8 (c) That the approval of a work plan adopted under RCW  
9 36.70A.735(1)(a) is not in compliance with the requirements of the  
10 program established under RCW 36.70A.710; or

11 (d) That regulations adopted under RCW 36.70A.735(1)(b) are not  
12 regionally applicable and cannot be adopted, wholly or partially, by  
13 another jurisdiction(~~;~~ ~~or~~

14 ~~(e) That a department certification under RCW 36.70A.735(1)(c) is~~  
15 ~~erroneous.))~~

16 (2) A petition may be filed only by(~~(a) The state, or a county~~  
17 ~~or city that plans under this chapter;~~ ~~(b) a person who has~~  
18 ~~participated orally or in writing before the county or city regarding~~  
19 ~~the matter on which a review is being requested;~~ ~~(c) a person who is~~  
20 ~~certified by the governor within sixty days of filing the request~~  
21 ~~with the board;~~ ~~or~~ ~~(d))~~) a person qualified pursuant to RCW  
22 34.05.530.

23 (3) For purposes of this section "person" means any individual,  
24 partnership, corporation, association, (~~state agency,~~) governmental  
25 subdivision or unit thereof, or public or private organization or  
26 entity of any character.

27 (4) (~~To establish participation standing under subsection (2)(b)~~  
28 ~~of this section, a person must show that his or her participation~~  
29 ~~before the county or city was reasonably related to the person's~~  
30 ~~issue as presented to the board.~~

31 ~~(5) When considering a possible adjustment to a growth management~~  
32 ~~planning population projection prepared by the office of financial~~  
33 ~~management, the board shall consider the implications of any such~~  
34 ~~adjustment to the population forecast for the entire state.~~

35 ~~The rationale for any adjustment that is adopted by the board~~  
36 ~~must be documented and filed with the office of financial management~~  
37 ~~within ten working days after adoption.~~

38 ~~If adjusted by the board, a county growth management planning~~  
39 ~~population projection shall only be used for the planning purposes~~  
40 ~~set forth in this chapter and shall be known as the "board adjusted~~

1 population projection." None of these changes shall affect the  
2 official state and county population forecasts prepared by the office  
3 of financial management, which shall continue to be used for state  
4 budget and planning purposes)) When considering a possible adjustment  
5 to a growth management planning population projection, the court may  
6 enter an order requiring the office of financial management to adjust  
7 its forecast planning population projections.

8 **Sec. 21.** RCW 36.70A.3201 and 2010 c 211 s 12 are each amended to  
9 read as follows:

10 The (~~legislature intends that the board applies a more~~  
11 ~~deferential standard of review to actions of counties and cities than~~  
12 ~~the preponderance of the evidence standard provided for under~~  
13 ~~existing law. In recognition of the broad range of discretion that~~  
14 ~~may be exercised by counties and cities consistent with the~~  
15 ~~requirements of this chapter, the~~) legislature intends for the  
16 ((~~board~~)) court to grant deference to counties and cities in how they  
17 plan for growth, consistent with the requirements and goals of this  
18 chapter. Local comprehensive plans and development regulations  
19 require counties and cities to balance priorities and options for  
20 action in full consideration of local circumstances. The legislature  
21 finds that while this chapter requires local planning to take place  
22 within a framework of state goals and requirements, the ultimate  
23 burden and responsibility for planning, harmonizing the planning  
24 goals of this chapter, and implementing a county's or city's future  
25 rests with that community.

26 **Sec. 22.** RCW 36.70A.350 and 1991 sp.s. c 32 s 16 are each  
27 amended to read as follows:

28 A county (~~required or~~) choosing to plan under RCW 36.70A.040  
29 may establish a process as part of its urban growth areas, that are  
30 designated under RCW 36.70A.110, for reviewing proposals to authorize  
31 new fully contained communities located outside of the initially  
32 designated urban growth areas.

33 (1) A new fully contained community may be approved in a county  
34 planning under this chapter if criteria including but not limited to  
35 the following are met:

36 (a) New infrastructure is provided for and impact fees are  
37 established consistent with the requirements of RCW 82.02.050;

1 (b) Transit-oriented site planning and traffic demand management  
2 programs are implemented;

3 (c) Buffers are provided between the new fully contained  
4 communities and adjacent urban development;

5 (d) A mix of uses is provided to offer jobs, housing, and  
6 services to the residents of the new community;

7 (e) Affordable housing is provided within the new community for a  
8 broad range of income levels;

9 (f) Environmental protection has been addressed and provided for;

10 (g) Development regulations are established to ensure urban  
11 growth will not occur in adjacent nonurban areas;

12 (h) Provision is made to mitigate impacts on designated  
13 agricultural lands, forestlands, and mineral resource lands;

14 (i) The plan for the new fully contained community is consistent  
15 with the development regulations established for the protection of  
16 critical areas by the county pursuant to RCW 36.70A.170.

17 (2) New fully contained communities may be approved outside  
18 established urban growth areas only if a county reserves a portion of  
19 the twenty-year population projection and offsets the urban growth  
20 area accordingly for allocation to new fully contained communities  
21 that meet the requirements of this chapter. Any county electing to  
22 establish a new community reserve shall do so no more often than once  
23 every five years as a part of the designation or review of urban  
24 growth areas required by this chapter. The new community reserve  
25 shall be allocated on a project-by-project basis, only after specific  
26 project approval procedures have been adopted pursuant to this  
27 chapter as a development regulation. When a new community reserve is  
28 established, urban growth areas designated pursuant to this chapter  
29 shall accommodate the unreserved portion of the twenty-year  
30 population projection.

31 Final approval of an application for a new fully contained  
32 community shall be considered an adopted amendment to the  
33 comprehensive plan prepared pursuant to RCW 36.70A.070 designating  
34 the new fully contained community as an urban growth area.

35 **Sec. 23.** RCW 36.70A.360 and 1998 c 112 s 2 are each amended to  
36 read as follows:

37 (1) Counties that (~~are required or~~) choose to plan under RCW  
38 36.70A.040 may permit master planned resorts which may constitute  
39 urban growth outside of urban growth areas as limited by this

1 section. A master planned resort means a self-contained and fully  
2 integrated planned unit development, in a setting of significant  
3 natural amenities, with primary focus on destination resort  
4 facilities consisting of short-term visitor accommodations associated  
5 with a range of developed on-site indoor or outdoor recreational  
6 facilities.

