

ATTACHMENT B - VERSION 4 WITH CONTEXT OF ENTIRE STATUTORY SECTION

**AN ACT UPDATING AND IMPLEMENTING
WASHINGTON'S GROWTH POLICY FRAMEWORK**

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4	RCW 36.70A.	Legislative Intent to provide funds for planning
5	RCW 36.70A.010	Legislative Findings
6	RCW 36.70A.011	Findings - Rural lands
7	RCW 36.70A.020	Planning Goals
8	RCW 36.70A.030	Definitions
9	RCW 36.70A.040	Who must plan
10	RCW 36.70A.060	Critical Areas and Resource Lands - Regulations
11	RCW 36.70A.070	Comprehensive plans - Mandatory Elements
12	RCW 36.70A.075	Comprehensive plans - Implementation
13	RCW 36.70A.080	Comprehensive plans - Optional Elements
14	RCW 36.70A.090	Comprehensive plans - Innovative techniques
15	RCW 36.70A.095	Development Regulations for Innovative housing
16	RCW 36.70A.106	Comprehensive plans - Development regulations -
17		Transmittal to State-Amendments - Expedited review
18	RCW 36.70A.110	Comprehensive plans - Urban growth areas
19	RCW 36.70A.130	Comprehensive plans - Review and update procedures
20	RCW 36.70A.140	Comprehensive plans - Ensure public participation
21	RCW 36.70A.170	Critical Areas and Resource Lands - Designations
22	RCW 36.70A.195	Extension of public facilities and utilities in
23		rural areas to serve tribal communities
24	RCW 36.70A.210	Countywide Planning Policies
25	RCW 36.70A.250	Growth Management Hearings Board- Creation and
26		Members
27	RCW 36.70A.280	Growth Management Hearings Board - Matters subject
28		to review
29	RCW 36.70A.470	Project review and docketing
30	RCW 36.70A	Safe Harbors
31	RCW 19.27.095	Building permit application- requirements
32	RCW 58.17.033	Proposed Divison of land - Consideration of
33		application of preliminary plat or short plat
34		approval
35	RCW 64.38	Homeowners Associations -Governing documents - a
36		variety of housing types must be allowed

Sec. 1. Legislative Intent to provide funds for planning

1
2 It is the legislature's intent that any new requirements created
3 by this Act shall be null and void until funds to cover applicable
4 state agency and local government costs are appropriated and
5 distributed by the state at least two years before local
6 governments must update comprehensive plans as required in RCW
7 36.70A.130 or countywide planning policies as required in RCW
8 36.70A.210.
9

Sec. 2 Legislative findings

10
11 RCW 36.70A.010 is amended to read as follows:

12
13 The legislature finds that uncoordinated and unplanned growth,
14 together with a lack of common goals expressing the public's
15 interest in the conservation and the wise use of our lands, pose
16 a threat to the environment, sustainable economic development,
17 and the health, safety, and high quality of life enjoyed by
18 residents of this state.

19
20 It is in the public interest that citizens, communities, local,
21 state, and tribal governments, and the private sector cooperate
22 and coordinate collaborate with one another in regional and
23 local comprehensive land use planning that is adaptive,
24 inclusive, equitable, and actionable. in comprehensive land use
25 planning. Further, the legislature finds that it is in the
26 public interest that economic development programs be shared
27 with communities experiencing insufficient economic growth.

28 RCW 36.70A.011 is amended to read as follows:

29 Findings- Rural Lands

30 The legislature finds that this chapter is intended to
31 recognize the importance of rural lands and rural character to
32 Washington's economy, its people, and its environment, while

ATTACHMENT B - VERSION 4 WITH CONTEXT OF ENTIRE STATUTORY SECTION

1 respecting regional differences. Rural lands and rural-based
2 economies enhance the economic desirability of the state, help
3 to preserve traditional economic activities, and contribute to
4 the state's overall quality of life.

5 The legislature finds that to retain and enhance the job
6 base in rural areas, rural counties must have flexibility to
7 create opportunities for business development, **take advantage of**
8 **emerging technologies, and foster economic development**
9 **partnerships with tribes.**

10 Further, the legislature finds that rural counties must
11 have the flexibility to retain existing businesses and allow
12 them to expand. The legislature recognizes that not all business
13 developments in rural counties require an urban level of
14 services; and that many businesses in rural areas fit within the
15 definition of rural character identified by the local planning
16 unit.

17 Finally, the legislature finds that in defining its rural
18 element under RCW 36.70A.070(5), a county should foster land
19 use patterns and develop a local vision of rural character that
20 will: Help preserve rural-based economies and traditional rural
21 lifestyles; encourage the economic prosperity of rural
22 residents; foster opportunities for small-scale, rural-based
23 employment and self-employment; permit the operation of rural-
24 based agricultural, commercial, recreational, and tourist
25 businesses that are consistent with existing and planned land
26 use patterns; be compatible with the use of the land by wildlife
27 and for fish and wildlife habitat; foster the private
28 stewardship of the land and preservation of open space; and
29 enhance the rural sense of community and quality of life.

Sec.3. Planning goals

30
31 RCW 36.70A.020 and 2002 c 154 s 1 are each amended to read as
32 follows:

33 The following goals are adopted to guide the development and
34 adoption of comprehensive plans and development regulations of
35 those counties and cities that are required or choose to plan under
36 RCW 36.70A.040, **countywide and multicounty planning policies**
37 **adopted under RCW 36.70A.210. ~~and regional transportation plans~~**

ATTACHMENT B - VERSION 4 WITH CONTEXT OF ENTIRE STATUTORY SECTION

1 ~~adopted under RCW 47.80.~~ Under RCW 36.70A.302 ~~In addition,~~ the
2 planning goals are to be considered by the Growth Hearings Board
3 when determining invalidity. RCW 36.70A.302.

4 The following goals are not listed in order of priority: ~~and~~
5 ~~shall be used exclusively for the purposes of guiding the~~
6 ~~development of comprehensive plans and development regulations.~~

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

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

12 (3) Transportation. Encourage efficient multimodal
13 transportation systems that help achieve statewide targets for
14 reduction of greenhouse gas emissions and per-capita vehicle miles
15 travelled and are based on regional priorities and coordinated
16 with county and city comprehensive plans.

17 (4) Housing. ~~Encourage~~ Promote the availability of affordable
18 housing affordable to all economic ~~and demographic~~ segments of the
19 population of this state, ~~promote~~ allow a variety of residential
20 densities, and housing types, ~~distributed broadly across urban~~
21 ~~growth areas and appropriate low density housing in rural areas,~~
22 and encourage preservation of existing housing stock.

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

33 (6) Property rights. Private property shall not be taken for
34 public use without just compensation having been made. The property
35 rights of landowners shall be protected from arbitrary and
36 discriminatory actions.

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

ATTACHMENT B - VERSION 4 WITH CONTEXT OF ENTIRE STATUTORY SECTION

1 (8) Natural resource industries. Maintain and enhance natural
2 resource-based industries, including productive timber,
3 agricultural, and fisheries industries. Encourage the conservation
4 of productive forestlands and productive agricultural lands and
5 discourage incompatible uses.

6 (9) Open space and recreation. Retain open space, enhance
7 recreational opportunities, ~~conserve~~ ~~enhance~~ ~~conserve~~ fish and
8 wildlife habitat, increase access to natural resource lands and
9 water, and develop parks and recreation facilities.

10 (10) Environment. Protect the ~~natural~~ environment in order to
11 and enhance the state's high quality of life. ~~7~~ ~~Develop ecosystem~~
12 resilience by protecting, and where feasible restoring, ecosystem
13 functions and values, protecting ~~including~~ air and water quality,
14 and assuring and the availability of water, and adapting to the
15 impacts of a changing climate and natural hazards.

16 (11) Equitable and inclusive citizen participation. ~~and~~
17 ~~coordination.~~ ~~Encourage~~ ~~Ensure~~ ~~Promote~~ ~~the~~ broad public
18 involvement ~~of citizens~~ in the planning process, including
19 historically underserved, and under-represented and unevenly
20 burdened people and communities. ~~who often have been unevenly~~
21 ~~impacted affected by public policy decisions.~~

22 (12) Environmental justice. Promote environmental justice.
23 Develop and apply fair land use and environmental policy based
24 on respect and justice for all peoples and seek to eliminate
25 environmental and health disparities. ~~the fair treatment of all~~
26 ~~people with respect to the development, adoption, and~~
27 ~~enforcement of land use and environmental laws, regulations, and~~
28 ~~policies.~~

29 (13) Encourage ~~Provide for~~ Inter-jurisdictional coordination
30 and collaboration. ~~In order to~~ ~~r~~ Reduce and reconcile conflicts
31 by providing for coordination and collaboration between
32 communities and jurisdictions, including cities, counties, special

ATTACHMENT B - VERSION 4 WITH CONTEXT OF ENTIRE STATUTORY SECTION

1 purpose districts, regional agencies, state agencies, and tribes~~al~~
2 governments.

3 (12)(14) Public facilities and services. Ensure that those
4 public facilities and services necessary to support development
5 shall be adequate to serve the development at the time the
6 development is available for occupancy and use without decreasing
7 current service levels below locally established minimum
8 standards.

9 (13)(15) Historic preservation. ~~Preserve~~ Encourage the
10 preservation of cultural resources and historic places to sustain
11 community pride and identity, support local economies and promote
12 civic engagement. Identify and encourage the preservation of
13 ~~Preserve~~ lands, sites, and structures, that have historical,
14 cultural, or archaeological significance.

15 (16) Climate change and natural hazards resiliency. Respond to
16 climate change by adopting and implementing regional and local
17 goals, policies, development regulations, capital improvements and
18 ~~educational~~ programs to support statewide reduction of greenhouse
19 gas emissions and vehicle miles travelled. Build resilient
20 communities ~~and~~ by mitigating and adapting to the impacts of
21 climate change and the ~~related~~ threats of natural hazards to the
22 ~~state's~~ public health, environmental health, and economic health.

Sec. 4. Definitions.

23
24 RCW 36.70A.030 and 2020 c 173 s 4 are each amended to read as
25 follows:

26 Unless the context clearly requires otherwise, the definitions
27 in this section apply throughout this chapter.

28
29
30 (1) "Active transportation" means forms of mobility including
31 walking or running; the use of a mobility assistive device such as

ATTACHMENT B - VERSION 4 WITH CONTEXT OF ENTIRE STATUTORY SECTION

1 wheelchair; cycling whether on two wheels or three; and the use of
2 small personal devices such as foot scooters or skateboards.
3 Active transportation includes both traditional and electric-
4 assist bicycles and other devices."

5 ~~(1)~~(2) "Adopt a comprehensive land use plan" means to enact a
6 new comprehensive land use plan or to update an existing
7 comprehensive land use plan.

8 ~~(2)~~(3) "Affordable housing" means, unless the context clearly
9 indicates otherwise, residential housing whose monthly costs,
10 including utilities other than telephone, do not exceed thirty
11 percent of the monthly income of a household whose income is:

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

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

20 ~~(3)~~(4) "Affordable housing ~~shortage~~ gap" means a situation
21 that exists when a county's median home sale price and median
22 monthly rent and utilities have risen by 5% or more than that
23 county's median household income for any three-year period between
24 the county's last and next ~~the years 2018, 2019, and 2020 and~~
25 ~~subsequently for any subsequent three year period two or more~~
26 ~~consecutive year following that county's most recent~~ comprehensive
27 plan update required ~~year~~ under RCW 36.70A.130(4), starting in
28 2018. The median sales price, median monthly rent, and median
29 household income information shall be based ~~are tracked and~~
30 ~~reported by the department, relying~~ on data maintained by the
31 University of Washington Center for Real Estate Research. ~~or other~~
32 ~~public institutions.~~

33 ~~(3)~~(4)(5) "Agricultural land" means land primarily devoted to
34 the commercial production of horticultural, viticultural,
35 floricultural, dairy, apiary, vegetable, or animal products or of
36 berries, grain, hay, straw, turf, seed, Christmas trees not subject
37 to the excise tax imposed by *RCW 84.33.100 through 84.33.140,
38 finfish in upland hatcheries, or livestock, and that has long-term
39 commercial significance for agricultural production.

ATTACHMENT B - VERSION 4 WITH CONTEXT OF ENTIRE STATUTORY SECTION

1 ~~(5)~~(6) "Board" or "growth board" means the Growth Management
2 Hearings Board authorized by RCW 36.70A.250.

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

4 ~~(5)~~(7) "Comprehensive land use plan," "comprehensive plan," or
5 "plan" means a generalized coordinated land use policy statement
6 of the governing body of a county or city that is adopted pursuant
7 to this chapter.

