
ENGROSSED SUBSTITUTE HOUSE BILL 1241

State of Washington

67th Legislature

2021 Regular Session

By House Local Government (originally sponsored by Representatives Duerr, Berg, Ortiz-Self, Bateman, Wicks, Macri, Harris-Talley, and Pollet)

READ FIRST TIME 02/15/21.

1 AN ACT Relating to planning under the growth management act;
2 amending RCW 90.58.080, 90.58.080, 36.70A.040, 36.70A.080,
3 36.70A.106, 36.70A.110, 36.70A.190, and 36.70A.210; reenacting and
4 amending RCW 36.70A.130; providing an effective date; and providing
5 an expiration date.

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

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

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

17 (b) Except as otherwise provided, a county or city not planning
18 under RCW 36.70A.040 shall take action to review and, if needed,
19 revise its policies and development regulations regarding critical
20 areas and natural resource lands adopted according to this chapter to
21 ensure these policies and regulations comply with the requirements of

1 this chapter according to the deadlines in subsections (4) and (5) of
2 this section. Legislative action means the adoption of a resolution
3 or ordinance following notice and a public hearing indicating at a
4 minimum, a finding that a review and evaluation has occurred and
5 identifying the revisions made, or that a revision was not needed and
6 the reasons therefor.

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

12 (d) Any amendment of or revision to a comprehensive land use plan
13 shall conform to this chapter. Any amendment of or revision to
14 development regulations shall be consistent with and implement the
15 comprehensive plan.

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

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

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

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

1 (iv) The amendment of the capital facilities element of a
2 comprehensive plan that occurs concurrently with the adoption or
3 amendment of a county or city budget; or

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

10 (b) Except as otherwise provided in (a) of this subsection, all
11 proposals shall be considered by the governing body concurrently so
12 the cumulative effect of the various proposals can be ascertained.
13 However, after appropriate public participation a county or city may
14 adopt amendments or revisions to its comprehensive plan that conform
15 with this chapter whenever an emergency exists or to resolve an
16 appeal of a comprehensive plan filed with the growth management
17 hearings board or with the court.

18 (3)(a) Each county that designates urban growth areas under RCW
19 36.70A.110 shall review, according to the schedules established in
20 subsections (4) and (5) of this section, its designated urban growth
21 area or areas, and the densities permitted within both the
22 incorporated and unincorporated portions of each urban growth area.
23 In conjunction with this review by the county, each city located
24 within an urban growth area shall review the densities permitted
25 within its boundaries, and the extent to which the urban growth
26 occurring within the county has located within each city and the
27 unincorporated portions of the urban growth areas.

28 (b) The county comprehensive plan designating urban growth areas,
29 and the densities permitted in the urban growth areas by the
30 comprehensive plans of the county and each city located within the
31 urban growth areas, shall be revised to accommodate the urban growth
32 projected to occur in the county for the succeeding twenty-year
33 period. The review required by this subsection may be combined with
34 the review and evaluation required by RCW 36.70A.215.

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

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

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

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

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

13 (5) Except as otherwise provided in subsections (6) and (8) of
14 this section, following the review of comprehensive plans and
15 development regulations required by subsection (4) of this section,
16 counties and cities shall take action to review and, if needed,
17 revise their comprehensive plans and development regulations to
18 ensure the plan and regulations comply with the requirements of this
19 chapter as follows:

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

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

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

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

36 (6)(a) Nothing in this section precludes a county or city from
37 conducting the review and evaluation required by this section before
38 the deadlines established in subsections (4) and (5) of this section.
39 Counties and cities may begin this process early and may be eligible

1 for grants from the department, subject to available funding, if they
2 elect to do so.

3 (b) A county that is subject to a deadline established in
4 subsection (5) (~~((a)(ii) through (iv) [(b) through (d)])~~) of this
5 section and meets the following criteria may comply with the
6 requirements of this section at any time within the twenty-four
7 months following the deadline established in subsection (5) of this
8 section: The county has a population of less than fifty thousand and
9 has had its population increase by no more than seventeen percent in
10 the ten years preceding the deadline established in subsection (5) of
11 this section as of that date.

12 (c) A city that is subject to a deadline established in
13 subsection (5) (~~((a)(ii) through (iv) [(b) through (d)])~~) of this
14 section and meets the following criteria may comply with the
15 requirements of this section at any time within the twenty-four
16 months following the deadline established in subsection (5) of this
17 section: The city has a population of no more than five thousand and
18 has had its population increase by the greater of either no more than
19 one hundred persons or no more than seventeen percent in the ten
20 years preceding the deadline established in subsection (5) of this
21 section as of that date.