7 (2) Capital facilities, utilities, and services, including those  
8 related to sewer, water, stormwater, security, fire suppression, and  
9 emergency medical, provided on-site shall be limited to meeting the  
10 needs of the master planned resort. Such facilities, utilities, and  
11 services may be provided to a master planned resort by outside  
12 service providers, including municipalities and special purpose  
13 districts, provided that all costs associated with service extensions  
14 and capacity increases directly attributable to the master planned  
15 resort are fully borne by the resort. A master planned resort and  
16 service providers may enter into agreements for shared capital  
17 facilities and utilities, provided that such facilities and utilities  
18 serve only the master planned resort or urban growth areas.

19 Nothing in this subsection may be construed as: Establishing an  
20 order of priority for processing applications for water right  
21 permits, for granting such permits, or for issuing certificates of  
22 water right; altering or authorizing in any manner the alteration of  
23 the place of use for a water right; or affecting or impairing in any  
24 manner whatsoever an existing water right.

25 All waters or the use of waters shall be regulated and controlled  
26 as provided in chapters 90.03 and 90.44 RCW and not otherwise.

27 (3) A master planned resort may include other residential uses  
28 within its boundaries, but only if the residential uses are  
29 integrated into and support the on-site recreational nature of the  
30 resort.

31 (4) A master planned resort may be authorized by a county only  
32 if:

33 (a) The comprehensive plan specifically identifies policies to  
34 guide the development of master planned resorts;

35 (b) The comprehensive plan and development regulations include  
36 restrictions that preclude new urban or suburban land uses in the  
37 vicinity of the master planned resort, except in areas otherwise  
38 designated for urban growth under RCW 36.70A.110;

39 (c) The county includes a finding as a part of the approval  
40 process that the land is better suited, and has more long-term

1 importance, for the master planned resort than for the commercial  
2 harvesting of timber or agricultural production, if located on land  
3 that otherwise would be designated as forestland or agricultural land  
4 under RCW 36.70A.170;

5 (d) The county ensures that the resort plan is consistent with  
6 the development regulations established for critical areas; and

7 (e) On-site and off-site infrastructure and service impacts are  
8 fully considered and mitigated.

9 **Sec. 24.** RCW 36.70A.362 and 1997 c 382 s 1 are each amended to  
10 read as follows:

11 Counties that (~~are required or~~) choose to plan under RCW  
12 36.70A.040 may include existing resorts as master planned resorts  
13 which may constitute urban growth outside of urban growth areas as  
14 limited by this section. An existing resort means a resort in  
15 existence on July 1, 1990, and developed, in whole or in part, as a  
16 significantly self-contained and integrated development that includes  
17 short-term visitor accommodations associated with a range of indoor  
18 and outdoor recreational facilities within the property boundaries in  
19 a setting of significant natural amenities. An existing resort may  
20 include other permanent residential uses, conference facilities, and  
21 commercial activities supporting the resort, but only if these other  
22 uses are integrated into and consistent with the on-site recreational  
23 nature of the resort.

24 An existing resort may be authorized by a county only if:

25 (1) The comprehensive plan specifically identifies policies to  
26 guide the development of the existing resort;

27 (2) The comprehensive plan and development regulations include  
28 restrictions that preclude new urban or suburban land uses in the  
29 vicinity of the existing resort, except in areas otherwise designated  
30 for urban growth under RCW 36.70A.110 and 36.70A.360(~~(+1)~~) (4) (a);

31 (3) The county includes a finding as a part of the approval  
32 process that the land is better suited, and has more long-term  
33 importance, for the existing resort than for the commercial  
34 harvesting of timber or agricultural production, if located on land  
35 that otherwise would be designated as forestland or agricultural land  
36 under RCW 36.70A.170;

37 (4) The county finds that the resort plan is consistent with the  
38 development regulations established for critical areas; and

1 (5) On-site and off-site infrastructure impacts are fully  
2 considered and mitigated.

3 A county may allocate a portion of its twenty-year population  
4 projection, prepared by the office of financial management, to the  
5 master planned resort corresponding to the projected number of  
6 permanent residents within the master planned resort.

7 **Sec. 25.** RCW 36.70A.365 and 1995 c 190 s 1 are each amended to  
8 read as follows:

9 A county (~~required or~~) choosing to plan under RCW 36.70A.040  
10 may establish, in consultation with cities consistent with provisions  
11 of RCW 36.70A.210, a process for reviewing and approving proposals to  
12 authorize siting of specific major industrial developments outside  
13 urban growth areas.

14 (1) "Major industrial development" means a master planned  
15 location for a specific manufacturing, industrial, or commercial  
16 business that: (a) Requires a parcel of land so large that no  
17 suitable parcels are available within an urban growth area; or (b) is  
18 a natural resource-based industry requiring a location near  
19 agricultural land, forestland, or mineral resource land upon which it  
20 is dependent. The major industrial development shall not be for the  
21 purpose of retail commercial development or multitenant office parks.

22 (2) A major industrial development may be approved outside an  
23 urban growth area in a county planning under this chapter if criteria  
24 including, but not limited to the following, are met:

25 (a) New infrastructure is provided for and/or applicable impact  
26 fees are paid;

27 (b) Transit-oriented site planning and traffic demand management  
28 programs are implemented;

29 (c) Buffers are provided between the major industrial development  
30 and adjacent nonurban areas;

31 (d) Environmental protection including air and water quality has  
32 been addressed and provided for;

33 (e) Development regulations are established to ensure that urban  
34 growth will not occur in adjacent nonurban areas;

35 (f) Provision is made to mitigate adverse impacts on designated  
36 agricultural lands, forestlands, and mineral resource lands;

37 (g) The plan for the major industrial development is consistent  
38 with the county's development regulations established for protection  
39 of critical areas; and

1 (h) An inventory of developable land has been conducted and the  
2 county has determined and entered findings that land suitable to site  
3 the major industrial development is unavailable within the urban  
4 growth area. Priority shall be given to applications for sites that  
5 are adjacent to or in close proximity to the urban growth area.

6 (3) Final approval of an application for a major industrial  
7 development ~~((shall be considered an adopted amendment to the  
8 comprehensive plan adopted pursuant to RCW 36.70A.070 designating the  
9 major industrial development site on the land use map as an urban  
10 growth area. Final approval of an application for a major industrial  
11 development shall not be considered an amendment to the comprehensive  
12 plan for the purposes of RCW 36.70A.130(2) and))~~ may be considered at  
13 any time.

14 **Sec. 26.** RCW 36.70A.367 and 2014 c 149 s 1 are each amended to  
15 read as follows:

16 (1) In addition to the major industrial development allowed under  
17 RCW 36.70A.365, a county planning under RCW 36.70A.040 that meets the  
18 criteria in subsection (5) of this section may establish, in  
19 consultation with cities consistent with provisions of RCW  
20 36.70A.210, a process for designating a bank of no more than two  
21 master planned locations for major industrial activity outside urban  
22 growth areas.