8 ~~(6)~~(8) "Critical areas" include the following areas and
9 ecosystems: (a) Wetlands; (b) areas with a critical recharging
10 effect on aquifers used for potable water; (c) fish and wildlife
11 habitat conservation areas; (d) frequently flooded areas; and (e)
12 geologically hazardous areas. "Fish and wildlife habitat
13 conservation areas" does not include such artificial features or
14 constructs as irrigation delivery systems, irrigation
15 infrastructure, irrigation canals, or drainage ditches that lie
16 within the boundaries of and are maintained by a port district or
17 an irrigation district or company.

18 (9) Cultural resources are buildings, structures, sites,
19 districts, objects, landscapes, and traditional cultural places
20 that are listed in, or determined to be eligible for listing in
21 national, state, local, and/or Tribal registers of historic places
22 or formal designations.

23 ~~(7)~~(10) "Department" means the department of commerce.

24 ~~(8)~~(11) "Development regulations" or "regulation" means the
25 controls placed on development or land use activities by a county
26 or city, including, but not limited to, zoning ordinances, critical
27 areas ordinances, shoreline master programs, official controls,
28 planned unit development ordinances, subdivision ordinances, and
29 binding site plan ordinances together with any amendments thereto.
30 A development regulation does not include a decision to approve a
31 project permit application, as defined in RCW 36.70B.020, even
32 though the decision may be expressed in a resolution or ordinance
33 of the legislative body of the county or city.

34 (12) "Ecosystem" means a biological community consisting of
35 all the living organisms (including humans) in a particular area
36 and the nonliving components, such as air, water, and mineral
37 soil, with which the organisms interact.

ATTACHMENT B - VERSION 4 WITH CONTEXT OF ENTIRE STATUTORY SECTION

1 (13) "Environmental justice" means the fair treatment and
2 meaningful involvement of all people regardless of race, color,
3 national origin or income with respect to the development,
4 implementation, and enforcement of environmental laws, regulations
5 and policies. This includes using an intersectional lens to
6 address disproportionate environmental and health impacts by
7 prioritizing highly impacted populations, equitably distributing
8 resources and benefits, and eliminating harm. ~~the right of every~~
9 ~~individual to a safe, healthy, productive, and sustainable~~
10 ~~environment, where environment is considered in its totality to~~
11 ~~include the ecological, physical, social, political, aesthetic,~~
12 ~~and economic environment.~~

13 (9) (14) "Extremely low-income household" means a single
14 person, family, or unrelated persons living together whose
15 adjusted income is at or below thirty percent of the median
16 household income adjusted for household size, for the county where
17 the household is located, as reported by the United States
18 department of housing and urban development.

19 (15) "Fish and Wildlife Habitat Conservation Areas" means land
20 management for maintaining populations of species in suitable
21 habitats within their natural geographic distribution so that
22 the habitat available is sufficient to support viable
23 populations over the long term and isolated subpopulations are
24 not created. This does not mean maintaining all individuals of
25 all species at all times, but it does mean not degrading or
26 reducing populations or habitats so that they are no longer
27 viable over the long term.

28 ~~the portion of an ecosystem within which a given species or~~
29 ~~multiple species have a primary association, and which, if altered,~~
30 ~~may reduce the likelihood that the given species or multiple~~
31 ~~species will maintain and reproduce over the long term. These may~~
32 ~~include but are not limited to areas of relative density or species~~
33 ~~richness, breeding habitat, winter range, and movement corridors.~~

ATTACHMENT B - VERSION 4 WITH CONTEXT OF ENTIRE STATUTORY SECTION

1 (16) ~~(10)~~ "Forestland" means land primarily devoted to growing
2 trees for long-term commercial timber production on land that can
3 be economically and practically managed for such production,
4 including Christmas trees subject to the excise tax imposed under
5 *RCW 84.33.100 through 84.33.140, and that has long-term
6 commercial significance. In determining whether forestland is
7 primarily devoted to growing trees for long-term commercial timber
8 production on land that can be economically and practically managed
9 for such production, the following factors shall be considered:
10 (a) The proximity of the land to urban, suburban, and rural
11 settlements; (b) surrounding parcel size and the compatibility and
12 intensity of adjacent and nearby land uses; (c) long-term local
13 economic conditions that affect the ability to manage for timber
14 production; and (d) the availability of public facilities and
15 services conducive to conversion of forestland to other uses.

16 (17) Form-based code means a development regulation that
17 uses physical form, rather than separation of uses, as the
18 organizing principle for the code. ~~means a development~~
19 ~~regulation that applies illustrated building and site design~~
20 ~~standards in order to create timely and predictable outcomes~~
21 ~~consistent with desired community character. Form based codes~~
22 ~~primarily regulate the character and configuration of~~
23 ~~development in contrast to traditional "use based" regulations~~
24 ~~that primarily focus on density and extensive lists of permitted~~
25 ~~and conditional uses.~~

26 ~~(11)~~ (18) "Freight rail dependent uses" means buildings and
27 other infrastructure that are used in the fabrication, processing,
28 storage, and transport of goods where the use is dependent on and
29 makes use of an adjacent short line railroad. Such facilities are
30 both urban and rural development for purposes of this chapter.
31 "Freight rail dependent uses" does not include buildings and other
32 infrastructure that are used in the fabrication, processing,
33 storage, and transport of coal, liquefied natural gas, or "crude
34 oil" as defined in RCW 90.56.010.

35 ~~(12)~~ (19) "Geologically hazardous areas" means areas that
36 because of their susceptibility to erosion, sliding, earthquake,
37 or other geological events, are not suited to the siting of
38 commercial, residential, or industrial development consistent
39 with public health or safety concerns.

40 ~~(13)~~ (20) "Housing types" means a range of physical forms of
41 housing, including but not limited to detached single-family,

ATTACHMENT B - VERSION 4 WITH CONTEXT OF ENTIRE STATUTORY SECTION

1 accessory dwelling units, middle housing, ~~mixed-use~~, mid-rise
2 and high-rise multi-unit and mixed use buildings. ~~stacked unit~~
3 ~~configurations.~~

4 ~~(21) "Large format retail" means a building or place the~~
5 ~~principal purpose of which is the sale, storage, or display of~~
6 ~~goods that are of a size, weight, or quantity that requires a~~
7 ~~large building footprint.~~

8 ~~(13)-(22)~~ (21) "Long-term commercial significance" includes the
9 growing capacity, productivity, and soil composition of the land
10 for long-term commercial production, in consideration with the
11 land's proximity to population areas, and the possibility of more
12 intense uses of the land.

13 ~~(14)-(23)~~ (22) "Low-income household" means a single person,
14 family, or unrelated persons living together whose adjusted income
15 is at or below eighty percent of the median household income
16 adjusted for household size, for the county where the household is
17 located, as reported by the United States department of housing
18 and urban development.

19 ~~(24)-(23)~~ "Urban Metropolitan county" means ~~King, Snohomish,~~
20 ~~Kitsap, Pierce, Whatcom, Thurston, Clark, Spokane, Franklin, and~~
21 ~~Benton counties~~ a county with a population density of at least 100
22 people per square mile AND a population of at least 200,000, OR a
23 county with a population density of at least 75 people per square
24 mile AND an annual growth rate of at least 1.75%, as determined by
25 the Office of Financial Management.

26 ~~(25)~~ (24) "Middle Housing" means attached single family
27 residences including ~~detached dwellings,~~ duplexes, triplexes,
28 fourplexes, townhomes, cottage housing, ~~bungalow~~ courtyard housing,
29 ~~accessory dwelling units~~ and live-work structures.

30 ~~(15)-(26)~~ (25) "Minerals" include gravel, sand, and valuable
31 metallic substances.

32 ~~(16)-(27)~~ (26) "Permanent supportive housing" is subsidized,
33 leased housing with no limit on length of stay that prioritizes
34 people who need comprehensive support services to retain tenancy
35 and utilizes admissions practices designed to use lower barriers
36 to entry than would be typical for other subsidized or unsubsidized
37 rental housing, especially related to rental history, criminal
38 history, and personal behaviors. Permanent supportive housing is

ATTACHMENT B - VERSION 4 WITH CONTEXT OF ENTIRE STATUTORY SECTION

1 paired with on-site or off-site voluntary services designed to
2 support a person living with a complex and disabling behavioral
3 health or physical health condition who was experiencing
4 homelessness or was at imminent risk of homelessness prior to
5 moving into housing to retain their housing and be a successful
6 tenant in a housing arrangement, improve the resident's health
7 status, and connect the resident of the housing with community-
8 based health care, treatment, or employment services. Permanent
9 supportive housing is subject to all of the rights and
10 responsibilities defined in chapter 59.18 RCW.

11 ~~(28)~~ (27) "Participating tribe" means an Indian Tribe that
12 chooses to voluntarily participate in the county or multicounty
13 planning processes authorized by RCW 36.70A.210 and meet the
14 requirements of RCW 36.70A.040.

15 ~~(17)~~ ~~(29)~~ (28) "Public facilities" include streets, roads,
16 highways, sidewalks, street and road lighting systems, traffic
17 signals, domestic water systems, storm and sanitary sewer systems,
18 parks and recreational facilities, and schools.

19 ~~(18)~~ ~~(30)~~ (29) "Public services" include fire protection and
20 suppression, law enforcement, public health, education,
21 recreation, environmental protection, and other governmental
22 services.

23 ~~(31)~~ (30) "Puget Sound" also known as the "Salish Sea" means
24 Washington State's ~~Puget Sound and related~~ inland marine waters,
25 including all salt waters of the state of Washington inside the
26 international boundary line between Washington and British
27 Columbia, and lying east of the junction of the Pacific Ocean
28 and the Strait of Juan de Fuca, and the rivers and streams
29 draining to Puget Sound as mapped by water resource inventory
30 areas 1 through 19 in WAC 173-500-040.

31 ~~(19)~~ ~~(32)~~ (31) "Recreational land" means land so designated under
32 **RCW 36.70A.1701 and that, immediately prior to this designation,
33 was designated as agricultural land of long-term commercial
34 significance under RCW 36.70A.170. Recreational land must have
35 playing fields and supporting facilities existing before July 1,
36 2004, for sports played on grass playing fields.

37 ~~(33)~~ (32) "Resilience" means the ability to adapt to changing
38 conditions, adverse or hazardous events, trends or disturbances.
39 ~~the ability to thrive in the present, adapt to changing~~

ATTACHMENT B - VERSION 4 WITH CONTEXT OF ENTIRE STATUTORY SECTION

1 ~~circumstances and challenges, and even transform as necessary to~~
2 ~~meet future threats or opportunities.~~

3 ~~(30) "Rural area" means that portion of a county that is not~~
4 ~~designated as urban growth area or resource lands.~~

5 ~~(20)~~ ~~(34)~~ (33) "Rural character" refers to the patterns of land
6 use and development established by a county in the rural element
7 of its comprehensive plan:

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

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

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

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

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

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

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

23 ~~(35)~~ (34) "Rural county" or "non-metropolitan county" means any
24 county of the twenty nine counties not defined in this chapter as
25 an urban metropolitan county.

26 ~~(21)~~ ~~(36)~~ (35) "Rural development" refers to development outside
27 the urban growth area and outside agricultural, forest, and mineral
28 resource lands designated pursuant to RCW 36.70A.170. Rural
29 development can consist of a variety of uses and residential
30 densities, including clustered residential development, at levels
31 that are consistent with the preservation of rural character and
32 the requirements of the rural element. Rural development does not
33 refer to agriculture or forestry activities that may be conducted
34 in rural areas.

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

ATTACHMENT B - VERSION 4 WITH CONTEXT OF ENTIRE STATUTORY SECTION

1 ~~(23)-(38)~~ (37) "Short line railroad" means those railroad lines
2 designated class II or class III by the United States surface
3 transportation board.

4 ~~(39)~~ (38) "Transportation system" means all infrastructure and
5 services for all forms of transportation within a geographical
6 area, irrespective of the responsible jurisdiction or
7 transportation provider.

8 (39) "Tribe" or "Indian Tribe" means a federally recognized
9 Indian Tribe with a reservation, ceded lands, or usual and
10 accustomed lands located within the exterior boundaries of the
11 State of Washington.

