

ESHB 1241 - S COMM AMD

By Committee on Housing & Local Government

**NOT CONSIDERED 04/26/2021**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

40 (ii) Permit processing timelines; and

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

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

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

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

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

29 (i) On or before December 1, 2005, for the city of Port Townsend,  
30 the city of Bellingham, the city of Everett, Snohomish county, and  
31 Whatcom county;

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

38 (a) Grants to local governments for developing and amending  
39 master programs pursuant to the schedule established by this section  
40 shall be provided at least two years before the adoption dates

1 specified in subsection (2) of this section. To the extent possible,  
2 the department shall allocate grants within the amount appropriated  
3 for such purposes to provide reasonable and adequate funding to local  
4 governments that have indicated their intent to develop or amend  
5 master programs during the biennium according to the schedule  
6 established by subsection (2) of this section. Any local government  
7 that applies for but does not receive funding to comply with the  
8 provisions of subsection (2) of this section may delay the  
9 development or amendment of its master program until the following  
10 biennium.

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

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

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

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

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

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

38 (2)(a) Subject to the provisions of subsections (5) and (6) of  
39 this section, each local government subject to this chapter shall

1 develop or amend its master program for the regulation of uses of  
2 shorelines within its jurisdiction according to the following  
3 schedule:

4 (i) On or before December 1, 2005, for the city of Port Townsend,  
5 the city of Bellingham, the city of Everett, Snohomish county, and  
6 Whatcom county;

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

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

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

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

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

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

26 (3)(a) Following approval by the department of a new or amended  
27 master program, local governments required to develop or amend master  
28 programs on or before December 1, 2009, as provided by subsection  
29 (2)(a)(i) and (ii) of this section, shall be deemed to have complied  
30 with the schedule established by subsection (2)(a)(iii) of this  
31 section and shall not be required to complete master program  
32 amendments until the applicable dates established by subsection  
33 (4)(b) of this section. Any jurisdiction listed in subsection  
34 (2)(a)(i) of this section that has a new or amended master program  
35 approved by the department on or after March 1, 2002, but before July  
36 27, 2003, shall not be required to complete master program amendments  
37 until the applicable date provided by subsection (4)(b) of this  
38 section.

39 (b) Following approval by the department of a new or amended  
40 master program, local governments choosing to develop or amend master

1 programs on or before December 1, 2009, shall be deemed to have  
2 complied with the schedule established by subsection (2)(a)(iii)  
3 through (vi) of this section and shall not be required to complete  
4 master program amendments until the applicable dates established by  
5 subsection (4)(b) of this section.

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

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

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

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

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

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

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

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

37 (5) In meeting the review requirements of subsection (4) of this  
38 section, local governments are encouraged to begin the process of  
39 developing or amending their master programs early and are eligible  
40 for grants from the department as provided by RCW 90.58.250, subject

1 to available funding. Except for those local governments listed in  
2 subsection (2)(a)(i) and (ii) of this section, the deadline for  
3 completion of the new or amended master programs shall be two years  
4 after the date the grant is approved by the department. Subsequent  
5 master program review dates shall not be altered by the provisions of  
6 this subsection.

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

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

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

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

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

37 (8) In meeting the review requirements of subsection (4) of this  
38 section, local governments may be provided an additional year beyond  
39 the deadlines in this section to complete their master program or  
40 amendment. The department shall grant the request if it determines

1 that the local government is likely to adopt or amend its master  
2 program within the additional year.