23 (2) A master planned location for major industrial developments  
24 may be approved through a two-step process: Designation of an  
25 industrial land bank area in the comprehensive plan; and subsequent  
26 approval of specific major industrial developments through a local  
27 master plan process described under subsection (3) of this section.

28 (a) The comprehensive plan must identify locations suited to  
29 major industrial development due to proximity to transportation or  
30 resource assets. The plan must identify the maximum size of the  
31 industrial land bank area and any limitations on major industrial  
32 developments based on local limiting factors, but does not need to  
33 specify a particular parcel or parcels of property or identify any  
34 specific use or user except as limited by this section. In selecting  
35 locations for the industrial land bank area, priority must be given  
36 to locations that are adjacent to, or in close proximity to, an urban  
37 growth area.



1 (b) The environmental review for amendment of the comprehensive  
2 plan must be at the programmatic level and, in addition to a  
3 threshold determination, must include:

4 (i) An inventory of developable land as provided in RCW  
5 36.70A.365; and

6 (ii) An analysis of the availability of alternative sites within  
7 urban growth areas and the long-term annexation feasibility of sites  
8 outside of urban growth areas.

9 (c) Final approval of an industrial land bank area under this  
10 section must be by amendment to the comprehensive plan adopted under  
11 RCW 36.70A.070, and the amendment is exempt from the limitation of  
12 RCW 36.70A.130(2) and may be considered at any time. Approval of a  
13 specific major industrial development within the industrial land bank  
14 area requires no further amendment of the comprehensive plan.

15 (3) In concert with the designation of an industrial land bank  
16 area, a county shall also adopt development regulations for review  
17 and approval of specific major industrial developments through a  
18 master plan process. The regulations governing the master plan  
19 process shall ensure, at a minimum, that:

20 (a) Urban growth will not occur in adjacent nonurban areas;

21 (b) Development is consistent with the county's development  
22 regulations adopted for protection of critical areas;

23 (c) Required infrastructure is identified and provided concurrent  
24 with development. Such infrastructure, however, may be phased in with  
25 development;

26 (d) Transit-oriented site planning and demand management programs  
27 are specifically addressed as part of the master plan approval;

28 (e) Provision is made for addressing environmental protection,  
29 including air and water quality, as part of the master plan approval;

30 (f) The master plan approval includes a requirement that  
31 interlocal agreements between the county and service providers,  
32 including cities and special purpose districts providing facilities  
33 or services to the approved master plan, be in place at the time of  
34 master plan approval;

35 (g) A major industrial development is used primarily by  
36 industrial and manufacturing businesses, and that the gross floor  
37 area of all commercial and service buildings or facilities locating  
38 within the major industrial development does not exceed ten percent  
39 of the total gross floor area of buildings or facilities in the  
40 development. The intent of this provision for commercial or service

1 use is to meet the needs of employees, clients, customers, vendors,  
2 and others having business at the industrial site, to attract and  
3 retain a quality workforce, and to further other public objectives,  
4 such as trip reduction. These uses may not be promoted to attract  
5 additional clientele from the surrounding area. Commercial and  
6 service businesses must be established concurrently with or  
7 subsequent to the industrial or manufacturing businesses;

8 (h) New infrastructure is provided for and/or applicable impact  
9 fees are paid to assure that adequate facilities are provided  
10 concurrently with the development. Infrastructure may be achieved in  
11 phases as development proceeds;

12 (i) Buffers are provided between the major industrial development  
13 and adjacent rural areas;

14 (j) Provision is made to mitigate adverse impacts on designated  
15 agricultural lands, forestlands, and mineral resource lands; and

16 (k) An open record public hearing is held before either the  
17 planning commission or hearing examiner with notice published at  
18 least thirty days before the hearing date and mailed to all property  
19 owners within one mile of the site.

20 (4) For the purposes of this section:

21 (a) "Major industrial development" means a master planned  
22 location suitable for manufacturing or industrial businesses that:

23 (i) Requires a parcel of land so large that no suitable parcels are  
24 available within an urban growth area; (ii) is a natural resource-  
25 based industry requiring a location near agricultural land,  
26 forestland, or mineral resource land upon which it is dependent; or  
27 (iii) requires a location with characteristics such as proximity to  
28 transportation facilities or related industries such that there is no  
29 suitable location in an urban growth area. The major industrial  
30 development may not be for the purpose of retail commercial  
31 development or multitenant office parks.

32 (b) "Industrial land bank" means up to two master planned  
33 locations, each consisting of a parcel or parcels of contiguous land,  
34 sufficiently large so as not to be readily available within the urban  
35 growth area of a city, or otherwise meeting the criteria contained in  
36 (a) of this subsection, suitable for manufacturing, industrial, or  
37 commercial businesses and designated by the county through the  
38 comprehensive planning process specifically for major industrial use.

1 (5) This section and the termination provisions specified in  
2 subsection (6) of this section apply to a county that at the time the  
3 process is established under subsection (1) of this section:

4 (a) Has a population greater than two hundred fifty thousand and  
5 is part of a metropolitan area that includes a city in another state  
6 with a population greater than two hundred fifty thousand;

7 (b) Has a population greater than one hundred forty thousand and  
8 is adjacent to another country;

9 (c) Has a population greater than forty thousand but less than  
10 seventy-five thousand and has an average level of unemployment for  
11 the preceding three years that exceeds the average state unemployment  
12 for those years by twenty percent; and

13 (i) Is bordered by the Pacific Ocean;

14 (ii) Is located in the Interstate 5 or Interstate 90 corridor; or

15 (iii) Is bordered by Hood Canal;

16 (d) Is east of the Cascade divide; and

17 (i) Borders another state to the south; or

18 (ii) Is located wholly south of Interstate 90 and borders the  
19 Columbia river to the east;

20 (e) Has an average population density of less than one hundred  
21 persons per square mile as determined by the office of financial  
22 management, and is bordered by the Pacific Ocean and by Hood Canal;  
23 or

24 (f) Meets all of the following criteria:

25 (i) Has a population greater than forty thousand but fewer than  
26 eighty thousand;

27 (ii) Has an average level of unemployment for the preceding three  
28 years that exceeds the average state unemployment for those years by  
29 twenty percent; and

30 (iii) Is located in the Interstate 5 or Interstate 90 corridor.