12 ~~(36) "Tribe" or "tribal government" means any federally~~
13 ~~recognized Indian tribe whose traditional lands and territories~~
14 ~~included parts of the State of Washington. RCW 43.376.010.~~

15 ~~[OR "tribal nations" OR "ceded or usual and accustomed" per~~
16 ~~federal law as opposed to traditional lands and territories or~~
17 ~~reservations]~~

18 ~~(40)~~ (39) "Urban densities" means residential densities of at
19 least ~~six net~~ eight net dwelling units per acre for lands within
20 urban growth areas with access to transit service and four net
21 dwelling units per acre for lands within urban growth areas without
22 access to transit service. Densities below these thresholds are
23 appropriate for particular parcel(s) if the local government
24 documents that long-term infrastructure or environmental
25 constraints make such densities infeasible.

26 ~~(24)-(41)~~ (40) "Urban governmental services" or "urban services"
27 include those public services and public facilities at an intensity
28 historically and typically provided in cities, specifically
29 including storm and sanitary sewer systems, domestic water
30 systems, street cleaning services, fire and police protection
31 services, public transit services, and other public utilities
32 associated with urban areas and normally not associated with rural
33 areas.

34 ~~(25)-(42)~~ (41) "Urban growth" refers to growth that makes
35 intensive use of land for the location of buildings, structures,
36 and impermeable surfaces to such a degree as to be incompatible

ATTACHMENT B - VERSION 4 WITH CONTEXT OF ENTIRE STATUTORY SECTION

1 with the primary use of land for the production of food, other
2 agricultural products, or fiber, or the extraction of mineral
3 resources, rural uses, rural development, and natural resource
4 lands designated pursuant to RCW 36.70A.170. A pattern of more
5 intensive rural development, as provided in RCW 36.70A.070(5)(d),
6 is not urban growth. When allowed to spread over wide areas, urban
7 growth typically requires urban governmental services.
8 "Characterized by urban growth" refers to land having urban growth
9 located on it, or to land located in relationship to an area with
10 urban growth on it as to be appropriate for urban growth.

11 ~~(26)-(43)~~ (42) "Urban growth areas" means those areas designated
12 by a county pursuant to RCW 36.70A.110.

13 ~~(27)-(44)~~ (43) "Very low-income household" means a single
14 person, family, or unrelated persons living together whose
15 adjusted income is at or below fifty percent of the median
16 household income adjusted for household size, for the county where
17 the household is located, as reported by the United States
18 department of housing and urban development.

19 ~~(28)-(45)~~ (44) "Wetland" or "wetlands" means areas that are
20 inundated or saturated by surface water or groundwater at a
21 frequency and duration sufficient to support, and that under normal
22 circumstances do support, a prevalence of vegetation typically
23 adapted for life in saturated soil conditions. Wetlands generally
24 include swamps, marshes, bogs, and similar areas. Wetlands do not
25 include those artificial wetlands intentionally created from
26 nonwetland sites, including, but not limited to, irrigation and
27 drainage ditches, grass-lined swales, canals, detention
28 facilities, wastewater treatment facilities, farm ponds, and
29 landscape amenities, or those wetlands created after July 1, 1990,
30 that were unintentionally created as a result of the construction
31 of a road, street, or highway. Wetlands may include those
32 artificial wetlands intentionally created from nonwetland areas
33 created to mitigate conversion of wetlands.

34 ~~(46)~~ (45) "Wildland urban interface" means the area where homes
35 are built near or among lands that are prone to wildland fire.

Sec. 5. Who Must Plan

36
37 RCW 36.70A.040 is amended to read as follows:

38
39 (1) Each county that has both a population of fifty
40 thousand or more and, until May 16, 1995, has had its population
41 increase by more than ten percent in the previous ten years or,
42 on or after May 16, 1995, has had its population increase by
43 more than seventeen percent in the previous ten years, and the

ATTACHMENT B - VERSION 4 WITH CONTEXT OF ENTIRE STATUTORY SECTION

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

20 Once a county meets either of these sets of criteria, the
21 requirement to conform with all of the requirements of this
22 chapter remains in effect, even if the county no longer meets
23 one of these sets of criteria.

24 (2) (a) The county legislative authority of any county that
25 does not meet either of the sets of criteria established under
26 subsection (1) of this section may adopt a resolution indicating
27 its intention to have subsection (1) of this section apply to
28 the county. Each city, located in a county that chooses to plan
29 under this subsection, shall conform with all of the
30 requirements of this chapter. Once such a resolution has been
31 adopted, the county and the cities located within the county
32 remain subject to all of the requirements of this chapter,
33 unless the county subsequently adopts a withdrawal resolution
34 for partial planning pursuant to (b) (i) of this subsection.

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

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

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

45 (C) At least sixty days prior to adopting a resolution for
46 partial planning, the county provides written notification to

ATTACHMENT B - VERSION 4 WITH CONTEXT OF ENTIRE STATUTORY SECTION

1 the legislative body of each city within the county of its
2 intent to consider adopting the resolution; and

3 (D) The legislative bodies of at least sixty percent of
4 those cities having an aggregate population of at least seventy-
5 five percent of the incorporated county population have not:
6 Adopted resolutions opposing the action by the county; and
7 provided written notification of the resolutions to the county.

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

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

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

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

22 (3) Any county or city that is initially required to
23 conform with all of the requirements of this chapter under
24 subsection (1) of this section shall take actions under this
25 chapter as follows: (a) The county legislative authority shall
26 adopt a countywide planning policy under RCW 36.70A.210; (b)
27 the county and each city located within the county shall
28 designate critical areas, agricultural lands, forestlands, and
29 mineral resource lands, and adopt development regulations
30 conserving these designated agricultural lands, forestlands, and
31 mineral resource lands and protecting these designated critical
32 areas, under RCW 36.70A.170 and 36.70A.060; (c) the county
33 shall designate and take other actions related to urban growth
34 areas under RCW 36.70A.110; [and] (d) if the county has a
35 population of fifty thousand or more, the county and each city
36 located within the county shall adopt a comprehensive plan under
37 this chapter and development regulations that are consistent
38 with and implement the comprehensive plan on or before July 1,
39 1994, and if the county has a population of less than fifty
40 thousand, the county and each city located within the county
41 shall adopt a comprehensive plan under this chapter and
42 development regulations that are consistent with and implement
43 the comprehensive plan by January 1, 1995, but if the governor
44 makes written findings that a county with a population of less
45 than fifty thousand or a city located within such a county is
46 not making reasonable progress toward adopting a comprehensive
47 plan and development regulations the governor may reduce this

ATTACHMENT B - VERSION 4 WITH CONTEXT OF ENTIRE STATUTORY SECTION

1 deadline for such actions to be taken by no more than one
2 hundred eighty days. Any county or city subject to this
3 subsection may obtain an additional six months before it is
4 required to have adopted its development regulations by
5 submitting a letter notifying the department of its need prior
6 to the deadline for adopting both a comprehensive plan and
7 development regulations.

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

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

ATTACHMENT B - VERSION 4 WITH CONTEXT OF ENTIRE STATUTORY SECTION

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

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

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

16 (8) An Indian Tribe may voluntarily choose to participate
17 in the county or regional planning process, and coordinate with
18 the county and cities that are either required to comply with
19 the provisions of RCW 36.70A pursuant to subsection (1) of this
20 section or voluntarily choose to comply with the provisions of
21 RCW Chapter 36.70A pursuant to subsection (2) of this section.

22 (a) In order to participate in the county or regional
23 planning process where a Tribe's reservation is located, a Tribe
24 shall adopt a tribal resolution indicating they have a planning
25 process or their intent to initiate a parallel planning process.
26 The Tribe shall notify the county or counties in which their
27 reservations are located of their intent to participate by
28 providing the county or counties with a copy of their duly
29 approved resolution.

30 (b) In a county wherein an Indian Tribe has rights in ceded
31 lands, usual and accustomed areas, and resources, shall at their
32 option, participate in the county or regional planning process
33 by notifying the county that the Tribe has interests in those
34 areas.

35 (c) A participating Tribe under subsection (a) may agree to
36 initiate a parallel comprehensive planning process for the
37 reservation over which it exercises governmental authority. A

ATTACHMENT B - VERSION 4 WITH CONTEXT OF ENTIRE STATUTORY SECTION

1 participating Tribe is encouraged to follow the provisions of
2 RCW 36.70A.070 - Mandatory Elements.

3 (d) The county, cities and other local governments shall
4 coordinate and cooperate with those participating Tribes who
5 choose to voluntarily participate.

6 (e) Nothing in this subsection, any other provision in the
7 chapter or a Tribe's decision to become a participating Tribe
8 for planning purposes, shall affect, alter or limit in any way a
9 Tribe's authority, jurisdiction or any Treaty or other rights it
10 may have by virtue of its status as a sovereign Indian Tribe.

Sec. 6. Critical areas and resource lands regulations

11
12 RCW 36.70A.060 and 2017 3rd sp.s. c 18 s 3 are each amended to
13 read as follows:

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

34 (b) Counties and cities shall require that all plats, short
35 plats, development permits, and building permits issued for
36 development activities on, or within five hundred feet of, lands
37 designated as agricultural lands, forestlands, or mineral resource
38 lands, contain a notice that the subject property is within or
39 near designated agricultural lands, forestlands, or mineral

ATTACHMENT B - VERSION 4 WITH CONTEXT OF ENTIRE STATUTORY SECTION

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

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

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

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

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

38 (iv) In the event of a filing of a petition in accordance with
39 (d)(iii) of this subsection, the county and the department must
40 equally share the costs incurred by the department for defending
41 an approval of determination of compliance that is before the
42 growth management hearings board.

43 (v) The department may implement this subsection (1)(d) by
44 adopting rules related to determinations of compliance. The rules
45 may address but are not limited to: The requirements for
46 applications for a determination of compliance; charging of costs
47 under (d)(iv) of this subsection; procedures for processing

ATTACHMENT B - VERSION 4 WITH CONTEXT OF ENTIRE STATUTORY SECTION

1 applications; criteria for the evaluation of applications;
2 issuance and notice of department decisions; and applicable
3 timelines.

4 (e) Any county that borders both the Cascade mountains and
5 another country and has a population of less than fifty thousand
6 people, and any city in such county, may adopt development
7 regulations to assure that agriculture, forest, and mineral
8 resource lands adjacent to short line railroads may be developed
9 for freight rail dependent uses.

10 (2) Each county and city shall adopt development regulations
11 that protect critical areas that are required to be designated
12 under RCW 36.70A.170. For counties and cities that are required or
13 choose to plan under RCW 36.70A.040, such development regulations
14 shall be adopted on or before September 1, 1991. For the remainder
15 of the counties and cities, such development regulations shall be
16 adopted on or before March 1, 1992.

17 (3) Such counties and cities shall review these designations
18 and development regulations when adopting their comprehensive
19 plans under RCW 36.70A.040 and implementing development
20 regulations under RCW 36.70A.120 and may alter such designations
21 and development regulations to insure consistency.

22 ~~(4) Counties and cities in the Puget Sound region shall, in
23 accordance with the dates set forth at RCW 36.70A.130, update
24 their critical areas regulations guided by the Puget Sound
25 Action Agenda.~~

26 ~~(4) Counties and cities shall amend eCritical areas regulations
27 to rigorously shall provide for the long-term protection of fish
28 and wildlife habitat conservation areas and riparian corridors
29 by attaching plat or permit conditions as necessary.~~

30 ~~requiring the recording of a conservation tract, or native
31 growth protection easement, or similar as a condition of any
32 permit approval. The purpose of such conditions of approval
33 tract or easement is to prioritize the function and values of
34 the fish and wildlife habitat conservation area above ancillary
35 human uses, physical improvements or activities. prohibit
36 planting of lawn or other by human activity non native
37 vegetation and prohibit the placement of structures such as
38 storage sheds, gazebos, sports courts, or play structures.~~
39 Utility lines or driveways shall be placed and sized to minimize

ATTACHMENT B - VERSION 4 WITH CONTEXT OF ENTIRE STATUTORY SECTION

1 impacts on the functions of fish and wildlife habitat. ~~or built~~
2 ~~infrastructure.~~ The department, in consultation with the
3 departments of Fish and Wildlife and Ecology, shall adopt new
4 guidelines for critical areas to achieve the purposes of this
5 subsection.