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

5 (1) Each county that has both a population of fifty thousand or  
6 more and, until May 16, 1995, has had its population increase by more  
7 than ten percent in the previous ten years or, on or after May 16,  
8 1995, has had its population increase by more than seventeen percent  
9 in the previous ten years, and the cities located within such county,  
10 and any other county regardless of its population that has had its  
11 population increase by more than twenty percent in the previous ten  
12 years, and the cities located within such county, shall conform with  
13 all of the requirements of this chapter. However, the county  
14 legislative authority of such a county with a population of less than  
15 fifty thousand population may adopt a resolution removing the county,  
16 and the cities located within the county, from the requirements of  
17 adopting comprehensive land use plans and development regulations  
18 under this chapter if this resolution is adopted and filed with the  
19 department by December 31, 1990, for counties initially meeting this  
20 set of criteria, or within sixty days of the date the office of  
21 financial management certifies that a county meets this set of  
22 criteria under subsection (5) of this section. For the purposes of  
23 this subsection, a county not currently planning under this chapter  
24 is not required to include in its population count those persons  
25 confined in a correctional facility under the jurisdiction of the  
26 department of corrections that is located in the county.

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

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

1 resolution for partial planning pursuant to (b)(i) of this  
2 subsection.

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

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

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

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

16 (D) The legislative bodies of at least sixty percent of those  
17 cities having an aggregate population of at least seventy-five  
18 percent of the incorporated county population have not: Adopted  
19 resolutions opposing the action by the county; and provided written  
20 notification of the resolutions to the county.

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

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

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

30 (c) The adoption of a resolution for partial planning under  
31 (b)(i) of this subsection does not nullify or otherwise modify the  
32 requirements for counties and cities established in RCW 36.70A.060,  
33 36.70A.070(5) and associated development regulations, 36.70A.170, and  
34 36.70A.172.

35 (3) Any county or city that is initially required to conform with  
36 all of the requirements of this chapter under subsection (1) of this  
37 section shall take actions under this chapter as follows: (a) The  
38 county legislative authority shall adopt a countywide planning policy  
39 under RCW 36.70A.210; (b) the county and each city located within the  
40 county shall designate critical areas, agricultural lands,

1 forestlands, and mineral resource lands, and adopt development  
2 regulations conserving these designated agricultural lands,  
3 forestlands, and mineral resource lands and protecting these  
4 designated critical areas, under RCW 36.70A.170 and 36.70A.060; (c)  
5 the county shall designate and take other actions related to urban  
6 growth areas under RCW 36.70A.110; (~~(and)~~) and (d) if the county  
7 has a population of fifty thousand or more, the county and each city  
8 located within the county shall adopt a comprehensive plan under this  
9 chapter and development regulations that are consistent with and  
10 implement the comprehensive plan on or before July 1, 1994, and if  
11 the county has a population of less than fifty thousand, the county  
12 and each city located within the county shall adopt a comprehensive  
13 plan under this chapter and development regulations that are  
14 consistent with and implement the comprehensive plan by January 1,  
15 1995, but if the governor makes written findings that a county with a  
16 population of less than fifty thousand or a city located within such  
17 a county is not making reasonable progress toward adopting a  
18 comprehensive plan and development regulations the governor may  
19 reduce this deadline for such actions to be taken by no more than one  
20 hundred eighty days. Any county or city subject to this subsection  
21 may obtain an additional six months before it is required to have  
22 adopted its development regulations by submitting a letter notifying  
23 the department of its need prior to the deadline for adopting both a  
24 comprehensive plan and development regulations.

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

29 (a) The county legislative authority shall adopt a countywide  
30 planning policy under RCW 36.70A.210; (b) the county and each city  
31 that is located within the county shall adopt development regulations  
32 conserving agricultural lands, forestlands, and mineral resource  
33 lands it designated under RCW 36.70A.060 within one year of the date  
34 the county legislative authority adopts its resolution of intention;  
35 (c) the county shall designate and take other actions related to  
36 urban growth areas under RCW 36.70A.110; and (d) the county and each  
37 city that is located within the county shall adopt a comprehensive  
38 plan and development regulations that are consistent with and  
39 implement the comprehensive plan not later than four years from the  
40 date the county legislative authority adopts its resolution of