31 (6) In order to identify and approve locations for industrial  
32 land banks, the county shall take action to designate one or more  
33 industrial land banks and adopt conforming regulations as provided by  
34 subsection (2) of this section (~~on or before the last date to~~  
35 ~~complete that county's next periodic review under RCW 36.70A.130(4)~~  
36 ~~that occurs prior to December 31, 2016~~). The authority to take  
37 action to designate a land bank area in the comprehensive plan  
38 expires if not acted upon by the county within the time frame  
39 provided in this section. Once a land bank area has been identified  
40 in the county's comprehensive plan, the authority of the county to

1 process a master plan or site projects within an approved master plan  
2 does not expire.

3 (7) Any county seeking to designate an industrial land bank under  
4 this section must:

5 (a) Provide countywide notice, in conformity with RCW 36.70A.035,  
6 of the intent to designate an industrial land bank. Notice must be  
7 published in a newspaper or newspapers of general circulation  
8 reasonably likely to reach subscribers in all geographic areas of the  
9 county. Notice must be provided not less than thirty days prior to  
10 commencement of consideration by the county legislative body; and

11 (b) Make a written determination of the criteria and rationale  
12 used by the legislative body as the basis for siting an industrial  
13 land bank under this chapter.

14 (8) Any location included in an industrial land bank pursuant to  
15 section 2, chapter 289, Laws of 1998, section 1, chapter 402, Laws of  
16 1997, and section 2, chapter 167, Laws of 1996 shall remain available  
17 for major industrial development according to this section as long as  
18 the requirements of this section continue to be satisfied.

19 **Sec. 27.** RCW 36.70A.370 and 1991 sp.s. c 32 s 18 are each  
20 amended to read as follows:

21 (1) The state attorney general shall establish by October 1,  
22 1991, an orderly, consistent process, including a checklist if  
23 appropriate, that better enables state agencies and local governments  
24 to evaluate proposed regulatory or administrative actions to assure  
25 that such actions do not result in an unconstitutional taking of  
26 private property. It is not the purpose of this section to expand or  
27 reduce the scope of private property protections provided in the  
28 state and federal Constitutions. The attorney general shall review  
29 and update the process at least on an annual basis to maintain  
30 consistency with changes in case law.

31 (2) Local governments that ~~((are required or))~~ choose to plan  
32 under RCW 36.70A.040 and state agencies shall utilize the process  
33 established by subsection (1) of this section to assure that proposed  
34 regulatory or administrative actions do not result in an  
35 unconstitutional taking of private property.

36 (3) The attorney general, in consultation with the Washington  
37 state bar association, shall develop a continuing education course to  
38 implement this section.

1 (4) The process used by government agencies shall be protected by  
2 attorney client privilege. Nothing in this section grants a private  
3 party the right to seek judicial relief requiring compliance with the  
4 provisions of this section.

5 **Sec. 28.** RCW 36.70A.410 and 1993 c 478 s 23 are each amended to  
6 read as follows:

7 No county or city that (~~plans or~~) elects to plan under this  
8 chapter may enact or maintain an ordinance, development regulation,  
9 zoning regulation or official control, policy, or administrative  
10 practice which treats a residential structure occupied by persons  
11 with handicaps differently than a similar residential structure  
12 occupied by a family or other unrelated individuals. As used in this  
13 section, "handicaps" are as defined in the federal fair housing  
14 amendments act of 1988 (42 U.S.C. Sec. 3602).

15 **Sec. 29.** RCW 36.70A.520 and 2000 c 196 s 1 are each amended to  
16 read as follows:

17 Counties that (~~are required or~~) choose to plan under RCW  
18 36.70A.040 may authorize and designate national historic towns that  
19 may constitute urban growth outside of urban growth areas as limited  
20 by this section. A national historic town means a town or district  
21 that has been designated a national historic landmark by the United  
22 States secretary of the interior pursuant to 16 U.S.C. 461 et seq.,  
23 as amended, based on its significant historic urban features, and  
24 which historically contained a mix of residential and commercial or  
25 industrial uses.

26 A national historic town may be designated under this chapter by  
27 a county only if:

28 (1) The comprehensive plan specifically identifies policies to  
29 guide the preservation, redevelopment, infill, and development of the  
30 town;

31 (2) The comprehensive plan and development regulations specify a  
32 mix of residential, commercial, industrial, tourism-recreation,  
33 waterfront, or other historical uses, along with other uses,  
34 infrastructure, and services which promote the economic  
35 sustainability of the town and its historic character. To promote  
36 historic preservation, redevelopment, and an economically sustainable  
37 community, the town also may include the types of uses that existed  
38 at times during its history and is not limited to those present at

1 the time of the historic designation. Portions of the town may  
2 include urban densities if they reflect density patterns that existed  
3 at times during its history;

4 (3) The boundaries of the town include all of the area contained  
5 in the national historic landmark designation, along with any  
6 additional limited areas determined by the county as appropriate for  
7 transitional uses and buffering. Provisions for transitional uses and  
8 buffering must be compatible with the town's historic character and  
9 must protect the existing natural and built environment under the  
10 requirements of this chapter within and beyond the additional limited  
11 areas, including visual compatibility. The comprehensive plan and  
12 development regulations must include restrictions that preclude new  
13 urban or suburban land uses in the vicinity of the town, including  
14 the additional limited areas, except in areas otherwise designated  
15 for urban growth under this chapter;

16 (4) The development regulations provide for architectural  
17 controls and review procedures applicable to the rehabilitation,  
18 redevelopment, infill, or new development to promote the historic  
19 character of the town;

20 (5) The county finds that the national historic town is  
21 consistent with the development regulations established for critical  
22 areas; and

23 (6) On-site and off-site infrastructure impacts are fully  
24 considered and mitigated concurrent with development.

25 A county may allocate a portion of its twenty-year population  
26 projection, prepared by the office of financial management, to the  
27 national historic town corresponding to the projected number of  
28 permanent residents within the national historic town.

29 **Sec. 30.** RCW 36.70A.530 and 2004 c 28 s 2 are each amended to  
30 read as follows:

31 (1) Military installations are of particular importance to the  
32 economic health of the state of Washington and it is a priority of  
33 the state to protect the land surrounding our military installations  
34 from incompatible development.

35 ~~(2) ((Comprehensive plans, amendments to comprehensive plans,  
36 development regulations, or amendments to development regulations  
37 adopted under this section shall be adopted or amended concurrent  
38 with the scheduled update provided in RCW 36.70A.130, except that  
39 counties and cities identified in RCW 36.70A.130(4)(a) shall comply~~

1 ~~with this section on or before December 1, 2005, and shall thereafter~~  
2 ~~comply with this section on a schedule consistent with RCW~~  
3 ~~36.70A.130(4).~~

4 ~~(3))~~ A comprehensive plan, amendment to a plan, a development  
5 regulation or amendment to a development regulation, should not allow  
6 development in the vicinity of a military installation that is  
7 incompatible with the installation's ability to carry out its mission  
8 requirements. A city or county may find that an existing  
9 comprehensive plan or development regulations are compatible with the  
10 installation's ability to carry out its mission requirements.