6
7 (4) (6) Forestland and agricultural land located within urban
8 growth areas shall not be designated by a county or city as
9 forestland or agricultural land of long-term commercial
10 significance under RCW 36.70A.170 unless the city or county has
11 enacted a program authorizing transfer or purchase of development
12 rights.
13

Sec. 7. Comprehensive plans - mandatory elements

14
15 RCW 36.70A.070 is amended to read as follows:
16

17 The comprehensive plan of a county or city that is required
18 or chooses to plan under RCW [36.70A.040](#) shall consist of a map
19 or maps, and descriptive text covering objectives, principles,
20 and standards used to develop the comprehensive plan. The plan
21 shall be an internally consistent document and all elements
22 shall be consistent with the future land use map. A
23 comprehensive plan shall be adopted and amended with public
24 participation as provided in RCW [36.70A.140](#). Each comprehensive
25 plan shall include a plan, scheme, or design for each of the
26 following:

27 (1) A land use element containing estimates of future
28 ~~population growth~~, designating the proposed general distribution
29 and general location and extent of the uses of land, where
30 appropriate, for agriculture, timber production, housing,
31 commerce, industry, recreation, open spaces, general aviation
32 airports, public utilities, public facilities, and other land
33 uses. The land use element shall include population densities,
34 building intensities, and allowances for various housing types

ATTACHMENT B - VERSION 4 WITH CONTEXT OF ENTIRE STATUTORY SECTION

1 within urban growth areas ~~estimates of future population growth~~
2 consistent with the housing needs identified in section 2(a).

3 The land use element shall provide for protection of the quality
4 and quantity of groundwater used for public water supplies. ~~give~~
5 ~~special consideration to~~ The land use element shall ~~and consider~~
6 environmental justice and ~~shall~~ include measures to ~~in its goals~~
7 ~~and policies.~~ ~~In addition, the land use element shall~~ avoid
8 creating or worsening environmental health disparities. Wherever
9 possible, the land use element should consider utilizing urban
10 planning approaches that promote physical activity ~~and reduce~~
11 vehicle miles travelled on a per capita basis. Where applicable,
12 the land use element shall review drainage, flooding, and
13 stormwater runoff in the area and nearby jurisdictions and
14 provide guidance for corrective actions to mitigate or cleanse
15 those discharges that pollute waters of the state, including
16 Puget Sound or waters entering Puget Sound.

17 The land use element for metropolitan counties and their cities
18 shall incorporate planning approaches that coordinate local
19 actions with regional and ~~help achieve~~ statewide targets for
20 reduction of greenhouse gas emissions and per capita vehicle
21 miles travelled, promote development patterns and construction
22 techniques that conserve energy and protect natural resources.

23 ~~The~~ land use element for all counties should ~~and~~ address
24 natural hazards exacerbated by climate change including but not
25 limited to sea level rise, flooding, wildfires, landslides, and
26 drought.

27 (2) A housing element that is regionally coordinated and
28 provides for the ~~stability and~~ vitality of ensuring the
29 vitality, ~~and character of~~ established residential neighborhoods
30 ~~by assuring that~~ by enabling infill development ~~including~~
31 ~~middle housing,~~ that incorporates design features to complement
32 ~~aspects of existing aspects established neighborhood~~ character.

ATTACHMENT B - VERSION 4 WITH CONTEXT OF ENTIRE STATUTORY SECTION

1 ~~and that neighborhood infrastructure and amenities, such as~~
2 ~~walkways, trees, and parks, are maintained or improved.~~ The
3 housing element shall that: (a) ~~includes~~ include an inventory
4 and analysis of existing and projected housing needs ~~and that~~
5 ~~identifies~~ the number of housing units necessary to manage
6 projected growth; (b) ~~includes~~ include a statement of goals,
7 policies, objectives, and mandatory provisions for the
8 preservation, improvement, and development ~~of a variety of~~
9 housing types, including ~~middle housing single-family~~
10 ~~residences;~~ (c) ~~identifies~~ identify sufficient land for housing
11 ~~needs identified in subsection (a),~~ including, but not limited
12 to, ~~government-assisted housing, housing for low-income~~
13 ~~families, manufactured housing, attached and detached single~~
14 ~~family housing, multifamily housing, congregate care facilities,~~
15 ~~and shelter for the unhoused; and group homes and foster care~~
16 ~~facilities;~~ (d) minimize and mitigate displacement impacts; and
17 ~~(d)~~ (e) make adequate provisions for existing and projected
18 needs of all economic ~~and demographic~~ segments of the community.
19 ~~In urban counties, the land use element shall permit middle~~
20 ~~housing in at least 80% of the land area designated for single~~
21 ~~family residential zones, and increase residential capacity in~~
22 ~~and adjacent to commercial and mixed use areas and in areas near~~
23 ~~or adjacent to existing or planned frequent transit service.~~

24 ~~In counties and cities subject to the review and evaluation~~
25 ~~requirements of RCW 36.70A.215, any revision to the housing~~
26 ~~element shall include consideration of prior review and~~
27 ~~evaluation reports and any reasonable measures identified. The~~
28 ~~revision should also consider how the changes in housing stock~~
29 ~~over the planning period relate to the housing needs identified.~~

30 (3) A capital facilities plan element consisting of: (a) An
31 inventory of existing capital facilities owned by public
32 entities, showing the locations and capacities of the capital
33 facilities; (b) a forecast of the future needs for such capital

ATTACHMENT B - VERSION 4 WITH CONTEXT OF ENTIRE STATUTORY SECTION

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

12 ~~The capital facilities element shall consider give special~~
13 ~~consideration to environmental justice in the goals, policies,~~
14 ~~projects and programs affecting the design and siting of capital~~
15 ~~facilities. The capital facilities element should include~~
16 ~~strategies for public buildings and facilities that~~
17 ~~promote encouragement the use of renewable energy sources and~~
18 ~~conserve energy and natural resources.~~

19 ~~The capital facilities element for metropolitan counties~~
20 ~~and their cities shall incorporate planning approaches that~~
21 ~~coordinate local actions with regional and state actions to~~
22 ~~help achieve help achieve statewide targets for reduction of~~
23 ~~greenhouse gas emissions and per capita vehicle miles travelled,~~
24 ~~promote development patterns and construction techniques that~~
25 ~~conserve energy and protect natural resources, and address~~
26 ~~natural hazards exacerbated by climate change including, but not~~
27 ~~limited to, sea level rise, flooding, wildfires, landslides, and~~
28 ~~drought.~~

29 (4) A utilities element consisting of the general location,
30 proposed location, and capacity of all existing and proposed
31 utilities, including, but not limited to, electrical lines,
32 telecommunication lines, and natural gas lines ~~-, and including~~
33 ~~policies to promote the conservation of energy and protection of~~
34 ~~natural resources, and encourage the use of renewable energy~~
35 ~~sources and plan for the provision of electrical charging~~

ATTACHMENT B - VERSION 4 WITH CONTEXT OF ENTIRE STATUTORY SECTION

1 facilities and digital infrastructure to serve new and existing
2 development.

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

7 (a) Growth management act goals and local circumstances.
8 Because circumstances vary from county to county, in
9 establishing patterns of rural densities and uses, a county may
10 consider local circumstances, but shall develop a written record
11 explaining how the rural element harmonizes the planning goals
12 in RCW [36.70A.020](#) and meets the requirements of this chapter.

13 (b) Rural development. The rural element shall permit rural
14 development, forestry, and agriculture in rural areas. The rural
15 element shall provide for a variety of rural densities, uses,
16 essential public facilities, and rural governmental services
17 needed to serve the permitted densities and uses. To achieve a
18 variety of rural densities and uses, counties may provide for
19 clustering, density transfer, ~~rural form based codes,~~ design
20 guidelines, conservation easements, and other innovative
21 techniques that will accommodate appropriate rural economic
22 advancement, densities, and uses that are not characterized by
23 urban growth and that are consistent with rural character.

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

28 (i) Containing or otherwise controlling rural development;

29 (ii) Assuring visual compatibility of rural development
30 with the surrounding rural area;

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

33 (iv) Protecting critical areas, as provided in RCW
34 [36.70A.060](#), and surface water and groundwater resources; and

35 (v) Protecting against conflicts with the use of
36 agricultural, forest, and mineral resource lands designated
37 under RCW [36.70A.170](#);

38 ~~(vi) Facilitating rural economic development and
39 environmental stewardship partnerships between tribes and local
40 governments; and~~

41 ~~(vii) Measures to reduce and mitigate the risk to life and
42 property of wildfires including but not limited to reduced~~

ATTACHMENT B - VERSION 4 WITH CONTEXT OF ENTIRE STATUTORY SECTION

1 ~~residential development in wildfire hazard areas on the wildland~~
2 ~~urban interface.~~

3 (d) Limited areas of more intensive rural development.

4 A county may adopt measures to allow limited areas of more
5 intensive rural development that are not urban growth areas,
6 authorized under this subsection. Areas of more intensive rural
7 development are those that are clearly identifiable during a
8 comprehensive plan review of development within the
9 jurisdiction as referenced in RCW 36.70A.130 and delineated
10 predominately by the built environment, but that may also
11 include undeveloped lands if limited as provided in this
12 subsection. The county must establish the logical outer boundary
13 of an area of more intensive rural development and may review
14 that boundary under the periodic review according to RCW
15 36.70A.130 for adjustment. In establishing the logical outer
16 boundary, the county must consider the availability of
17 services and facilities for development or redevelopment in the
18 area.

19 The county may consider: (A) Strategies to preserve and enhance
20 the existing character of natural neighborhoods and communities;
21 (B) physical boundaries, such as bodies of water, streets and
22 highways, and land forms and contours; and (C) the ability to
23 provide public facilities and public services in a manner that
24 does not permit low-density sprawl. (ii) Limited areas of more
25 intensive rural development may include infill, development, or
26 redevelopment of commercial industrial, residential, or mixed-
27 use areas, whether characterized as shoreline development,
28 villages, hamlets, rural activity centers, or crossroads
29 developments. A commercial, industrial, residential, shoreline,
30 or mixed-use area may be considered a limited area of more
31 intensive rural development, but is not subject to the
32 requirements of (c) (ii) and (iii) of this subsection. (iii)

ATTACHMENT B - VERSION 4 WITH CONTEXT OF ENTIRE STATUTORY SECTION

1 Future development and intensification of development within
2 these areas may be principally designed to serve the existing
3 and projected rural population and may include cottage
4 industries and small businesses that provide job opportunities
5 for rural residents. (A) Building size, scale, use, or intensity
6 including development of vacant land or redevelopment within
7 these areas must be consistent with the existing character of
8 the area. (B) Intensification of commercial development related
9 to small-scale recreational or tourist uses, not including
10 residential development, is not required to be principally
11 designed to serve the existed and projected rural population,
12 but shall serve the recreation or tourist use in a manner that
13 does not encourage low-density sprawl.

14 (C) Cottage industries and small-scale businesses may expand
15 as long as they continue to conform with and encourage the rural
16 character of the area as defined by the local government
17 according to RCW 36.70A.030(16). Public services and public
18 facilities must be designed to serve the isolated
19 nonresidential uses in a manner that does not permit low-
20 density sprawl.

21 Subject to the requirements of this subsection and except
22 as otherwise specifically provided in this subsection (5) (d),
23 the rural element may allow for limited areas of more intensive
24 rural development, including necessary public facilities and
25 public services to serve the limited area as follows:

26 (i) Rural development consisting of the infill,
27 development, or redevelopment of existing commercial,
28 industrial, residential, or mixed-use areas, whether
29 characterized as shoreline development, villages, hamlets, rural
30 activity centers, or crossroads developments.

31 (A) A commercial, industrial, residential, shoreline, or
32 mixed-use area are subject to the requirements of (d) (iv) of
33 this subsection but are not subject to the requirements of
34 (c) (ii) and (iii) of this subsection.

35 (B) Any development or redevelopment other than an
36 industrial area or an industrial use within a mixed-use area or
37 an industrial area under this subsection (5) (d) (i) must be

ATTACHMENT B - VERSION 4 WITH CONTEXT OF ENTIRE STATUTORY SECTION

1 principally designed to serve the existing and projected rural
2 population.