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

6 (5) If the office of financial management certifies that the  
7 population of a county that previously had not been required to plan  
8 under subsection (1) or (2) of this section has changed sufficiently  
9 to meet either of the sets of criteria specified under subsection (1)  
10 of this section, and where applicable, the county legislative  
11 authority has not adopted a resolution removing the county from these  
12 requirements as provided in subsection (1) of this section, the  
13 county and each city within such county shall take actions under this  
14 chapter as follows: (a) The county legislative authority shall adopt  
15 a countywide planning policy under RCW 36.70A.210; (b) the county and  
16 each city located within the county shall adopt development  
17 regulations under RCW 36.70A.060 conserving agricultural lands,  
18 forestlands, and mineral resource lands it designated within one year  
19 of the certification by the office of financial management; (c) the  
20 county shall designate and take other actions related to urban growth  
21 areas under RCW 36.70A.110; and (d) the county and each city located  
22 within the county shall adopt a comprehensive land use plan and  
23 development regulations that are consistent with and implement the  
24 comprehensive plan within four years of the certification by the  
25 office of financial management, but a county or city may obtain an  
26 additional six months before it is required to have adopted its  
27 development regulations by submitting a letter notifying the  
28 department of its need prior to the deadline for adopting both a  
29 comprehensive plan and development regulations.

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

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

36 (8) A federally recognized Indian tribe may voluntarily choose to  
37 participate in the county or regional planning process and coordinate  
38 with the county and cities that are either required to comply with  
39 the provisions of this chapter pursuant to subsection (1) of this  
40 section or voluntarily choose to comply with the provisions of this

1 chapter pursuant to subsection (2) of this section; provided, that  
2 collaboration and participation is a nonexclusive exercise of  
3 coordination and cooperation in the planning process and failure to  
4 exercise discretionary collaboration and participation shall not  
5 limit a party's standing for quasi-judicial or judicial review or  
6 appeal under this chapter.

7 (a) Upon receipt of notice in the form of a tribal resolution  
8 from a tribe whose reservation or ceded lands lie within the county,  
9 which indicates the tribe has a planning process or intends to  
10 initiate a parallel planning process, the county, cities, and other  
11 local governments conducting the planning under this chapter shall  
12 enter into good faith negotiations to develop a mutually agreeable  
13 memorandum of agreement with such tribes in regard to collaboration  
14 and participation in the planning process. If a mutually agreeable  
15 memorandum of agreement cannot be reached between the local  
16 government and such tribes, the local government shall enter  
17 mediation with such tribes for a period not to exceed 30 days, which  
18 shall be arranged by the department using a suitable expert to be  
19 paid by the department. If a mutually agreeable memorandum of  
20 agreement is not reached at the conclusion of the mediation period,  
21 the period shall be extended for one additional period not to exceed  
22 30 days, upon written notice to the department by one or more  
23 parties. If a mutually agreeable memorandum of agreement cannot be  
24 reached at the end of the mediation period or the extended mediation  
25 period, the parties shall have no further obligation to develop a  
26 memorandum of agreement. Inability to reach a mutually agreeable  
27 memorandum of agreement shall not preclude a tribe from providing  
28 notice as described in this subsection (8)(a) in subsequent planning  
29 processes.

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

35 (c) Nothing in this subsection or any other provision in this  
36 chapter shall affect, alter, or limit in any way a local government  
37 legislative body's authority to adopt and amend comprehensive land  
38 use plans and development regulations in accordance with this  
39 chapter.

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

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

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

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

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

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

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

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

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

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

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

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

- 1 (a) Creation of a port overlay district that protects container  
2 port uses;
- 3 (b) Use of industrial land banks;
- 4 (c) Use of buffers and transition zones between incompatible  
5 uses;
- 6 (d) Use of joint transportation funding agreements;
- 7 (e) Use of policies to encourage the retention of valuable  
8 warehouse and storage facilities;
- 9 (f) Use of limitations on the location or size, or both, of  
10 nonindustrial uses in the core area and surrounding areas; and
- 11 (g) Use of other approaches by agreement between the city and the  
12 port.
- 13 (7) The department of (~~community, trade, and economic~~  
14 ~~development~~) commerce must provide matching grant funds to cities  
15 meeting the requirements of subsection (1) of this section to support  
16 development of the required container port element.
- 17 (8) Any planned improvements identified in port elements adopted  
18 under subsections (1) and (2) of this section must be transmitted by  
19 the city to the transportation commission for consideration of  
20 inclusion in the statewide transportation plan required under RCW  
21 47.01.071.