11 ~~((4))~~ (3) As part of the requirements of RCW 36.70A.070(1) each  
12 county and city planning under RCW 36.70A.040 that has a federal  
13 military installation, other than a reserve center, that employs one  
14 hundred or more personnel and is operated by the United States  
15 department of defense within or adjacent to its border, shall notify  
16 the commander of the military installation of the county's or city's  
17 intent to amend its comprehensive plan or development regulations to  
18 address lands adjacent to military installations to ensure those  
19 lands are protected from incompatible development.

20 ~~((5))~~ (4)(a) The notice provided under subsection ~~((4))~~ (3)  
21 of this section shall request from the commander of the military  
22 installation a written recommendation and supporting facts relating  
23 to the use of land being considered in the adoption of a  
24 comprehensive plan or an amendment to a plan. The notice shall  
25 provide sixty days for a response from the commander. If the  
26 commander does not submit a response to such request within sixty  
27 days, the local government may presume that implementation of the  
28 proposed plan or amendment will not have any adverse effect on the  
29 operation of the installation.

30 (b) When a county or city intends to amend its development  
31 regulations to be consistent with the comprehensive plan elements  
32 addressed in (a) of this subsection, notice shall be provided to the  
33 commander of the military installation consistent with subsection  
34 ~~((4))~~ (3) of this section. The notice shall request from the  
35 commander of the military installation a written recommendation and  
36 supporting facts relating to the use of land being considered in the  
37 amendment to the development regulations. The notice shall provide  
38 sixty days for a response from the commander to the requesting  
39 government. If the commander does not submit a response to such  
40 request within sixty days, the local government may presume that

1 implementation of the proposed development regulation or amendment  
2 will not have any adverse effect on the operation of the  
3 installation.

4 **Sec. 31.** RCW 36.70C.020 and 2010 c 59 s 1 are each amended to  
5 read as follows:

6 Unless the context clearly requires otherwise, the definitions in  
7 this section apply throughout this chapter.

8 (1) "Energy overlay zone" means a formal plan enacted by the  
9 county legislative authority that establishes suitable areas for  
10 siting renewable resource projects based on currently available  
11 resources and existing infrastructure with sensitivity to adverse  
12 environmental impact.

13 (2) "Land use decision" means a determination made in accordance  
14 with chapter 36.70A RCW relating to a growth management plan or  
15 action taken by a local jurisdiction, or a final determination by a  
16 local jurisdiction's body or officer with the highest level of  
17 authority to make the determination, including those with authority  
18 to hear appeals, on:

19 (a) An application for a project permit or other governmental  
20 approval required by law before real property may be improved,  
21 developed, modified, sold, transferred, or used, but excluding  
22 applications for permits or approvals to use, vacate, or transfer  
23 streets, parks, and similar types of public property; excluding  
24 applications for legislative approvals such as area-wide rezones and  
25 annexations; and excluding applications for business licenses;

26 (b) An interpretative or declaratory decision regarding the  
27 application to a specific property of zoning or other ordinances or  
28 rules regulating the improvement, development, modification,  
29 maintenance, or use of real property; and

30 (c) The enforcement by a local jurisdiction of ordinances  
31 regulating the improvement, development, modification, maintenance,  
32 or use of real property. However, when a local jurisdiction is  
33 required by law to enforce the ordinances in a court of limited  
34 jurisdiction, a petition may not be brought under this chapter.

35 Where a local jurisdiction allows or requires a motion for  
36 reconsideration to the highest level of authority making the  
37 determination, and a timely motion for reconsideration has been  
38 filed, the land use decision occurs on the date a decision is entered



1 on the motion for reconsideration, and not the date of the original  
2 decision for which the motion for reconsideration was filed.

3 (3) "Local jurisdiction" means a county, city, or incorporated  
4 town.

5 (4) "Person" means an individual, partnership, corporation,  
6 association, public or private organization, or governmental entity  
7 or agency.

8 (5) "Renewable resources" has the same meaning provided in RCW  
9 19.280.020.

10 **Sec. 32.** RCW 43.21B.005 and 2020 c 214 s 5 are each amended to  
11 read as follows:

12 (1) There is created an environmental and land use hearings  
13 office of the state of Washington. The environmental and land use  
14 hearings office consists of the pollution control hearings board  
15 created in RCW 43.21B.010(~~(r)~~) and the shorelines hearings board  
16 created in RCW 90.58.170(~~(r and the growth management hearings board~~  
17 ~~created in RCW 36.70A.250. The governor shall appoint a director of~~  
18 ~~the environmental and land use hearings office during the term of the~~  
19 ~~governor~~)). Membership, powers, functions, and duties of the  
20 pollution control hearings board(~~(r)~~) and the shorelines hearings  
21 board(~~(r and the growth management hearings board)~~) shall be as  
22 provided by law.

23 (2) The director of the environmental and land use hearings  
24 office may appoint one or more administrative appeals judges in cases  
25 before the environmental boards and(~~(r)~~) one or more hearing  
26 examiners in cases before the land use board comprising the office.  
27 The administrative appeals judges shall possess the powers and duties  
28 conferred by the administrative procedure act, chapter 34.05 RCW,  
29 have a demonstrated knowledge of environmental law, and shall be  
30 admitted to the practice of law in the state of Washington. (~~The~~  
31 ~~hearing examiners possess the powers and duties provided for in RCW~~  
32 ~~36.70A.270.)~~)

33 (3) Administrative appeals judges are not subject to chapter  
34 41.06 RCW. The administrative appeals judges appointed under  
35 subsection (2) of this section are subject to discipline and  
36 termination, for cause, by the director of the environmental and land  
37 use hearings office. Upon written request by the person so  
38 disciplined or terminated, the director of the environmental and land  
39 use hearings office shall state the reasons for such action in

1 writing. The person affected has a right of review by the superior  
2 court of Thurston county on petition for reinstatement or other  
3 remedy filed within thirty days of receipt of such written reasons.

4 (4) The director of the environmental and land use hearings  
5 office may appoint, discharge, and fix the compensation of such  
6 administrative or clerical staff as may be necessary.

7 (5) The director of the environmental and land use hearings  
8 office may also contract for required services.

