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**HOUSE BILL 2126**

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**State of Washington**

**68th Legislature**

**2024 Regular Session**

**By** Representatives Low and Peterson

Prefiled 01/04/24.

1 AN ACT Relating to creating opportunities for affordable housing  
2 by authorizing detached accessory dwelling units in rural areas;  
3 amending RCW 36.70A.696, 36.70A.177, and 36.70A.210; reenacting and  
4 amending RCW 36.70A.130; adding a new section to chapter 36.70A RCW;  
5 and creating a new section.

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

7 NEW SECTION. **Sec. 1.** The legislature finds that Washingtonians  
8 are in a housing crisis and the state needs to produce another 1.1  
9 million homes by 2044 to meet its housing needs. The legislature also  
10 finds that accessory dwelling units provide affordable housing, can  
11 be built quickly, and can provide supplemental income for property  
12 owners. Accessory dwelling units are especially needed in rural  
13 communities that do not yet have the infrastructure for larger scale  
14 development. Therefore, it is the intent of the legislature to  
15 provide pathways for the construction of accessory dwelling units in  
16 both urban and rural areas.

17 NEW SECTION. **Sec. 2.** A new section is added to chapter 36.70A  
18 RCW to read as follows:

19 (1) A county may authorize development of detached accessory  
20 dwelling units in rural areas on lots of any size, even where

1 otherwise prohibited by the county's comprehensive plan, countywide  
2 planning policy, or multicounty planning policy, if the detached  
3 accessory dwelling units are subject to development regulations that  
4 include the following requirements:

5 (a) A parcel may not have more than one accessory dwelling unit,  
6 whether attached or detached.

7 (b) The detached accessory dwelling unit must be subject to the  
8 water supply requirements in RCW 19.27.097 and the following  
9 additional requirements:

10 (i) The detached accessory dwelling unit may not be located on a  
11 parcel that uses a water source that is closed to further  
12 appropriation.

13 (ii) The detached accessory dwelling unit must use water that is  
14 part of the water right for the primary dwelling.

15 (iii) Withdrawals of water by each dwelling unit on the parcel  
16 must be metered.

17 (c) The detached accessory dwelling unit may not be located  
18 within, or encroach upon, any existing buffers around critical areas.

19 (d) (i) The building permit applicant for the detached accessory  
20 dwelling unit must provide documentation demonstrating that the  
21 existing or proposed sewage, septic, or on-site sewage system can  
22 handle the additional demand placed upon it by the detached accessory  
23 dwelling unit.

24 (ii) If the detached accessory dwelling unit will be connected to  
25 an existing septic or on-site sewage system, the septic or on-site  
26 sewage system must be inspected, prior to issuance of the building  
27 permit, by a licensed contractor to ensure that the system is in good  
28 working order and capable of handling the increased demand placed  
29 upon it by the detached accessory dwelling unit.

30 (e) The floor area of the detached accessory dwelling unit may  
31 not exceed 1,296 square feet, or the square footage that could be  
32 authorized by the county as an expansion of the primary dwelling to  
33 create an attached accessory dwelling unit, whichever is less. The  
34 floor area does not include garages, porches, and unfinished  
35 basements.

36 (f) The detached accessory dwelling unit must be constructed such  
37 that exterior materials, roof form, window spacing, and proportions  
38 approximate those of the primary dwelling, except if the detached  
39 accessory dwelling unit is a mobile home or manufactured home.

1 (g) The detached accessory dwelling unit must use the same  
2 driveway as the primary dwelling.

3 (h) The detached accessory dwelling unit must be sited to prevent  
4 loss of land that is defined as "agricultural land" or "forestland"  
5 under this chapter.

6 (i) A parcel may not be subdivided for the purposes of avoiding  
7 the limits on development regulations described in this subsection.

8 (2) Subsection (1) of this section is cumulative to other county  
9 authority enumerated in this chapter and does not:

10 (a) Affect or modify the validity of any county ordinance  
11 authorizing accessory dwelling units adopted prior to the effective  
12 date of this section;

13 (b) Exclude other means of authorizing accessory dwelling units  
14 in urban or rural areas, if consistent with this section; or

15 (c) Exclude other innovative techniques under RCW  
16 36.70A.070(5)(b), 36.70A.090, or 36.70A.177, if consistent with this  
17 section.

18 (3) The comprehensive plan, countywide planning policy, or  
19 multicounty planning policy for any county that authorizes the  
20 development of detached accessory dwelling units in rural areas under  
21 subsection (1) of this section must be amended, at its next regularly  
22 scheduled update, to allow development of detached accessory dwelling  
23 units in rural areas consistent with subsection (1) of this section.