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

24 (1) Each county and city proposing adoption of a comprehensive  
25 plan or development regulations under this chapter shall notify the  
26 department of its intent to adopt such plan or regulations at least  
27 sixty days prior to final adoption. State agencies including the  
28 department may provide comments to the county or city on the proposed  
29 comprehensive plan, or proposed development regulations, during the  
30 public review process prior to adoption.

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

35 (3) (a) Any amendments for permanent changes to a comprehensive  
36 plan or development regulation that are proposed by a county or city  
37 to its adopted plan or regulations shall be submitted to the  
38 department in the same manner as initial plans and development  
39 regulations under this section. Any amendments to a comprehensive

1 plan or development regulations that are adopted by a county or city  
2 shall be transmitted to the department in the same manner as the  
3 initial plans and regulations under this section.

4 (b) Each county and city planning under this chapter may request  
5 expedited review for any amendments for permanent changes to a  
6 development regulation. Upon receiving a request for expedited  
7 review, and after consultation with other state agencies, the  
8 department may grant expedited review if the department determines  
9 that expedited review does not compromise the state's ability to  
10 provide timely comments related to compliance with the goals and  
11 requirements of this chapter or on other matters of state interest.  
12 Cities and counties may adopt amendments for permanent changes to a  
13 development regulation immediately following the granting of the  
14 request for expedited review by the department.

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

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

22 (1) Each county that is required or chooses to plan under RCW  
23 36.70A.040 shall designate an urban growth area or areas within which  
24 urban growth shall be encouraged and outside of which growth can  
25 occur only if it is not urban in nature. Each city that is located in  
26 such a county shall be included within an urban growth area. An urban  
27 growth area may include more than a single city. An urban growth area  
28 may include territory that is located outside of a city only if such  
29 territory already is characterized by urban growth whether or not the  
30 urban growth area includes a city, or is adjacent to territory  
31 already characterized by urban growth, or is a designated new fully  
32 contained community as defined by RCW 36.70A.350. When a federally  
33 recognized Indian tribe whose reservation or ceded lands lie within  
34 the county or city has voluntarily chosen to participate in the  
35 planning process pursuant to RCW 36.70A.040, the county or city and  
36 the tribe shall coordinate their planning efforts for any areas  
37 planned for urban growth consistent with the terms outlined in the  
38 memorandum of agreement provided for in RCW 36.70A.040(8)(a).

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

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

24 Within one year of July 1, 1990, each county that as of June 1,  
25 1991, was required or chose to plan under RCW 36.70A.040, shall begin  
26 consulting with each city located within its boundaries and each city  
27 shall propose the location of an urban growth area. Within sixty days  
28 of the date the county legislative authority of a county adopts its  
29 resolution of intention or of certification by the office of  
30 financial management, all other counties that are required or choose  
31 to plan under RCW 36.70A.040 shall begin this consultation with each  
32 city located within its boundaries. The county shall attempt to reach  
33 agreement with each city on the location of an urban growth area  
34 within which the city is located. If such an agreement is not reached  
35 with each city located within the urban growth area, the county shall  
36 justify in writing why it so designated the area an urban growth  
37 area. A city may object formally with the department over the  
38 designation of the urban growth area within which it is located.  
39 Where appropriate, the department shall attempt to resolve the  
40 conflicts, including the use of 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 intention  
23 or of certification by the office of financial management, all other  
24 counties that are required or choose to plan under RCW 36.70A.040  
25 shall adopt development regulations designating interim urban growth  
26 areas under this chapter. Adoption of the interim urban growth areas  
27 may only occur after public notice; public hearing; and compliance  
28 with the state environmental policy act, chapter 43.21C RCW, and  
29 under this section. Such action may be appealed to the growth  
30 management hearings board under RCW 36.70A.280. Final urban growth  
31 areas shall be adopted at the time of comprehensive plan adoption  
32 under this chapter.