9 (6) The director of the environmental and land use hearings  
10 office must ensure that timely and accurate board rulings, decisions,  
11 and orders are made available to the public through searchable  
12 databases accessible through the environmental and land use hearings  
13 office websites. To ensure uniformity and usability of searchable  
14 databases and websites, the director must coordinate with the  
15 relevant boards, the department of commerce, and other interested  
16 stakeholders to develop and maintain a rational system of  
17 categorizing board rulings, decisions, and orders. The environmental  
18 and land use hearings office websites must allow a user to search  
19 growth management hearings board decisions and orders by topic,  
20 party, and geographic location or by natural language. All rulings,  
21 decisions, and orders issued before January 1, 2019, must be  
22 published by June 30, 2021.

23 **Sec. 33.** RCW 43.155.020 and 2017 3rd sp.s. c 10 s 2 are each  
24 amended to read as follows:

25 The definitions in this section apply throughout this chapter  
26 unless the context clearly requires otherwise.

27 (1) "Board" means the public works board created in RCW  
28 43.155.030.

29 (2) "Capital facility plan" means (~~(a capital facility plan~~  
30 ~~required by the growth management act under chapter 36.70A RCW or,~~  
31 ~~for local governments not fully planning under the growth management~~  
32 ~~act,~~) a plan required by the public works board.

33 (3) "Department" means the department of commerce.

34 (4) "Financing guarantees" means the pledge of money in the  
35 public works assistance account, or money to be received by the  
36 public works assistance account, to the repayment of all or a portion  
37 of the principal of or interest on obligations issued by local  
38 governments to finance public works projects.

1 (5) "Local governments" means cities, towns, counties, special  
2 purpose districts, and any other municipal corporations or quasi-  
3 municipal corporations in the state excluding school districts and  
4 port districts.

5 (6) "Public works project" means a project of a local government  
6 for the planning, acquisition, construction, repair, reconstruction,  
7 replacement, rehabilitation, or improvement of streets and roads,  
8 bridges, water systems, or storm and sanitary sewage systems, lead  
9 remediation of drinking water systems, and solid waste facilities,  
10 including recycling facilities. A planning project may include the  
11 compilation of biological, hydrological, or other data on a county,  
12 drainage basin, or region necessary to develop a base of information  
13 for a capital facility plan.

14 (7) "Solid waste or recycling project" means remedial actions  
15 necessary to bring abandoned or closed landfills into compliance with  
16 regulatory requirements and the repair, restoration, and replacement  
17 of existing solid waste transfer, recycling facilities, and landfill  
18 projects limited to the opening of landfill cells that are in  
19 existing and permitted landfills.

20 (8) "Technical assistance" means training and other services  
21 provided to local governments to: (a) Help such local governments  
22 plan, apply, and qualify for loans, grants, and financing guarantees  
23 from the board, and (b) help local governments improve their ability  
24 to plan for, finance, acquire, construct, repair, replace,  
25 rehabilitate, and maintain public facilities.

26 (9) "Value planning" means a uniform approach to assist in  
27 decision making through systematic evaluation of potential  
28 alternatives to solving an identified problem.

29 **Sec. 34.** RCW 43.155.070 and 2017 3rd sp.s. c 10 s 9 are each  
30 amended to read as follows:

31 (1) To qualify for financial assistance under this chapter the  
32 board must determine that a local government meets all of the  
33 following conditions:

34 (a) The city or county must be imposing a tax under chapter 82.46  
35 RCW at a rate of at least one-quarter of one percent;

36 (b) The local government must have developed a capital facility  
37 plan; and

1 (c) The local government must be using all local revenue sources  
2 which are reasonably available for funding public works, taking into  
3 consideration local employment and economic factors.

4 ~~(2) ((Except where necessary to address a public health need or  
5 substantial environmental degradation, a county, city, or town  
6 planning under RCW 36.70A.040 may not receive financial assistance  
7 under this chapter unless it has adopted a comprehensive plan,  
8 including a capital facilities plan element, and development  
9 regulations as required by RCW 36.70A.040. This subsection does not  
10 require any county, city, or town planning under RCW 36.70A.040 to  
11 adopt a comprehensive plan or development regulations before  
12 requesting or receiving financial assistance under this chapter if  
13 such request is made before the expiration of the time periods  
14 specified in RCW 36.70A.040. A county, city, or town planning under  
15 RCW 36.70A.040 that has not adopted a comprehensive plan and  
16 development regulations within the time periods specified in RCW  
17 36.70A.040 may apply for and receive financial assistance under this  
18 chapter if the comprehensive plan and development regulations are  
19 adopted as required by RCW 36.70A.040 before executing a contractual  
20 agreement for financial assistance with the board.~~

21 ~~(3) In considering awarding financial assistance for public  
22 facilities to special districts requesting funding for a proposed  
23 facility located in a county, city, or town planning under RCW  
24 36.70A.040, the board must consider whether the county, city, or town  
25 planning under RCW 36.70A.040 in whose planning jurisdiction the  
26 proposed facility is located has adopted a comprehensive plan and  
27 development regulations as required by RCW 36.70A.040.~~

28 ~~(4))~~ (a) The board must develop a process to prioritize  
29 applications and funding of loans and grants for public works  
30 projects submitted by local governments. The board must consider, at  
31 a minimum and in any order, the following factors in prioritizing  
32 projects:

33 (i) Whether the project is critical in nature and would affect  
34 the health and safety of many people;

35 (ii) The extent to which the project leverages other funds;

36 (iii) The extent to which the project is ready to proceed to  
37 construction;

38 (iv) Whether the project is located in an area of high  
39 unemployment, compared to the average state unemployment;

1 (v) Whether the project promotes the sustainable use of resources  
2 and environmental quality, as applicable;

3 (vi) Whether the project consolidates or regionalizes systems;

4 (vii) ~~((Whether the project encourages economic development  
5 through mixed-use and mixed income development consistent with  
6 chapter 36.70A RCW;~~

7 ~~(viii))~~ Whether the system is being well-managed in the present  
8 and for long-term sustainability;

9 ~~((ix))~~ (viii) Achieving equitable distribution of funds by  
10 geography and population;

11 ~~((x))~~ (ix) The extent to which the project meets the following  
12 state policy objectives:

13 (A) Efficient use of state resources;

14 (B) Preservation and enhancement of health and safety;

15 (C) Abatement of pollution and protection of the environment;

16 (D) Creation of new, family-wage jobs, and avoidance of shifting  
17 existing jobs from one Washington state community to another;

18 (E) ~~((Fostering economic development consistent with chapter  
19 36.70A RCW;~~

20 ~~(F))~~ Efficiency in delivery of goods and services and  
21 transportation; and

22 ~~((G))~~ (F) Reduction of the overall cost of public  
23 infrastructure;

24 ~~((xi))~~ (x) Whether the applicant sought or is seeking funding  
25 for the project from other sources; and

26 ~~((xii))~~ (xi) Other criteria that the board considers necessary  
27 to achieve the purposes of this chapter.