3 (C) Any infill development or redevelopment in terms of
4 building size, scale, ~~use, or intensity,~~ character or form shall
5 be consistent with ~~the~~ existing rural character ~~or the~~
6 ~~provisions of rural form-based code design guidelines standards~~
7 ~~that are either locally adopted or are consistent with a state~~
8 ~~model ordinance.~~ ~~of the existing areas.~~ Development and
9 redevelopment may include changes in use from vacant land or a
10 previously existing use so long as the new use conforms to the
11 requirements of this subsection(5). Urban development is not
12 consistent with the purpose and scale of Local Areas of More
13 Intensive Rural Development. ~~Large format retail is not~~
14 ~~consistent with the purpose and scale of local areas of more~~
15 ~~intensive rural development.~~

16 (ii) The intensification of development on lots containing,
17 or new development of, small-scale recreational or tourist uses,
18 including commercial facilities to serve those recreational or
19 tourist uses, that rely on a rural location and setting, but
20 that do not include new residential development. A small-scale
21 recreation or tourist use is not required to be principally
22 designed to serve the existing and projected rural population.
23 Public services and public facilities shall be limited to those
24 necessary to serve the recreation or tourist use and shall be
25 provided in a manner that does not permit low-density sprawl;

26 (iii) The intensification of development on lots containing
27 isolated nonresidential uses or new development of isolated
28 cottage industries and isolated small-scale businesses that are
29 not principally designed to serve the existing and projected
30 rural population and nonresidential uses but do provide job
31 opportunities for rural residents. Rural counties may allow the
32 expansion of small-scale businesses as long as those small-scale
33 businesses conform with the rural character of the area as
34 defined by the local government according to *RCW
35 [36.70A.030](#) (16). Rural counties may also allow new small-scale
36 businesses to utilize a site previously occupied by an existing
37 business as long as the new small-scale business conforms to the
38 rural character of the area as defined by the local government
39 according to *RCW [36.70A.030](#) (16). Public services and public
40 facilities shall be limited to those necessary to serve the

ATTACHMENT B - VERSION 4 WITH CONTEXT OF ENTIRE STATUTORY SECTION

1 isolated nonresidential use and shall be provided in a manner
2 that does not permit low-density sprawl;

3 (iv) A county shall adopt measures to minimize and contain
4 the existing areas ~~or uses~~ of more intensive rural development,
5 as appropriate, authorized under this subsection. **Except as**
6 **provided in subsection (v)**, lands included in such existing
7 areas ~~or uses~~ shall not extend beyond the logical outer boundary
8 of the existing area ~~or use~~, thereby allowing a new pattern of
9 low-density sprawl. Existing areas are those that are clearly
10 identifiable and contained and where there is a logical boundary
11 delineated predominately by the built environment, but that may
12 also include undeveloped lands if limited as provided in this
13 subsection. The county shall establish the logical outer
14 boundary of an area of more intensive rural development. In
15 establishing the logical outer boundary, the county shall
16 address (A) the need to preserve the character of existing
17 natural neighborhoods and communities, (B) physical boundaries,
18 such as bodies of water, streets and highways, and land forms
19 and contours, and (C) the prevention of abnormally irregular
20 boundaries.

21 (v) **For rural counties only, limited ability to expand the**
22 **logical outer boundary is permitted if such action: (A) is**
23 **consistent with a subarea plan OR is reviewed and approved under**
24 **the authority of RCW 36.70A.485 and (B) does not permit low-**
25 **density sprawl; ~~(A) future development or redevelopment in the~~**
26 **~~local area of more intensive rural development is subject to~~**
27 **~~rural form based development regulations; and (B) such expansion~~**
28 **~~is required to address a threat to human or environmental health~~**
29 **~~and (C) the funding of required utility system improvements or~~**
30 **~~expansion is beyond the capacity of existing ratepayers to~~**
31 **reasonably accommodate**

32 ~~(v)~~ **(vi)** For purposes of (d) of this subsection, an
33 existing area ~~or existing use~~ is one that was in existence:

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

36 (B) On the date the county adopted a resolution under RCW
37 [36.70A.040](#)(2), in a county that is planning under all of the
38 provisions of this chapter under RCW [36.70A.040](#)(2); or

39 (C) On the date the office of financial management
40 certifies the county's population as provided in RCW

ATTACHMENT B - VERSION 4 WITH CONTEXT OF ENTIRE STATUTORY SECTION

1 [36.70A.040](#) (5), in a county that is planning under all of the
2 provisions of this chapter pursuant to RCW [36.70A.040](#) (5).

3 (e) Exception. This subsection shall not be interpreted to
4 permit in the rural area a major industrial development or a
5 master planned resort unless otherwise specifically permitted
6 under RCW [36.70A.360](#) and [36.70A.365](#).

7 (6) A transportation element that implements, and is
8 consistent with, the land use element **and considers**
9 **environmental justice and shall avoid creating or worsening**
10 **environmental health disparities.**

11 (a) The transportation element shall include the following
12 subelements:

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

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

20 (iii) Facilities and services needs, including:

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

29 (B) Level of service standards for all locally owned
30 arterials, **active transportation bicycle and pedestrian**
31 **facilities**, and transit routes to serve as a gauge to judge
32 performance of the system. These standards should be regionally
33 coordinated;

34 (C) For state-owned transportation facilities, level of
35 service standards for highways, as prescribed in
36 chapters [47.06](#) and [47.80](#) RCW, to gauge the performance of the
37 system. The purposes of reflecting level of service standards
38 for state highways in the local comprehensive plan are to
39 monitor the performance of the system, to evaluate improvement
40 strategies, and to facilitate coordination between the county's
41 or city's six-year street, road, **active transportation bicycle**
42 **and pedestrian**, or transit program and the office of financial
43 management's ten-year investment program. The concurrency
44 requirements of (b) of this subsection do not apply to
45 transportation facilities and services of statewide significance
46 except for counties consisting of islands whose only connection
47 to the mainland are state highways or ferry routes. In these

ATTACHMENT B - VERSION 4 WITH CONTEXT OF ENTIRE STATUTORY SECTION

1 island counties, state highways and ferry route capacity must be
2 a factor in meeting the concurrency requirements in (b) of this
3 subsection;

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

7 (E) Forecasts of **multimodal transportation demand and needs**
8 **traffic** for at least ten years based on the adopted land use
9 plan to **inform the development of a transportation element that**
10 **balances transportation system safety and convenience to**
11 **accommodate all users of the transportation system to safely,**
12 **reliably, and efficiently provide access and mobility to people**
13 **and goods** ~~provide information on the location, timing, and~~
14 ~~capacity needs of future growth;~~

15 (F) Identification of state and local system needs to meet
16 current and future demands. Identified needs on state-owned
17 transportation facilities must be consistent with the statewide
18 multimodal transportation plan required under
19 chapter 47.06 RCW; **Local system needs should reflect the**
20 **regional transportation system, local goals, and strive to**
21 **equitably implement the multimodal network. Local system needs**
22 **should also ~~include~~ address fish passage barriers identified on**
23 **the local transportation system;**

24 **The transportation element for metropolitan counties and**
25 **their cities shall incorporate planning approaches that help**
26 **achieve statewide targets for reduction of greenhouse gas**
27 **emissions and per capita vehicle miles travelled, ~~promote~~**
28 **support development patterns and construction techniques that**
29 **conserve energy and protect natural resources, and address**
30 **natural hazards exacerbated by climate change including, but not**
31 **limited to, sea level rise, flooding, wildfires, landslides, and**
32 **drought.**

33 (iv) Finance, including:

ATTACHMENT B - VERSION 4 WITH CONTEXT OF ENTIRE STATUTORY SECTION

1 (A) An analysis of funding capability to judge needs
2 against probable funding resources;

3 (B) A multiyear financing plan based on the needs
4 identified in the comprehensive plan, the appropriate parts of
5 which shall serve as the basis for the six-year street, road, or
6 transit program required by RCW 35.77.010 for cities,
7 RCW 36.81.121 for counties, and RCW 35.58.2795 for public
8 transportation systems. The multiyear financing plan ~~should~~
9 **shall** be coordinated with the ten-year investment program
10 developed by the office of financial management **for state**
11 **highway facilities** as required by RCW 47.05.030;

12 (C) If probable funding falls short of meeting **the**
13 identified needs **of the transportation system, including both**
14 **local and state transportation facilities,** **there must be** a
15 discussion of how additional funding will be raised, or how land
16 use assumptions will be reassessed to ensure that level of
17 service standards will be met;

18 (v) Intergovernmental coordination efforts, including an
19 assessment of the impacts of the transportation plan and land
20 use assumptions on the transportation systems of adjacent
21 jurisdictions;

22 (vi) Demand-management strategies **for metropolitan counties**
23 **and their cities including an assessment of methods and**
24 **techniques for reducing per capita vehicle miles travelled;**

25 (vii) ~~Active transportation bicycle and pedestrian~~
26 component to include collaborative efforts to identify and
27 designate planned improvements for **active transportation bicycle**
28 **and pedestrian** facilities and corridors that address and
29 encourage enhanced community access, **and** promote healthy
30 lifestyles, **and increase maximize the percentage of active**
31 **transportation non-motorized trips.**

32 (b) After adoption of the comprehensive plan by
33 jurisdictions required to plan or who choose to plan under
34 RCW 36.70A.040, local jurisdictions must adopt and enforce
35 ordinances which prohibit development approval if the
36 development causes the level of service on a locally owned
37 transportation facility to decline below the standards adopted

ATTACHMENT B - VERSION 4 WITH CONTEXT OF ENTIRE STATUTORY SECTION

1 in the transportation element of the comprehensive plan, unless
2 transportation improvements or strategies to **mitigate**
3 ~~accommodate~~ the impacts of development are made concurrent with
4 the development. These strategies may include **active**
5 ~~transportation bicycle and pedestrian~~ **system improvements**,
6 increased **or enhanced** public transportation service, ride-
7 sharing programs, demand management, and other transportation
8 systems management strategies. For the purposes of this
9 subsection (6), "concurrent with the development" means that
10 improvements or strategies are in place at the time of
11 development, or that a financial commitment is in place to
12 complete the improvements or strategies within six years. If the
13 collection of impact fees is delayed under RCW 82.02.050(3),
14 the six-year period required by this subsection (6) (b) must
15 begin after full payment of all impact fees is due to the county
16 or city.

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

NEW Sec. 8. Comprehensive plans - Implementation

22
23 RCW 36.70A.075 is added to read as follows:
24 By no later than December 31 of the year following adoption of a
25 comprehensive plan in the year 2024 or later, and annually
26 thereafter, each county and city planning under RCW 36.70A.040
27 with a population of 7,500 or more shall create an annual work
28 program for implementing its comprehensive plan. The work
29 program shall describe the development regulations and
30 nonregulatory measures - including actions for acquiring and
31 spending money in support of the work program - which are to be
32 considered in the upcoming year, as well as those measures and

1 actions which were considered and acted upon in the current
2 year-to-date.
3 By no later than November 30, 2022, and annually thereafter,
4 legislative body of each county and city planning under RCW 36.70A.040
5 with a population of 7,500 or more shall develop and annually maintain
6 a comprehensive plan implementation work program. The work program
7 shall specify the priorities, tasks, resources, schedule, and planning
8 commission or planning board agenda time needed to enable the
9 legislative body to implement the its locally identified portions
10 priorities for implementation of its comprehensive plan in the coming
11 year(s). Sufficient funds to support the locally adopted work program
12 shall be allocated by the county and city legislative authorities in
13 their annual or biannual operating budgets.

Sec. 9. Comprehensive plans - optional elements

14 RCW 36.70A.080 are amended to read as follows:

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

- 19 (a) Conservation;
- 20 (b) Solar energy; and
- 21 (c) Recreation.

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

25 (3) Counties and cities may develop and, through an
26 interlocal agreement with a tribe, adopt a joint subarea plan
27 with the tribe for all or a portion of an Indian reservation or
28 land adjacent to an Indian Reservation or lands owned by tribes.

29 (3)(4) (a) Cities that qualify as a receiving city may
30 adopt a comprehensive plan element and associated development
31 regulations that apply within receiving areas under
32 chapter 39.108 RCW.

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

36 Sec. 11 RCW 36.70A.085 Comprehensive Plans - Port elements.
37

ATTACHMENT B - VERSION 4 WITH CONTEXT OF ENTIRE STATUTORY SECTION

1 ~~RCW 36.70A.085 is amended by adding the following:~~

2 ~~(9) Where a port district is located within or adjacent to~~
3 ~~an Indian reservation, cities and ports shall consult with the~~
4 ~~affected Indian tribe in the development of a Port Container~~
5 ~~Element.~~

Sec. 10. Comprehensive plans - Innovative techniques

6 RCW 36.70A.090 and 1990 1st ex.s. c 17 s 9 are each amended to
7 read as follows:

8 A comprehensive plan should ~~be implemented by~~
9 innovative land use management techniques, including, but not
10 limited to, density bonuses, cluster housing, ~~form-based codes,~~
11 ~~middle housing,~~ planned unit developments, and the transfer of
12 development rights.