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

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

39 (8) (a) Except as provided in (b) of this subsection, the  
40 expansion of an urban growth area is prohibited into the one hundred

1 year floodplain of any river or river segment that: (i) Is located  
2 west of the crest of the Cascade mountains; and (ii) has a mean  
3 annual flow of one thousand or more cubic feet per second as  
4 determined by the department of ecology.

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

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

8 (ii) Urban growth areas where expansions are precluded outside  
9 floodplains because:

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

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

14 (iii) Urban growth area expansions where:

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

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

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

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

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

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

38 (9) If a county, city, or utility has adopted a capital facility  
39 plan or utilities element to provide sewer service within the urban  
40 growth areas during the twenty-year planning period, nothing in this



1 chapter obligates counties, cities, or utilities to install sanitary  
2 sewer systems to properties within urban growth areas designated  
3 under subsection (2) of this section by the end of the twenty-year  
4 planning period when those properties:

5 (a) (i) Have existing, functioning, nonpolluting on-site sewage  
6 systems;

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

10 (iii) Have no redevelopment capacity; or

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

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

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

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

27 (3) The department shall develop and administer a grant program  
28 to provide direct financial assistance to counties and cities for the  
29 preparation of comprehensive plans under this chapter. The department  
30 may establish provisions for county and city matching funds to  
31 conduct activities under this subsection. Grants may be expended for  
32 any purpose directly related to the preparation of a county or city  
33 comprehensive plan as the county or city and the department may  
34 agree, including, without limitation, the conducting of surveys,  
35 inventories and other data gathering and management activities, the  
36 retention of planning consultants, contracts with regional councils  
37 for planning and related services, and other related purposes.

38 (4) The department shall establish a program of technical  
39 assistance:

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

7 (b) Adopting by rule procedural criteria to assist counties and  
8 cities in adopting comprehensive plans and development regulations  
9 that meet the goals and requirements of this chapter. These criteria  
10 shall reflect regional and local variations and the diversity that  
11 exists among different counties and cities that plan under this  
12 chapter.

13 (5) The department shall provide mediation services to resolve  
14 disputes between counties and cities regarding, among other things,  
15 coordination of regional issues and designation of urban growth  
16 areas.

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

20 (a) A federally recognized Indian tribe may request the  
21 department to provide facilitation services to resolve issues of  
22 concern with a proposed comprehensive plan and its development  
23 regulations, or any amendment to the comprehensive plan and its  
24 development regulations.

25 (b) Upon receipt of a request from a tribe, the department shall  
26 notify the city or county of the request and offer to assist in  
27 providing facilitation services to encourage resolution before  
28 adoption of the proposed comprehensive plan. Upon receipt of the  
29 notice from the department, the city or county must delay any final  
30 action to adopt any comprehensive plan, or any amendment or its  
31 development regulations for at least 60 days. The tribe and the city  
32 or county may jointly agree to extend this period by notifying the  
33 department. A county or city must not be penalized for noncompliance  
34 under this chapter due to any delays associated with the mediation  
35 process.

36 (c) Upon receipt of a request, the department shall provide  
37 comments to the county or city including a summary and supporting  
38 materials regarding the tribe's concerns. The county or city may  
39 either agree to amend the comprehensive plan as requested consistent  
40 with the comments of the department, or enter into a facilitated

1 process with the tribe, which must be arranged by the department  
2 using a suitable expert to be paid by the department. This  
3 facilitated process may also extend the 60-day delay of adoption,  
4 upon agreement of the tribe and the city or county.

5 (d) At the end of the 60-day period, unless by agreement there is  
6 an extension of the 60-day period, the city or county may proceed  
7 with adoption of the proposed comprehensive plan and development  
8 regulations.