28 (b) Before September 1, 2018, and each year thereafter, the board  
29 must develop and submit a report regarding the construction loans and  
30 grants to the office of financial management and appropriate fiscal  
31 committees of the senate and house of representatives. The report  
32 must include:

33 (i) The total number of applications and amount of funding  
34 requested for public works projects;

35 (ii) A list and description of projects approved in the preceding  
36 fiscal year with project scores against the board's prioritization  
37 criteria;

38 (iii) The total amount of loan and grants disbursements made from  
39 the public works assistance account in the preceding fiscal year;

1 (iv) The total amount of loan repayments in the preceding fiscal  
2 year for outstanding loans from the public works assistance account;

3 (v) The total amount of loan repayments due for outstanding loans  
4 for each fiscal year over the following ten-year period; and

5 (vi) The total amount of funds obligated and timing of when the  
6 funds were obligated in the preceding fiscal year.

7 (c) The maximum amount of funding that the board may provide for  
8 any jurisdiction is ten million dollars per biennium.

9 ~~((+5))~~ (3) Existing debt or financial obligations of local  
10 governments may not be refinanced under this chapter. Each local  
11 government applicant must provide documentation of attempts to secure  
12 additional local or other sources of funding for each public works  
13 project for which financial assistance is sought under this chapter.

14 ~~((+6))~~ (4) Before September 1st of each year, the board must  
15 develop and submit to the appropriate fiscal committees of the senate  
16 and house of representatives a description of the loans and grants  
17 made under RCW 43.155.065 and 43.155.068.

18 ~~((+7))~~ (5) The board may not sign contracts or otherwise  
19 financially obligate funds from the public works assistance account  
20 before the legislature has appropriated funds to the board for the  
21 purpose of funding public works projects under this chapter.

22 ~~((+8))~~ (6) To qualify for loans, grants, or pledges for solid  
23 waste or recycling facilities under this chapter, a city or county  
24 must demonstrate that the solid waste or recycling facility is  
25 consistent with and necessary to implement the comprehensive solid  
26 waste management plan adopted by the city or county under chapter  
27 ~~((70.95))~~ 70A.205 RCW.

28 ~~((+9))~~ (7) After January 1, 2010, any project designed to  
29 address the effects of stormwater or wastewater on Puget Sound may be  
30 funded under this section only if the project is not in conflict with  
31 the action agenda developed by the Puget Sound partnership under RCW  
32 90.71.310.

33 ~~((+10))~~ (8) For projects involving repair, replacement, or  
34 improvement of a wastewater treatment plant or other public works  
35 facility for which an investment grade efficiency audit is reasonably  
36 obtainable, the public works board must require as a contract  
37 condition that the project sponsor undertake an investment grade  
38 efficiency audit. The project sponsor may finance the costs of the  
39 audit as part of its public works assistance account program loan or  
40 grant.

1       (~~(11)~~) (9) The board must implement policies and procedures  
2 designed to maximize local government consideration of other funds to  
3 finance local infrastructure.

4       **Sec. 35.** RCW 43.155.140 and 2011 c 180 s 302 are each amended to  
5 read as follows:

6       The board shall solicit qualifying projects to plan, design, and  
7 construct public works projects needed to attract new industrial and  
8 commercial activities in areas impacted by the closure or potential  
9 closure of large coal-fired electric generation facilities, which for  
10 the purposes of this section means a facility that emitted more than  
11 one million tons of greenhouse gases in any calendar year prior to  
12 2008. The projects should be consistent with any applicable plans for  
13 major industrial activity on lands formerly used or designated for  
14 surface coal mining (~~and supporting uses under RCW 36.70A.368~~).  
15 When the board receives timely and eligible project applications from  
16 a political subdivision of the state for financial assistance for  
17 such projects, the board from available funds shall give priority  
18 consideration to such projects.

19       NEW SECTION. **Sec. 36.** A new section is added to chapter 36.70A  
20 RCW to read as follows:

21       (1) The growth management hearings board may not accept any new  
22 petitions after the effective date of this section. The board must  
23 issue a final order or dismissal of a case without prejudice in all  
24 of its cases on or before June 30, 2021. For the purposes of the  
25 board's review of all petitions received on or before the effective  
26 date of this section, the applicable provisions of chapter 36.70 RCW  
27 in effect on June 30, 2021, govern, except that the board's authority  
28 with regard to petitions ceases the effective date of section 40 of  
29 this act.

30       (2) Any party aggrieved by a final decision of the hearings board  
31 may appeal the decision to superior court as provided in RCW  
32 34.05.514 or 36.01.050 within thirty days of the final order of the  
33 board.

34       NEW SECTION. **Sec. 37.** (1) The growth management hearings board  
35 is abolished.

36       (2) All reports, documents, surveys, books, records, files,  
37 papers, or written material in the possession of the board must be

1 delivered to the custody of the department of enterprise services for  
2 appropriate disbursement or to the appropriate party if there is  
3 evidence related to a pending case. All office furnishings, office  
4 equipment, motor vehicles, and other tangible property in the  
5 possession of the board must be transferred to the department of  
6 enterprise services.

7 (3) All funds, credits, or other assets held by the growth  
8 management hearings board must, on the effective date of this  
9 section, be transferred to the office of financial management. If any  
10 question arises as to the transfer of any funds, books, documents,  
11 records, papers, files, equipment, or other tangible property used or  
12 held by the growth management hearings board, the director of  
13 financial management shall make a determination as to the proper  
14 allocation and certify the same to the state agencies concerned.

15 (4) All existing contracts and obligations must be terminated or  
16 transferred to the office of financial management.

17 (5) All cases decided and all orders previously issued by the  
18 growth management hearings board remain in full force and effect and  
19 are not affected by this act.