Sec. 11. Development regulations for ~~middle~~ innovative housing

14 ~~A new section RCW 36.70A.095 is added as follows:~~

15 ~~(1) Counties and cities are authorized to adopt development~~
16 ~~regulations to facilitate innovative housing including, but not~~
17 ~~limited to, cluster housing, zero lot line housing, micro-housing,~~
18 ~~tiny homes, co-housing, middle housing, and form-based codes.~~

19 ~~(2. By no later than September 1, ~~2022~~ 2023, metropolitan~~
20 ~~counties, and the cities within metropolitan counties, which have~~
21 ~~an affordable housing gap shall amend their development~~
22 ~~regulations to allow middle housing ~~triplexes, fourplexes,~~~~
23 ~~townhomes, courtyard and cottage middle housing in all in at least~~
24 ~~80% of the lands zoned for single-family homes detached dwellings~~
25 ~~that are within urban growth areas and are within ~~¼~~ ½ mile of~~
26 ~~transit service. Development regulations for lands zoned for~~
27 ~~single family detached dwellings that are beyond ~~¼~~ ½ mile of~~
28 ~~transit service shall be amended to allow duplexes. Legislative~~
29 ~~actions to implement this section are not subject to the appeal~~

ATTACHMENT B - VERSION 4 WITH CONTEXT OF ENTIRE STATUTORY SECTION

1 provisions of this Chapter or the appeal provisions of RCW 43.21C.
2 Nothing in this Section exempts development from the requirements
3 of RCW 36.70A.060, RCW 36.70A.170, or Chapter 90.58 RCW. ~~The~~
4 ~~percentage of such land area in which middle housing shall be~~
5 ~~required for any jurisdiction may subsequently be adjusted by~~
6 ~~countywide or multicounty planning policies, provided that the~~
7 ~~result of such adjustment does not reduce below 80% the cumulative~~
8 ~~countywide percentage of land area designated for middle housing.~~
9 ~~If adopted by September 1, 2022-2023, ordinances or amendments~~
10 ~~to development regulations and other nonproject actions taken by~~
11 ~~a city or county to implement the actions identified in this~~
12 ~~section, are not subject to administrative or judicial appeal under~~
13 ~~chapter 43.21C RCW.~~

**Sec. 12. Comprehensive plans—Development regulations—
Transmittal to state – Amendments – Expedited review.**

14
15 RCW 36.70A.106 shall be amended to read as follows:

16 (1) Each county and city proposing adoption of a
17 comprehensive plan or development regulations under this chapter
18 shall notify the department of its intent to adopt such plan or
19 regulations at least sixty days prior to final adoption. State
20 agencies including the department may provide comments to the
21 county or city on the proposed comprehensive plan, or proposed
22 development regulations, during the public review process prior
23 to adoption.

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

28 (3) (a) Any amendments for permanent changes to a
29 comprehensive plan or development regulation that are proposed
30 by a county or city to its adopted plan or regulations shall be
31 submitted to the department in the same manner as initial plans
32 and development regulations under this section. Any amendments
33 to a comprehensive plan or development regulations that are
34 adopted by a county or city shall be transmitted to the

ATTACHMENT B - VERSION 4 WITH CONTEXT OF ENTIRE STATUTORY SECTION

1 department in the same manner as the initial plans and
2 regulations under this section.

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

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

Section 13. Comprehensive plans - Urban growth areas

22

23 **RCW 36.70A.110 is amended to read as follows:**

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

ATTACHMENT B - VERSION 4 WITH CONTEXT OF ENTIRE STATUTORY SECTION

1 Tribe shall coordinate their planning efforts for any mutually
2 agreed to joint planning area.

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

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

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

ATTACHMENT B - VERSION 4 WITH CONTEXT OF ENTIRE STATUTORY SECTION

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

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

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

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

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

42 (8) (a) Except as provided in (b) of this subsection, the
43 expansion of an urban growth area is prohibited into the one
44 hundred year floodplain of any high risk lahar hazard area,
45 tsunami inundation zone, or the one hundred year flood plain of

ATTACHMENT B - VERSION 4 WITH CONTEXT OF ENTIRE STATUTORY SECTION

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

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

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

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

15 (iii) Urban growth area expansions where:

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

20 (B) Urban development already exists within a floodplain as
21 of July 26, 2009, and is adjacent to, but outside of, the urban
22 growth area, and the expansion of the urban growth area is
23 necessary to include such urban development within the urban
24 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
29 the following: Outdoor recreation; environmentally beneficial
30 projects, including but not limited to habitat enhancement or
31 environmental restoration; stormwater facilities; flood control
32 facilities; or underground conveyances; and

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

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

41 (9) If a county, city, or utility has adopted a capital
42 facility plan or utilities element to provide sewer service
43 within the urban growth areas during the twenty-year planning
44 period, nothing in this chapter obligates counties, cities, or
45 utilities to install sanitary sewer systems to properties within

ATTACHMENT B - VERSION 4 WITH CONTEXT OF ENTIRE STATUTORY SECTION

1 urban growth areas designated under subsection (2) of this
2 section by the end of the twenty-year planning period when those
3 properties:

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

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

9 (iii) Have no redevelopment capacity; or

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

13

**Sec. 14. Comprehensive plans—Review procedures, schedules—
Amendments.**

14 RCW 36.70A.130 is amended to read as follows:

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

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

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

41 (d) Any amendment of or revision to a comprehensive land
42 use plan shall conform to this chapter. Any amendment of or
43 revision to development regulations shall be consistent with and
44 implement the comprehensive plan.

ATTACHMENT B - VERSION 4 WITH CONTEXT OF ENTIRE STATUTORY SECTION

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

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

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

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

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

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

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

45 (3) (a) Each county that designates urban growth areas under
46 RCW 36.70A.110 shall review, according to the schedules
47 established in subsections (4) and (5) of this section, its

ATTACHMENT B - VERSION 4 WITH CONTEXT OF ENTIRE STATUTORY SECTION

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

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

17
18 (4) Cycle for updating comprehensive plans. Except as
19 otherwise provided in subsections below, counties and cities
20 shall take action to review and, if needed, revise their
21 comprehensive plans and development regulations to ensure the
22 plan and regulations comply with the requirements of this
23 chapter as follows:

24 (a) On or before June 30, 2024, and for every eight ten
25 years thereafter, for King, Pierce, Kitsap, and Snohomish,
26 counties and the cities within those counties;

27 (b) On or before June 30, 2025, and for every eight ten
28 years thereafter for Whatcom, Thurston, Clark, Spokane, Benton,
29 and Franklin counties and the cities within those counties;

30 (b)(c) On or before June 30, 2025 2026, and for every eight
31 ten years thereafter for Clallam, Island, Jefferson, Mason, San
32 Juan, and Skagit counties and the cities within those counties;

33 (e)(d) On or before June 30, 2026 2027, and for every eight
34 ten years thereafter for Chelan, Cowlitz, Douglas, Kittitas,
35 Lewis, Skamania, and Yakima counties and the cities within those
36 counties; and

ATTACHMENT B - VERSION 4 WITH CONTEXT OF ENTIRE STATUTORY SECTION

1 ~~(d)~~(e) On or before June 30, ~~2027~~ 2028, and for every eight
2 ten years thereafter for Adams, Asotin, Columbia, Ferry,
3 Garfield, Grant, Grays Harbor, Klickitat, Lincoln, Okanogan,
4 Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and
5 Whitman counties and the cities within those counties.

6 (5) Mid-cycle assessment and potential adaptive action
7 required for ~~urban~~ metropolitan counties and their cities.

8 At the mid-point of the 10-year plan update cycles identified in
9 subsections (4) (a) and (4) (b), ~~urban~~ metropolitan counties and
10 their cities, shall report to the department the progress they
11 have achieved in implementing state goals regarding climate
12 change (RCW 36.70A.020(16), housing (RCW 36.70A.020(4),
13 environmental justice (RCW 36.70A.020(12), and permit timelines
14 (RCW 36.70B). Such reports are not subject to appeals under
15 this Chapter or Chapter 43.21C RCW. The department will review
16 the report under the process and authority of RCW 36.70A.485
17 [new] and issue its determination within 90 days. The department
18 will adopt by administrative rule indicators, milestones and
19 criteria to determine compliance with this chapter. ~~If the~~
20 ~~department determines that insufficient progress has been~~
21 ~~achieved, it may provide direction and a timeline for a city or~~
22 ~~county to take legislative action needed to come into compliance~~
23 ~~with this chapter.~~

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

Sec. 15. Public participation requirements

30
31 RCW 36.70A.140 is amended to read as follows:

ATTACHMENT B - VERSION 4 WITH CONTEXT OF ENTIRE STATUTORY SECTION

1 Each county and city that is required or chooses to plan
2 under RCW 36.70A.040 shall establish and broadly disseminate to
3 the public a public participation program identifying procedures
4 providing for early and continuous public participation in the
5 development and amendment of comprehensive land use plans and
6 development regulations implementing such plans. By June 30,
7 2022, the department shall prepare and disseminate to all local
8 governments best practices to achieve equitable and inclusive
9 citizen public participation in order to engage those members of
10 the public and populations who have historically been
11 underserved and under-represented in the formulation of public
12 policy. By no later than June 30, 2022 2023, counties and
13 cities shall determine which of these practices to incorporate
14 such practices in updated public participation programs. The
15 procedures shall provide for broad dissemination of proposals
16 and alternatives, opportunity for written comments, public
17 meetings after effective notice, provision for open discussion,
18 communication programs, information services, and consideration
19 of and response to public comments. In enacting legislation in
20 response to the board's decision pursuant to RCW 36.70A.300
21 declaring part or all of a comprehensive plan or development
22 regulation invalid, the county or city shall provide for public
23 participation that is appropriate and effective under the
24 circumstances presented by the board's order. Errors in exact
25 compliance with the established program and procedures shall not
26 render the comprehensive land use plan or development
27 regulations invalid if the spirit of the program and procedures
28 is observed.

Sec. 16. Critical areas and resource lands designation

30 RCW 36.70A.170 and 1990 1st ex.s. c 17 s 17 are each amended
31 to read as follows:

ATTACHMENT B - VERSION 4 WITH CONTEXT OF ENTIRE STATUTORY SECTION

1 (1) On or before September 1, 1991, each county, and each city,
2 shall designate where appropriate:

3 (a) Agricultural lands that are not already characterized by
4 urban growth and that have long-term significance for the
5 commercial production of food or other agricultural products;

6 (b) Forestlands that are not already characterized by urban
7 growth and that have long-term significance for the commercial
8 production of timber;

9 (c) Mineral resource lands that are not already characterized
10 by urban growth and that have long-term significance for the
11 extraction of minerals; and

12 (d) Critical areas.

13 (2) In making the designations required by this section,
14 counties and cities shall consider the guidelines established
15 pursuant to RCW 36.70A.050. In addition, when updating their
16 designations, counties and cities in the Puget Sound region
17 shall also consider the adaptive, basin-wide ~~and~~ ecosystem data
18 and science maintained by the Puget Sound Partnership. RCW
19 90.71.300.

NEW Sec. 17. Extension of public facilities and utilities in a rural area to serve tribal communities

20 A new section is added to read as follows:

21 RCW 36.70A.195 - Extension of public services and utilities in
22 a rural area is permitted if: (A) it is consistent with a jointly
23 adopted tribal and county subarea plan; and (B) ~~it~~ complies with
24 critical areas and resource lands regulations adopted under this
25 chapter; (C) does not allow for new urban service and utility
26 connections outside of areas over which a participating tribe
27 exercises sovereign jurisdiction; and (D) doesn't permit urban
28 growth and development outside of urban growth areas or areas over
29 which a participating tribe exercises sovereign jurisdiction.

30 Extensions authorized under this section shall not
31 subsequently be used to justify or support the expansion of an

1 urban growth area or the de-designation of resource lands of long-
2 term significance.

Sec. 18. Countywide planning policies

3 RCW 36.70A.210 is amended to read as follows:

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

15 (2) The legislative authority of a county that plans under
16 RCW [36.70A.040](#) shall adopt a countywide planning policy in
17 cooperation with the cities located in whole or in part within
18 the county as follows:

19 (a) No later than ~~twenty four months prior to the target~~
20 ~~date for the adoption updating~~ of comprehensive plans pursuant
21 to RCW 36.70A.130, ~~sixty calendar days from July 16, 1991,~~ the
22 legislative authority of each county that ~~as of June 1, 1991,~~
23 was required or chose to plan under RCW [36.70A.040](#) shall convene
24 a meeting with representatives of each city ~~and tribe~~ located
25 within the county for the purpose of ~~updating establishing~~ a
26 collaborative process that will provide a framework for the
27 adoption of a ~~updated~~ countywide planning ~~policy policies~~. ~~In~~
28 ~~other counties that are required or choose to plan under RCW~~
29 ~~36.70A.040,~~ this meeting shall be convened no later than ~~sixty~~
30 ~~days after the date the county adopts its resolution of~~
31 ~~intention or was certified by the office of financial~~
32 ~~management.~~

ATTACHMENT B - VERSION 4 WITH CONTEXT OF ENTIRE STATUTORY SECTION

1 (b) The process and framework for adoption of a countywide
2 planning policy specified in (a) of this subsection shall
3 determine the manner in which the county, **tribes** and ~~the~~ cities
4 agree to all procedures and provisions including but not limited
5 to desired planning policies, deadlines, ratification of final
6 agreements and demonstration thereof, and financing, if any, of
7 all activities associated therewith.