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

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

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

31 (ii) Demonstrating substantial progress towards compliance with
32 the schedules in this section for development regulations that
33 protect critical areas.

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

1 (8) (a) Except as otherwise provided in (c) of this subsection, if
2 a participating watershed is achieving benchmarks and goals for the
3 protection of critical areas functions and values, the county is not
4 required to update development regulations to protect critical areas
5 as they specifically apply to agricultural activities in that
6 watershed.

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

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

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

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

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

21 (v) Three or more years have elapsed since the receipt of
22 funding.

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

32 (9) (a) Counties subject to planning deadlines established in
33 subsection (5) of this section that are required or that choose to
34 plan under RCW 36.70A.040 and that meet either criteria of (a) (i) or
35 (ii) of this subsection, and cities with a population of more than
36 6,000 as of January 1, 2021, within those counties, must provide to
37 the department an implementation progress report detailing the
38 progress they have achieved in implementing their comprehensive plan
39 five years after the review and revision of their comprehensive plan.
40 Once a county meets the criteria in subsection (a) (i) or (ii) of this

1 subsection, the implementation progress report requirements remain in
2 effect thereafter for that county and the cities therein with
3 populations greater than 6,000 as of January 1, 2021, even if the
4 county later no longer meets either or both criteria. A county is
5 subject to the implementation progress report requirement if it meets
6 either of the following criteria on or after January 1, 2021:

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

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

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

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

18 (ii) Permit processing timelines; and

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

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

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

38 (1) Local governments shall develop or amend a master program for
39 regulation of uses of the shorelines of the state consistent with the

1 required elements of the guidelines adopted by the department in
2 accordance with the schedule established by this section.

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

8 (i) On or before December 1, 2005, for the city of Port Townsend,
9 the city of Bellingham, the city of Everett, Snohomish county, and
10 Whatcom county;

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

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

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

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

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

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

30 (3) (a) Following approval by the department of a new or amended
31 master program, local governments required to develop or amend master
32 programs on or before December 1, 2009, as provided by subsection
33 (2) (a) (i) and (ii) of this section, shall be deemed to have complied
34 with the schedule established by subsection (2) (a) (iii) of this
35 section and shall not be required to complete master program
36 amendments until the applicable dates established by subsection
37 (4) (b) of this section. Any jurisdiction listed in subsection
38 (2) (a) (i) of this section that has a new or amended master program
39 approved by the department on or after March 1, 2002, but before July
40 27, 2003, shall not be required to complete master program amendments

1 until the applicable date provided by subsection (4)(b) of this
2 section.

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

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

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

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

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

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

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

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

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

1 (5) In meeting the update requirements of subsection (2) of this
2 section, local governments are encouraged to begin the process of
3 developing or amending their master programs early and are eligible
4 for grants from the department as provided by RCW 90.58.250, subject
5 to available funding. Except for those local governments listed in
6 subsection (2)(a)(i) and (ii) of this section, the deadline for
7 completion of the new or amended master programs shall be two years
8 after the date the grant is approved by the department. Subsequent
9 master program review dates shall not be altered by the provisions of
10 this subsection.

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

13 (a) Grants to local governments for developing and amending
14 master programs pursuant to the schedule established by this section
15 shall be provided at least two years before the adoption dates
16 specified in subsection (2) of this section. To the extent possible,
17 the department shall allocate grants within the amount appropriated
18 for such purposes to provide reasonable and adequate funding to local
19 governments that have indicated their intent to develop or amend
20 master programs during the biennium according to the schedule
21 established by subsection (2) of this section. Any local government
22 that applies for but does not receive funding to comply with the
23 provisions of subsection (2) of this section may delay the
24 development or amendment of its master program until the following
25 biennium.

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

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

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

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

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

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

13 (2)(a) Subject to the provisions of subsections (5) and (6) of
14 this section, each local government subject to this chapter shall
15 develop or amend its master program for the regulation of uses of
16 shorelines within its jurisdiction according to the following
17 schedule:

18 (i) On or before December 1, 2005, for the city of Port Townsend,
19 the city of Bellingham, the city of Everett, Snohomish county, and
20 Whatcom county;

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

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

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

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

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

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

1 (3) (a) Following approval by the department of a new or amended
2 master program, local governments required to develop or amend master
3 programs on or before December 1, 2009, as provided by subsection
4 (2) (a) (i) and (ii) of this section, shall be deemed to have complied
5 with the schedule established by subsection (2) (a) (iii) of this
6 section and shall not be required to complete master program
7 amendments until the applicable dates established by subsection
8 (4) (b) of this section. Any jurisdiction listed in subsection
9 (2) (a) (i) of this section that has a new or amended master program
10 approved by the department on or after March 1, 2002, but before July
11 27, 2003, shall not be required to complete master program amendments
12 until the applicable date provided by subsection (4) (b) of this
13 section.