20 NEW SECTION. **Sec. 38.** The following acts or parts of acts are  
21 each repealed:

22 (1) RCW 36.70A.045 (Phasing of comprehensive plan submittal) and  
23 1991 sp.s. c 32 s 15;

24 (2) RCW 36.70A.050 (Guidelines to classify agriculture, forest,  
25 and mineral lands and critical areas) and 1990 1st ex.s. c 17 s 5;

26 (3) RCW 36.70A.106 (Comprehensive plans—Development regulations—  
27 Transmittal to state—Amendments—Expedited review) and 2004 c 197 s 1  
28 & 1991 sp.s. c 32 s 8;

29 (4) RCW 36.70A.175 (Wetlands to be delineated in accordance with  
30 manual) and 1995 c 382 s 12;

31 (5) RCW 36.70A.180 (Chapter implementation—Intent) and 2012 1st  
32 sp.s. c 5 s 3 & 1990 1st ex.s. c 17 s 19;

33 (6) RCW 36.70A.190 (Technical assistance, procedural criteria,  
34 grants, and mediation services) and 1991 sp.s. c 32 s 3 & 1990 1st  
35 ex.s. c 17 s 20;

36 (7) RCW 36.70A.250 (Growth management hearings board—Creation—  
37 Members) and 2020 c 214 s 1, 2010 c 211 s 4, 1994 c 249 s 29, & 1991  
38 sp.s. c 32 s 5;



1 (8) RCW 36.70A.252 (Growth management hearings board—  
2 Consolidation into environmental and land use hearings office) and  
3 2020 c 214 s 2 & 2010 c 210 s 15;

4 (9) RCW 36.70A.260 (Growth management hearings board—Regional  
5 panels) and 2020 c 214 s 3, 2010 c 211 s 5, 1994 c 249 s 30, & 1991  
6 sp.s. c 32 s 6;

7 (10) RCW 36.70A.270 (Growth management hearings board—Conduct,  
8 procedure, and compensation—Public access to rulings, decisions, and  
9 orders) and 2020 c 214 s 4 & 2019 c 452 s 2;

10 (11) RCW 36.70A.290 (Growth management hearings board—Petitions—  
11 Evidence) and 2011 c 277 s 1, 2010 c 211 s 8, 1997 c 429 s 12, & 1995  
12 c 347 s 109;

13 (12) RCW 36.70A.295 (Growth management hearings board—Direct  
14 judicial review) and 2010 c 211 s 9 & 1997 c 429 s 13;

15 (13) RCW 36.70A.300 (Final orders) and 2013 c 275 s 1, 1997 c 429  
16 s 14, 1995 c 347 s 110, & 1991 sp.s. c 32 s 11;

17 (14) RCW 36.70A.302 (Growth management hearings board—  
18 Determination of invalidity—Vesting of development permits—Interim  
19 controls) and 2010 c 211 s 10 & 1997 c 429 s 16;

20 (15) RCW 36.70A.305 (Expedited review) and 1996 c 325 s 4;

21 (16) RCW 36.70A.310 (Growth management hearings board—Limitations  
22 on appeal by the state) and 2010 c 211 s 11, 1994 c 249 s 32, & 1991  
23 sp.s. c 32 s 12;

24 (17) RCW 36.70A.320 (Presumption of validity—Burden of proof—  
25 Plans and regulations) and 1997 c 429 s 20, 1995 c 347 s 111, & 1991  
26 sp.s. c 32 s 13;

27 (18) RCW 36.70A.330 (Noncompliance) and 1997 c 429 s 21, 1995 c  
28 347 s 112, & 1991 sp.s. c 32 s 14;

29 (19) RCW 36.70A.335 (Order of invalidity issued before July 27,  
30 1997) and 1997 c 429 s 22;

31 (20) RCW 36.70A.340 (Noncompliance and sanctions) and 2013 c 225  
32 s 604, 2011 c 120 s 2, & 1991 sp.s. c 32 s 26;

33 (21) RCW 36.70A.345 (Sanctions) and 2010 c 211 s 13, 1994 c 249 s  
34 33, & 1993 sp.s. c 6 s 5;

35 (22) RCW 36.70A.380 (Extension of designation date) and 1991  
36 sp.s. c 32 s 39;

37 (23) RCW 36.70A.385 (Environmental planning pilot projects) and  
38 1998 c 245 s 30, 1995 c 399 s 43, & 1991 sp.s. c 32 s 20; and

1 (24) RCW 36.70A.903 (Transfer of powers, duties, and functions)  
2 and 2010 c 210 s 43.

3 NEW SECTION. **Sec. 39.** This act may be known and cited as the  
4 locally operated growth management act.

5 NEW SECTION. **Sec. 40.** If any provision of this act or its  
6 application to any person or circumstance is held invalid, the  
7 remainder of the act or the application of the provision to other  
8 persons or circumstances is not affected.

9 NEW SECTION. **Sec. 41.** This act is necessary for the immediate  
10 preservation of the public peace, health, or safety, or support of  
11 the state government and its existing public institutions, and takes  
12 effect immediately."

**ESHB 1241** - S AMD TO HLG COMM AMD (S-2308.1/21) **741**  
By Senator Fortunato

**NOT CONSIDERED 04/26/2021**

13 On page 30, beginning on line 6, after "insert" strike all  
14 material through "date." on line 9 and insert "amending RCW  
15 36.70A.020, 36.70A.030, 36.70A.040, 36.70A.060, 36.70A.085,  
16 36.70A.110, 36.70A.115, 36.70A.120, 36.70A.131, 36.70A.140,  
17 36.70A.150, 36.70A.160, 36.70A.170, 36.70A.171, 36.70A.172,  
18 36.70A.210, 36.70A.280, 36.70A.3201, 36.70A.350, 36.70A.360,  
19 36.70A.362, 36.70A.365, 36.70A.367, 36.70A.370, 36.70A.410,  
20 36.70A.520, 36.70A.530, 36.70C.020, 43.21B.005, 43.155.020,  
21 43.155.070, and 43.155.140; reenacting and amending RCW 36.70A.070,  
22 36.70A.130, and 36.70A.200; adding a new section to chapter 36.70A  
23 RCW; creating new sections; repealing RCW 36.70A.045, 36.70A.050,  
24 36.70A.106, 36.70A.175, 36.70A.180, 36.70A.190, 36.70A.250,  
25 36.70A.252, 36.70A.260, 36.70A.270, 36.70A.290, 36.70A.295,  
26 36.70A.300, 36.70A.302, 36.70A.305, 36.70A.310, 36.70A.320,  
27 36.70A.330, 36.70A.335, 36.70A.340, 36.70A.345, 36.70A.380,  
28 36.70A.385, and 36.70A.903; and declaring an emergency."

EFFECT: (1) Modifies the Growth Management Act (GMA) to be optional, rather than mandatory. Removes references to mandatory participation and mandatory plan review, evaluation, and revision.

(2) Provides a definition for "best available science" for purposes of designating and protecting critical areas under the GMA. (3) Removes the authority for the Office of Financial Management to add facilities, at any time, to the list of essential state public facilities that are required or likely to be built within the next six years. (4) Abolishes the Growth Management Hearings Board and provides that GMA disputes must be heard in superior court. Modifies the type of GMA petitions the superior court may hear, and who may file a petition.

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