8 (c) If a county fails for any reason to convene a meeting
9 with representatives of **tribes and** cities as required in (a) of
10 this subsection, the governor may immediately impose any
11 appropriate sanction or sanctions on the county from those
12 specified under RCW [36.70A.340](#).

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

31 (e) ~~No later than twelve months July 1, 1992, the~~
32 ~~legislative authority of each county that was required or chose~~

ATTACHMENT B - VERSION 4 WITH CONTEXT OF ENTIRE STATUTORY SECTION

1 to plan under RCW 36.70A.040 as of June 1, 1991, or no later
2 than fourteen months after the date the county adopted its
3 resolution of intention or was certified by the office of
4 financial management the county legislative authority of any
5 other county that is required or chooses to plan under RCW
6 36.70A.040, prior to the date established in (a) above, the
7 legislative body of the county shall adopt ~~an~~ updated countywide
8 planning policies~~y~~ according to the process provided under this
9 section and that is consistent with the agreement pursuant to
10 (b) of this subsection, and after holding a public hearing or
11 hearings on the proposed countywide planning policies~~y~~.

12 (3) ~~An u~~Updated countywide planning policies~~y~~ shall at a
13 minimum, address the following:

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

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

17 (c) Policies to promote the ecosystem services value of
18 regional open space networks including cleansing air and water,
19 flood control, carbon sequestration, fish and wildlife habitat
20 conservation, mitigation of natural disasters, outdoor
21 recreation, human health and well-being.

22 ~~(e)~~ (d) Policies for siting public capital facilities of a
23 countywide or statewide nature, including transportation
24 facilities of statewide significance as defined in RCW
25 47.06.140;

26 ~~(d)~~ (e) Policies for countywide transportation facilities
27 and strategies including the reduction of greenhouse gas
28 emissions and per capita vehicle miles travelled in order to
29 address climate change;

30 ~~(e)~~ (f) Policies that coordinate planning county-wide for
31 ~~consider the need for~~ affordable housing, ~~such as~~ including
32 housing for all economic segments of the population, ~~and~~ a wide

ATTACHMENT B - VERSION 4 WITH CONTEXT OF ENTIRE STATUTORY SECTION

1 variety of housing types and choices, and increased urban
2 densities for areas close to employment centers and areas served
3 by transit; and parameters for its distribution;

4 ~~(f)~~ (g) Policies for joint county and city planning within
5 urban growth areas;

6 ~~(g)~~ (h) Policies for countywide economic development and
7 employment, which must include consideration of the future
8 development of commercial and industrial facilities;

9 ~~(h)~~ (i) An analysis of the fiscal impact.

10 ~~(h)~~ (j) For counties in the Puget Sound Region, policies to
11 encourage consistency with and implementation of the Puget Sound
12 Action Agenda, policies to coordinate county, tribal, and city
13 efforts to restore the ecosystem health of Puget Sound which
14 shall consider the adaptive, basin-wide and ecosystem data and
15 science maintained by the Puget Sound Partnership. RCW
16 90.71.300.

17 (4) Federal agencies and Indian tribes may shall be invited
18 to participate in and cooperate with the countywide planning
19 policy adoption process.

20 (5) Adopted countywide planning policies shall be adhered
21 to by state agencies.

22 ~~(5)~~ (6) Failure to adopt ~~a~~ countywide planning policies
23 that meets the requirements of this section may result in the
24 imposition of a sanction or sanctions on a county or city within
25 the county, as specified in RCW [36.70A.340](#). In imposing a
26 sanction or sanctions, the governor shall specify the reasons
27 for failure to adopt a countywide planning policy in order that
28 any imposed sanction or sanctions are fairly and equitably
29 related to the failure to adopt a countywide planning policy.

30 ~~(6)~~ (7) Cities, participating tribes, and the governor may
31 appeal an adopted countywide planning policy to the growth
32 management hearings board within sixty days of the adoption of
33 the countywide planning policies.

34 ~~(7)~~ (9) Multicounty planning policies shall be adopted by
35 two or more counties, each with a population of four hundred
36 fifty thousand or more, with contiguous urban areas and may be
37 adopted by other counties, according to the process established
38 under this section or other processes agreed to among the

ATTACHMENT B - VERSION 4 WITH CONTEXT OF ENTIRE STATUTORY SECTION

1 counties and cities within the affected counties throughout the
2 multicounty region.

SECTION 19: RCW 36.70A.250 and 2010 c 211 - Growth Management Hearings Board - creation and members are each amended to read as follows:

4 (1) A growth management hearings board for the state of
5 Washington is created. The board shall consist of seven members
6 qualified by experience ~~((or))~~ RCW 36.70A.250 and training in
7 matters pertaining to land use law or land use planning and who
8 have experience in the practical application of those matters as
9 demonstrated to the senate. All seven board members shall be
10 appointed by the governor with the advice and consent of the
11 senate, two each residing respectively in the central Puget Sound,
12 eastern Washington, and western Washington regions, plus one board
13 member residing within the state of Washington. At least three
14 members of the board shall be admitted to practice law in this
15 state, one each residing respectively in the central Puget Sound,
16 eastern Washington, and western Washington regions. At least three
17 members of the board shall have been a city or county elected
18 official, one each residing respectively in the central Puget
19 Sound, eastern Washington, and western Washington regions. At
20 least three members of the board shall have experience as a city
21 or county planner, one each residing respectively in the central
22 Puget Sound, eastern Washington, and western Washington regions.
23 After expiration of the terms of board members on the previously
24 existing three growth management hearings boards, no more than
25 four members of the seven-member board may be members of the same
26 major political party. No more than two members at the time of
27 their appointment or during their term may reside in the same
28 county.

29 (2) Each member of the board shall be appointed for a term
30 of six years. A vacancy shall be filled by appointment by the
31 governor with the advice and consent of the senate for the

ATTACHMENT B - VERSION 4 WITH CONTEXT OF ENTIRE STATUTORY SECTION

1 unexpired portion of the term in which the vacancy occurs.
2 Members of the previously existing three growth management
3 hearings boards appointed before July 1, 2010, shall complete
4 their staggered, six-year terms as members of the growth
5 management hearings board created under subsection (1) of this
6 section. The reduction from nine board members on the previously
7 existing three growth management hearings boards to seven total
8 members on the growth management hearings board shall be made
9 through attrition, voluntary resignation, or retirement.

**Sec. 20: RCW 36.70A.280. Growth management hearings board -
Matters subject to review (Effective December 31, 2020).**

11 (1) The growth management hearings board shall hear and
12 determine only those petitions alleging either:

13 (a) That, except as provided otherwise by this subsection,
14 a state agency, county, or city planning under this chapter is
15 not in compliance with the requirements of this chapter,
16 chapter 90.58 RCW as it relates to the adoption of shoreline
17 master programs or amendments thereto, or chapter 43.21C RCW as
18 it relates to plans, development regulations, or amendments,
19 adopted under RCW 36.70A.040 or chapter 90.58 RCW. Nothing in
20 this subsection authorizes the board to hear petitions alleging
21 noncompliance with *RCW 36.70A.5801;

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

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

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

31 (e) That a department certification under
32 RCW 36.70A.735(1)(c) is erroneous.

33 (2) A petition may be filed only by: (a) The state, or a
34 county or city that plans under this chapter; ~~(b) a person who~~
35 ~~has participated orally or in writing before the county or city~~
36 ~~regarding the matter on which a review is being requested;~~ (c) a
37 ~~person who is certified by the governor within sixty days of~~
38 ~~filing the request with the board;~~ or (d) a person qualified
39 pursuant to RCW 34.05.530; or

ATTACHMENT B - VERSION 4 WITH CONTEXT OF ENTIRE STATUTORY SECTION

1 (c) Any person who:

2 (i) owns property within the boundaries of the city or
3 county planning under this chapter;

4 (ii) is prejudiced or likely to be prejudiced by the action
5 of the city or the county planning under this chapter; and

6 (iii) will suffer actual injury if the contested action is
7 upheld.

8 (3) For purposes of this section "person" means any
9 individual, partnership, corporation, association, state agency,
10 governmental subdivision or unit thereof, or public or private
11 organization or entity of any character.

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

16 (5) When considering a possible adjustment to a growth
17 management planning population projection prepared by the office
18 of financial management, the board shall consider the
19 implications of any such adjustment to the population forecast
20 for the entire state.

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

24 If adjusted by the board, a county growth management
25 planning population projection shall only be used for the
26 planning purposes set forth in this chapter and shall be known
27 as the "board adjusted population projection." None of these
28 changes shall affect the official state and county population
29 forecasts prepared by the office of financial management, which
30 shall continue to be used for state budget and planning
31 purposes.

32

Sec. 21. Project review and docketing
--

33 RCW 36.70A.470 and 1995 c 347 s 102 are each amended to read
34 as follows:

35 (1) Project review, which shall be conducted pursuant to the
36 provisions of chapter 36.70B RCW, shall be used to make individual

ATTACHMENT B - VERSION 4 WITH CONTEXT OF ENTIRE STATUTORY SECTION

1 project development permit decisions, not legislative land use
2 planning decisions adopted under this chapter such as ~~adoption or~~
3 ~~amendment of comprehensive plans or development regulations~~. If,
4 during project review of a development permit application, a county
5 or city planning under RCW 36.70A.040 identifies deficiencies in
6 plans or regulations:

7 (a) The permitting process shall not be used as a comprehensive
8 planning process;

9 (b) Project review shall continue; and

10 (c) The identified deficiencies shall be docketed for possible
11 future plan or development regulation amendments.

12 (2) For metropolitan counties and their cities, ~~decisional~~
13 ~~criteria used to approve or deny, or condition a development~~
14 ~~permit application must be codified in a development regulation.~~
15 ~~Consistency with goals or policies in a comprehensive plan may not~~
16 ~~be applied as decisional criteria for approval or denial of a~~
17 ~~development permit application.~~

18 (3) For metropolitan counties and their cities, ~~the final~~
19 ~~decision-maker on a development permit application under this~~
20 ~~Chapter, or any appeal thereof under this Chapter or RCW 43.21C,~~
21 ~~shall be made by an administrative officer or hearing examiner~~
22 ~~authorized by RCW 35A.63.170, RCW 35.63.130, RCW 70.970, or RCW~~
23 ~~58.17.330. not the legislative body of a county or city.~~

24 (2) (4) Each county and city planning under RCW 36.70A.040 shall
25 include in its development regulations a procedure for any
26 interested person, including applicants, citizens, hearing
27 examiners, and staff of other agencies, to suggest plan or
28 development regulation amendments. The suggested amendments shall
29 be docketed and considered on at least an annual basis, consistent
30 with the provisions of RCW 36.70A.130.

ATTACHMENT B - VERSION 4 WITH CONTEXT OF ENTIRE STATUTORY SECTION

1 ~~(3)-(5)~~ For purposes of this section, a deficiency in a
2 comprehensive plan or development regulation refers to the absence
3 of required or potentially desirable contents of a comprehensive
4 plan or development regulation. It does not refer to whether a
5 development regulation addresses a project's probable specific
6 adverse environmental impacts which the permitting agency could
7 mitigate in the normal project review process.

8 ~~(4)-(6)~~ For purposes of this section, docketing refers to
9 compiling and maintaining a list of suggested changes to the
10 comprehensive plan or development regulations in a manner that
11 will ensure such suggested changes will be considered by the county
12 or city and will be available for review by the public.
13

**NEW Sec. 22.- Safe harbors - Matters subject to safe harbors
review and process**

14 A new section RCW 36.70A.485 is added to read as follows:

15
16
17 (1) For certain countywide planning policy, comprehensive plan
18 and development regulations specified in this section,
19 metropolitan counties and their cities must apply for a
20 determination of compliance from the department finding that the
21 action is in compliance with the requirements of RCW 36.70A and
22 RCW 43.21c and the applicable rules; rural counties and their
23 cities may apply for a determination of compliance from the
24 department finding that the action is in compliance with the
25 requirements of RCW 36.70A and RCW 43.21c and the applicable
26 rules.