14 (b) Following approval by the department of a new or amended
15 master program, local governments choosing to develop or amend master
16 programs on or before December 1, 2009, shall be deemed to have
17 complied with the schedule established by subsection (2) (a) (iii)
18 through (vi) of this section and shall not be required to complete
19 master program amendments until the applicable dates established by
20 subsection (4) (b) of this section.

21 (4) (a) Following the updates required by subsection (2) of this
22 section, local governments shall conduct a review of their master
23 programs at least once every (~~eight~~) ten years as required by (b)
24 of this subsection. Following the review required by this subsection
25 (4), local governments shall, if necessary, revise their master
26 programs. The purpose of the review is:

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

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

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

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

39 (ii) On or before June 30, (~~2029~~) 2030, and every (~~eight~~) ten
40 years thereafter, for Clallam, Clark, Island, Jefferson, Lewis,

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

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

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

12 (5) In meeting the review requirements of subsection (4) of this
13 section, local governments are encouraged to begin the process of
14 developing or amending their master programs early and are eligible
15 for grants from the department as provided by RCW 90.58.250, subject
16 to available funding. Except for those local governments listed in
17 subsection (2)(a)(i) and (ii) of this section, the deadline for
18 completion of the new or amended master programs shall be two years
19 after the date the grant is approved by the department. Subsequent
20 master program review dates shall not be altered by the provisions of
21 this subsection.

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

24 (a) Grants to local governments for reviewing master programs
25 pursuant to the schedule established by this section shall be
26 provided at least two years before the adoption dates specified in
27 subsection (4) of this section. To the extent possible, the
28 department shall allocate grants within the amount appropriated for
29 such purposes to provide reasonable and adequate funding to local
30 governments that have indicated their intent to develop or amend
31 master programs during the biennium according to the schedule
32 established by subsection (4) of this section. Any local government
33 that applies for but does not receive funding to comply with the
34 provisions of subsection (4) of this section may delay the
35 development or amendment of its master program until the following
36 biennium.

37 (b) Local governments with delayed compliance dates as provided
38 in (a) of this subsection shall be the first priority for funding in
39 subsequent biennia, and the periodic review compliance deadline for

1 those local governments shall be two years after the date of grant
2 approval.

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

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

13 (8) In meeting the review requirements of subsection (4) of this
14 section, local governments may be provided an additional year beyond
15 the deadlines in this section to complete their master program or
16 amendment. The department shall grant the request if it determines
17 that the local government is likely to adopt or amend its master
18 program within the additional year.

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

21 (1) Each county that has both a population of fifty thousand or
22 more and, until May 16, 1995, has had its population increase by more
23 than ten percent in the previous ten years or, on or after May 16,
24 1995, has had its population increase by more than seventeen percent
25 in the previous ten years, and the cities located within such county,
26 and any other county regardless of its population that has had its
27 population increase by more than twenty percent in the previous ten
28 years, and the cities located within such county, shall conform with
29 all of the requirements of this chapter. However, the county
30 legislative authority of such a county with a population of less than
31 fifty thousand population may adopt a resolution removing the county,
32 and the cities located within the county, from the requirements of
33 adopting comprehensive land use plans and development regulations
34 under this chapter if this resolution is adopted and filed with the
35 department by December 31, 1990, for counties initially meeting this
36 set of criteria, or within sixty days of the date the office of
37 financial management certifies that a county meets this set of
38 criteria under subsection (5) of this section. For the purposes of
39 this subsection, a county not currently planning under this chapter

1 is not required to include in its population count those persons
2 confined in a correctional facility under the jurisdiction of the
3 department of corrections that is located in the county.

4 Once a county meets either of these sets of criteria, the
5 requirement to conform with all of the requirements of this chapter
6 remains in effect, even if the county no longer meets one of these
7 sets of criteria.

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

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

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

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

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

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

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

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

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

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

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

1 the department of its need prior to the deadline for adopting both a
2 comprehensive plan and development regulations.

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.

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

25 (a) Upon receipt of notice in the form of a tribal resolution
26 from a tribe whose reservation or ceded lands lie within the county,
27 which indicates the tribe has a planning process or intends to
28 initiate a parallel planning process, the county, cities and other
29 local governments conducting the planning under this chapter shall
30 enter into a memorandum of agreement with such tribes in regard to
31 collaboration and participation in the planning process.