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

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

13 (1) The legislature recognizes that counties are regional  
14 governments within their boundaries, and cities are primary providers  
15 of urban governmental services within urban growth areas. For the  
16 purposes of this section, a "countywide planning policy" is a written  
17 policy statement or statements used solely for establishing a  
18 countywide framework from which county and city comprehensive plans  
19 are developed and adopted pursuant to this chapter. This framework  
20 shall ensure that city and county comprehensive plans are consistent  
21 as required in RCW 36.70A.100. Nothing in this section shall be  
22 construed to alter the land-use powers of cities.

23 (2) The legislative authority of a county that plans under RCW  
24 36.70A.040 shall adopt a countywide planning policy in cooperation  
25 with the cities located in whole or in part within the county as  
26 follows:

27 (a) No later than sixty calendar days from July 16, 1991, the  
28 legislative authority of each county that as of June 1, 1991, was  
29 required or chose to plan under RCW 36.70A.040 shall convene a  
30 meeting with representatives of each city located within the county  
31 for the purpose of establishing a collaborative process that will  
32 provide a framework for the adoption of a countywide planning policy.  
33 In other counties that are required or choose to plan under RCW  
34 36.70A.040, this meeting shall be convened no later than sixty days  
35 after the date the county adopts its resolution of intention or was  
36 certified by the office of financial management.

37 (b) The process and framework for adoption of a countywide  
38 planning policy specified in (a) of this subsection shall determine  
39 the manner in which the county and the cities agree to all procedures

1 and provisions including but not limited to desired planning  
2 policies, deadlines, ratification of final agreements and  
3 demonstration thereof, and financing, if any, of all activities  
4 associated therewith.

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

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

26 (e) No later than July 1, 1992, the legislative authority of each  
27 county that was required or chose to plan under RCW 36.70A.040 as of  
28 June 1, 1991, or no later than fourteen months after the date the  
29 county adopted its resolution of intention or was certified by the  
30 office of financial management the county legislative authority of  
31 any other county that is required or chooses to plan under RCW  
32 36.70A.040, shall adopt a countywide planning policy according to the  
33 process provided under this section and that is consistent with the  
34 agreement pursuant to (b) of this subsection, and after holding a  
35 public hearing or hearings on the proposed countywide planning  
36 policy.

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

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

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

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

6 (d) Policies for countywide transportation facilities and  
7 strategies;

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

11 (f) Policies for joint county and city planning within urban  
12 growth areas;

13 (g) Policies for countywide economic development and employment,  
14 which must include consideration of the future development of  
15 commercial and industrial facilities; and

16 (h) An analysis of the fiscal impact.

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

22 (5) Failure to adopt a countywide planning policy that meets the  
23 requirements of this section may result in the imposition of a  
24 sanction or sanctions on a county or city within the county, as  
25 specified in RCW 36.70A.340. In imposing a sanction or sanctions, the  
26 governor shall specify the reasons for failure to adopt a countywide  
27 planning policy in order that any imposed sanction or sanctions are  
28 fairly and equitably related to the failure to adopt a countywide  
29 planning policy.

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

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

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

3        NEW SECTION.    **Sec. 11.**    Section 3 of this act takes effect July  
4 1, 2025."

**ESHB 1241** - S COMM AMD

By Committee on Housing & Local Government

**NOT CONSIDERED 04/26/2021**

5        On page 1, line 1 of the title, after "act;" strike the remainder  
6 of the title and insert "amending RCW 90.58.080, 90.58.080,  
7 36.70A.040, 36.70A.085, 36.70A.106, 36.70A.110, 36.70A.190, and  
8 36.70A.210; reenacting and amending RCW 36.70A.130; providing an  
9 effective date; and providing an expiration date."

EFFECT: Removes proposed language from the "Additional Elements" section (RCW 36.70A.080) of the Growth Management Act. Inserts a requirement in the "Port Element" section (RCW 36.70A.085) that cities comply with GMA tribal engagement provisions in the bill. Makes technical corrections.

Clarifies the obligation of local governments to negotiate a memorandum of agreement with a tribe whose reservation or ceded lands lie within the county.

Replaces a requirement for government-to-government consultation with a concerned tribe with a process for timely dispute resolution. Makes technical corrections.

--- END ---