27 (2) Matters subject to review. Counties and cities must submit
28 the following actions to the department for approval under this
29 subsection:

30 (a) Development of or amendments to the housing element;

ATTACHMENT B - VERSION 4 WITH CONTEXT OF ENTIRE STATUTORY SECTION

1 (b) Development of or amendments to comprehensive plan or
2 development regulations designating or protecting critical
3 areas;

4 (c) Development of or amendments to comprehensive plan or
5 development regulations to designate or assure the conservation
6 of resource lands;

7 (c) Development of or amendments to countywide planning policy,
8 comprehensive plan or development regulation amendments that
9 change the urban growth area;

10 (d) Countywide planning policy, comprehensive plan or
11 development regulation amendments that govern the siting of
12 essential public facilities.

13 (e) findings of noncompliance referred to the department by the
14 Growth Management Hearings Board under RCW 36.70A.330.

15 (3) The department must approve, conditionally approve, or deny
16 the application for a determination of compliance within one
17 hundred twenty days of its receipt.

18 (a) A petition for review of a determination of compliance may
19 only be appealed to the growth management hearings board within
20 sixty days of the publication of the decision by the department
21 in the *Washington State Register*.

22 (b) In the event of a filing of a petition in accordance with
23 (c) of this subsection, the city or county and the department
24 must equally share the costs incurred by the department for
25 defending an approval of determination of compliance that is
26 before the growth management hearings board.

27 (4) The department may implement this section by adopting rules
28 related to determinations of compliance. The rules may address
29 but are not limited to: The requirements for applications for a
30 determination of compliance; charging of costs under (d) (iii) of
31 this subsection; procedures for processing applications;

ATTACHMENT B - VERSION 4 WITH CONTEXT OF ENTIRE STATUTORY SECTION

1 criteria for the evaluation of applications; issuance and notice
2 of department decisions; and applicable timelines.

3 (5) Procedures for a Determination of Compliance.

4 (a) Not less than one hundred twenty days before submitting the
5 adopted ordinance or resolution to the department for a
6 determination of compliance, the city or county must notify the
7 department in writing that it intends to apply for a
8 determination of compliance. Prior notification allows the
9 department to review proposed actions and provide technical
10 assistance prior to final adoption.

11 (b) The department will consult with state agencies with
12 expertise that would be helpful in making its determination of
13 compliance.

14 (c) Public notice of intent to apply for determination of
15 compliance.

16 (i) The department will publish notice in the *Washington State*
17 *Register* that a city or county has notified the department of
18 its intent to request a determination of compliance.

19 (ii) The department will post a copy of the notice of intent to
20 apply for a determination of compliance on the department web
21 site.

22 (iii) The department will notify state agencies with expertise
23 that a county has notified the department of its intent to apply
24 for a determination of compliance.

25 (iv) If applicable the department will notify the parties of
26 record in the case or cases before the growth management
27 hearings board that the city or county is seeking a
28 determination of compliance.

29 (6) Compliance determination procedures.

30 (a) The department will issue its decision in the form of a
31 written statement, including findings of fact and conclusions,
32 and noting the date of the issuance of its decision.

ATTACHMENT B - VERSION 4 WITH CONTEXT OF ENTIRE STATUTORY SECTION

1 (b) The department will publish its decision on the application
2 for determination of compliance as follows:

3 (i) Notify the city or county in writing of its determination;

4 (ii) Publish a notice of action in the *Washington State*
5 *Register*;

6 (iii) Post a notice of its decision on the agency web site;

7 (iv) Notify state agencies with expertise with which department
8 consulted regarding the determination of compliance;

9 (v) If applicable, notify parties of record in the case or cases
10 before the growth management hearings board that resulted in the
11 finding of noncompliance for which the county is seeking a
12 determination of compliance.

13 (vi) If applicable, notify the Growth Management Hearings Board.

14 (7) The initial effective date of an action subject to approval
15 under this section may not occur before approval of the action
16 by the department.

17 (8) If a determination of compliance by the department under
18 this section is appealed to the growth management hearings board
19 under RCW 36.70A.280, the county, city, or town may not be
20 determined to be ineligible or otherwise penalized in the
21 acceptance of applications or the awarding of state agency
22 grants or loans under RCW 47.17.250 during the pendency of the
23 appeal before the board or subsequent judicial appeals.

NEW Sec. 23. Safe harbors -Department review subject to Growth Board review

24
25 RCW 36.70A.280 is amended to read as follows:

26 (1) The growth management hearings board shall hear and
27 determine only those petitions alleging either:

28 (a) That, except as provided otherwise by this subsection, a
29 state agency, county, or city planning under this chapter is not

ATTACHMENT B - VERSION 4 WITH CONTEXT OF ENTIRE STATUTORY SECTION

1 in compliance with the requirements of this chapter, chapter
2 90.58 RCW as it relates to the adoption of shoreline master
3 programs or amendments thereto, or chapter 43.21C RCW as it
4 relates to plans, development regulations, or amendments,
5 adopted under RCW 36.70A.040 or chapter 90.58 RCW. Nothing in
6 this subsection authorizes the board to hear petitions alleging
7 noncompliance with *RCW 36.70A.5801;

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

11 (c) That the approval of a work plan adopted under RCW
12 36.70A.735(1)(a) is not in compliance with the requirements of
13 the program established under RCW 36.70A.710;

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

17 (e) That a department certification under RCW 36.70A.735(1)(c)
18 is clearly erroneous; or

19 (f) That a department determination under RCW 36.70A.060(1)(d)
20 is clearly erroneous.

21 (g) That a department approval under ~~Section 1 of~~ this act is
22 clearly erroneous. Actions submitted to the department for
23 approval may only be appealed to the growth management hearings
24 board within 60 days following publication by the department of
25 a determination of compliance.

26 (2) A petition may be filed only by: (a) The state, or a county
27 or city that plans under this chapter; (b) a person who has
28 participated orally or in writing before the county or city
29 regarding the matter on which a review is being requested; (c) a
30 person who is certified by the governor within sixty days of
31 filing the request with the board; or (d) a person qualified
32 pursuant to RCW 34.05.530.

ATTACHMENT B - VERSION 4 WITH CONTEXT OF ENTIRE STATUTORY SECTION

1 (3) For purposes of this section "person" means any individual,
2 partnership, corporation, association, state agency,
3 governmental subdivision or unit thereof, or public or private
4 organization or entity of any character.

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

9 (5) When considering a possible adjustment to a growth
10 management planning population projection prepared by the office
11 of financial management, the board shall consider the
12 implications of any such adjustment to the population forecast
13 for the entire state.

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

17 If adjusted by the board, a county growth management planning
18 population projection shall only be used for the planning
19 purposes set forth in this chapter and shall be known as the
20 "board adjusted population projection." None of these changes
21 shall affect the official state and county population forecasts
22 prepared by the office of financial management, which shall
23 continue to be used for state budget and planning purposes.

NEW Sec. 24. Safe harbor - Hearings board may refer findings of noncompliance to the department for approval.

24
25 RCW [36.70A.330](#) is amended to read as follows:

26 (1) After the time set for complying with the requirements of
27 this chapter under RCW [36.70A.300](#) (3) (b) has expired, or at an
28 earlier time upon the motion of a county or city subject to a
29 determination of invalidity under RCW [36.70A.300](#), the board shall

ATTACHMENT B - VERSION 4 WITH CONTEXT OF ENTIRE STATUTORY SECTION

1 set a hearing for the purpose of determining whether the state
2 agency, county, or city is in compliance with the requirements
3 of this chapter.

4 (2) The board shall conduct a hearing and issue a finding of
5 compliance or noncompliance with the requirements of this
6 chapter and with any compliance schedule established by the
7 board in its final order. A person with standing to challenge
8 the legislation enacted in response to the board's final order
9 may participate in the hearing along with the petitioner and the
10 state agency, county, or city. A hearing under this subsection
11 shall be given the highest priority of business to be conducted
12 by the board, and a finding shall be issued within forty-five
13 days of the filing of the motion under subsection (1) of this
14 section with the board. The board shall issue any order
15 necessary to make adjustments to the compliance schedule and set
16 additional hearings as provided in subsection (5) of this
17 section.

18 (3) If the board after a compliance hearing finds that the state
19 agency, county, or city is not in compliance, the board shall
20 transmit its finding to the governor.

21 (a) The Board may refer a finding of noncompliance to the
22 department for approval ~~under section 16 of this act~~. The
23 purpose of the referral is for the department to provide
24 technical assistance to facilitate speedy resolution of the
25 finding of noncompliance.

26 (b) Alternatively, the board may recommend to the governor that
27 the sanctions authorized by this chapter be imposed. The board
28 shall take into consideration the county's or city's efforts to
29 meet its compliance schedule in making the decision to recommend
30 sanctions to the governor.

31 (4) In a compliance hearing upon petition of a party, the board
32 shall also reconsider its final order and decide, if no

ATTACHMENT B - VERSION 4 WITH CONTEXT OF ENTIRE STATUTORY SECTION

1 determination of invalidity has been made, whether one now
2 should be made under RCW 36.70A.302.

3 (5) The board shall schedule additional hearings as appropriate
4 pursuant to subsections (1) and (2) of this section
5

**NEW SECTION 25: RCW 19.27.095 and 1991 c 281 s 27 are each
amended to read as follows:**

6
7 (1) A valid and fully complete building permit application
8 for a structure, that is permitted under the zoning or other
9 land use control ordinances in effect on the date of the
10 application shall be considered under the building permit
11 ordinance ~~((in effect at the time of application))~~, the
12 environmental and development regulations, and the zoning or
13 other land use control ordinances, in effect on the date of
14 application, without respect to whether the regulation or
15 ordinance was enacted for the purpose of complying with state
16 law.

17 (2) The requirements for a fully completed application shall
18 be defined by local ordinance but for any construction project
19 costing more than five thousand dollars the application shall
20 include, at a minimum:

21 (a) The legal description, or the tax parcel number assigned
22 pursuant to RCW 84.40.160, and the street address if available,
23 and may include any other identification of the construction
24 site by the prime contractor;

25 (b) The property owner's name, address, and phone number;

26 (c) The prime contractor's business name, address, phone
27 number, current state contractor registration number; and

28 (d) Either:

29 (i) The name, address, and phone number of the office of the
30 lender administering the interim construction financing, if any;
31 or

32 (ii) The name and address of the firm that has issued a
33 payment bond, if any, on behalf of the prime contractor for the
34 protection of the owner, if the bond is for an amount not less

ATTACHMENT B - VERSION 4 WITH CONTEXT OF ENTIRE STATUTORY SECTION

1 than fifty percent of the total amount of the construction
2 project.

3 (3) The information required on the building permit
4 application by subsection (2)(a) through (d) of this section
5 shall be set forth on the building permit document which is
6 issued to the owner, and on the inspection record card which
7 shall be posted at the construction site.

8 (4) The information required by subsection (2) of this
9 section and information supplied by the applicant after the
10 permit is issued under subsection (5) of this section shall be
11 kept on record in the office where building permits are issued
12 and made available to any person on request. If a copy is
13 requested, a reasonable charge may be made.

14 (5) If any of the information required by subsection (2)(d)
15 of this section is not available at the time the application is
16 submitted, the applicant shall so state and the application
17 shall be processed forthwith and the permit issued as if the
18 information had been supplied, and the lack of the information
19 shall not cause the application to be deemed incomplete for the
20 purposes of vesting under subsection (1) of this section.
21 However, the applicant shall provide the remaining information
22 as soon as the applicant can reasonably obtain such information.

23 (6) The limitations imposed by this section shall not
24 restrict conditions imposed under chapter 43.21C RCW.
25

Sec. 26 RCW 58.17.033 and 1987 c 104 s 2 are each amended to read as follows:

26 (1) A proposed division of land, as defined in RCW
27 58.17.020, shall be considered under the subdivision or short
28 subdivision ordinance, the environmental and development
29 regulations, and the zoning or other land use control
30 ordinances, in effect on the land, without respect to whether
31 the regulation or ordinance was enacted for the purpose of
32 complying with state law, at the time a fully completed
33 application for preliminary plat approval of the subdivision, or
34 short plat approval of the short subdivision, has been submitted
35 to the appropriate county, city, or town official.

36 (2) The requirements for a fully completed application shall
37 be defined by local ordinance.

38 (3) The limitations imposed by this section shall not
39 restrict conditions imposed under chapter 43.21C RCW.
40

1

Sec. 27. A New Section is added to RCW 64.38 Homeowners Associations - Governing documents - Variety of housing types must be allowed.

2

3 (1) The governing documents may not prohibit the development
4 of, or conversion to, middle housing or accessory dwelling
5 units, whether attached or detached. However, the governing
6 documents may include reasonable rules regarding the placement
7 and aesthetic appearance of units, as long as the rules do not
8 unreasonably restrict the development of housing that is
9 otherwise allowable under the applicable development
10 regulations.