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

37 (c) Nothing in this subsection or any other provision in this
38 chapter shall affect, alter, or limit in any way, subject to a
39 memorandum of agreement adopted in accordance with (a) of this
40 subsection, a local government legislative body's authority to adopt

1 and amend comprehensive land use plans and development regulations in
2 accordance with this chapter.

3 **Sec. 5.** RCW 36.70A.080 and 2011 c 318 s 801 are each amended to
4 read as follows:

5 (1) A comprehensive plan may include additional elements, items,
6 or studies dealing with other subjects relating to the physical
7 development within its jurisdiction, including, but not limited to:

8 (a) Conservation;

9 (b) Solar energy; (~~and~~)

10 (c) Recreation; and

11 (d) Container port elements. When including container port
12 elements, a city shall collaborate with the federally recognized
13 Indian tribe whose reservation is located within or adjacent to the
14 lands subject to the container port element.

15 (2) A comprehensive plan may include, where appropriate, subarea
16 plans, each of which is consistent with the comprehensive plan.

17 (3)(a) Cities that qualify as a receiving city may adopt a
18 comprehensive plan element and associated development regulations
19 that apply within receiving areas under chapter 39.108 RCW.

20 (b) For purposes of this subsection, the terms "receiving city"
21 and "receiving area" have the same meanings as provided in RCW
22 39.108.010.

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

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

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

36 (3)(a) Any amendments for permanent changes to a comprehensive
37 plan or development regulation that are proposed by a county or city
38 to its adopted plan or regulations shall be submitted to the

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

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

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

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

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

1 planned for urban growth consistent with the terms outlined in the
2 memorandum of agreement provided for in RCW 36.70A.040(8)(a).

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

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

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

1 Where appropriate, the department shall attempt to resolve the
2 conflicts, including the use of mediation services.

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

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

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

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

37 (7) An urban growth area designated in accordance with this
38 section may include within its boundaries urban service areas or
39 potential annexation areas designated for specific cities or towns
40 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.190 and 1991 sp.s. c 32 s 3 are each amended
18 to read as follows:

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

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

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

1 retention of planning consultants, contracts with regional councils
2 for planning and related services, and other related purposes.

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

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

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

17 (5) The department shall provide mediation services to resolve
18 disputes between counties and cities regarding, among other things,
19 coordination of regional issues and designation of urban growth
20 areas.

21 (6) A federally recognized Indian tribe may formally request the
22 department to enter into formal government-to-government consultation
23 with the tribe regarding the tribe's concerns that the proposed plan
24 or any amendment to the county's or city's plan may directly or
25 indirectly injure rights reserved to the tribe under treaties,
26 statutes, or federal trust obligations regarding lands or activities
27 within the reservation of such tribe or rights reserved to the tribe
28 in regard to lands ceded under a treaty. Upon receipt of a formal
29 request to enter into formal government-to-government consultation
30 from a tribe, the department shall enter into formal government-to-
31 government consultation with the tribe for a period not to exceed 60
32 days. The department shall also notify the city or county of the
33 request and 60-day period and the county or city shall delay any
34 final action adopting any plan or amendment during that period. A
35 county or city must not be penalized for noncompliance under this
36 chapter due to any delays associated with the government-to-
37 government consultation process. When the government-to-government
38 consultation process is complete, the department shall provide
39 comments to the county or city including a summary and supporting
40 materials regarding the tribe's concerns and an offer to assist in

1 providing formal mediation or dispute resolution prior to adoption of
2 the proposed plan. Upon receipt of such notice and comments, the
3 county or city may either agree to amend the plan as requested
4 consistent with the comments of the department, or enter mediation
5 with the tribe, which shall be arranged by the department utilizing a
6 suitable expert to be paid by the department.

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

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

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

21 (2) The legislative authority of a county that plans under RCW
22 36.70A.040 shall adopt a countywide planning policy in cooperation
23 with the cities located in whole or in part within the county as
24 follows:

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

35 (b) The process and framework for adoption of a countywide
36 planning policy specified in (a) of this subsection shall determine
37 the manner in which the county and the cities agree to all procedures
38 and provisions including but not limited to desired planning
39 policies, deadlines, ratification of final agreements and

1 demonstration thereof, and financing, if any, of all activities
2 associated therewith.

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

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

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

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

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

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

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

4 (d) Policies for countywide transportation facilities and
5 strategies;

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

9 (f) Policies for joint county and city planning within urban
10 growth areas;

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

14 (h) An analysis of the fiscal impact.

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

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

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

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

37 NEW SECTION. **Sec. 10.** Section 2 of this act expires July 1,
38 2025.

1 NEW SECTION. **Sec. 11.** Section 3 of this act takes effect July
2 1, 2025.

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