24 (4) Population growth from the development of detached accessory  
25 dwelling units that comply with the requirements of subsection (1) of  
26 this section may not be counted for the purpose of determining  
27 whether a county is achieving rural or urban growth targets contained  
28 in a comprehensive plan, countywide planning policy, or multicounty  
29 planning policy.

30 **Sec. 3.** RCW 36.70A.696 and 2023 c 334 s 2 are each amended to  
31 read as follows:

32 The definitions in this section apply throughout RCW 36.70A.697,  
33 36.70A.698, 36.70A.680, ~~((and))~~ 36.70A.681, and section 1 of this act  
34 unless the context clearly requires otherwise.

35 (1) "Accessory dwelling unit" means a dwelling unit located on  
36 the same lot as a single-family housing unit, duplex, triplex,  
37 townhome, or other housing unit.

1 (2) "Attached accessory dwelling unit" means an accessory  
2 dwelling unit located within or attached to a single-family housing  
3 unit, duplex, triplex, townhome, or other housing unit.

4 (3) "City" means any city, code city, and town located in a  
5 county planning under RCW 36.70A.040.

6 (4) "County" means any county planning under RCW 36.70A.040.

7 (5) "Detached accessory dwelling unit" means an accessory  
8 dwelling unit that consists partly or entirely of a building that is  
9 separate and detached from a single-family housing unit, duplex,  
10 triplex, townhome, or other housing unit and is on the same property.

11 (6) "Dwelling unit" means a residential living unit that provides  
12 complete independent living facilities for one or more persons and  
13 that includes permanent provisions for living, sleeping, eating,  
14 cooking, and sanitation.

15 (7) "Gross floor area" means the interior habitable area of a  
16 dwelling unit including basements and attics but not including a  
17 garage or accessory structure.

18 (8) "Major transit stop" means:

19 (a) A stop on a high capacity transportation system funded or  
20 expanded under the provisions of chapter 81.104 RCW;

21 (b) Commuter rail stops;

22 (c) Stops on rail or fixed guideway systems, including  
23 transitways;

24 (d) Stops on bus rapid transit routes or routes that run on high  
25 occupancy vehicle lanes; or

26 (e) Stops for a bus or other transit mode providing actual fixed  
27 route service at intervals of at least fifteen minutes for at least  
28 five hours during the peak hours of operation on weekdays.

29 (9) "Owner" means any person who has at least 50 percent  
30 ownership in a property on which an accessory dwelling unit is  
31 located.

32 (10) "Principal unit" means the single-family housing unit,  
33 duplex, triplex, townhome, or other housing unit located on the same  
34 lot as an accessory dwelling unit.

35 (11) "Short-term rental" means a lodging use, that is not a hotel  
36 or motel or bed and breakfast, in which a dwelling unit, or portion  
37 thereof, is offered or provided to a guest by a short-term rental  
38 operator for a fee for fewer than 30 consecutive nights.

1       **Sec. 4.** RCW 36.70A.177 and 2006 c 147 s 1 are each amended to  
2 read as follows:

3       (1) A county or a city may use a variety of innovative zoning  
4 techniques in areas designated as agricultural lands of long-term  
5 commercial significance under RCW 36.70A.170. The innovative zoning  
6 techniques should be designed to conserve agricultural lands and  
7 encourage the agricultural economy. Except as provided in subsection  
8 (3) of this section, a county or city should encourage  
9 nonagricultural uses to be limited to lands with poor soils or  
10 otherwise not suitable for agricultural purposes.

11       (2) Innovative zoning techniques a county or city may consider  
12 include, but are not limited to:

13       (a) Agricultural zoning, which limits the density of development  
14 and restricts or prohibits nonfarm uses of agricultural land and may  
15 allow accessory uses, including nonagricultural accessory uses and  
16 activities, that support, promote, or sustain agricultural operations  
17 and production, as provided in subsection (3) of this section;

18       (b) Cluster zoning, which allows new development on one portion  
19 of the land, leaving the remainder in agricultural or open space  
20 uses;

21       (c) Large lot zoning, which establishes as a minimum lot size the  
22 amount of land necessary to achieve a successful farming practice;

23       (d) Quarter/quarter zoning, which permits one residential  
24 dwelling on a one-acre minimum lot for each one-sixteenth of a  
25 section of land; and

26       (e) Sliding scale zoning, which allows the number of lots for  
27 single-family residential purposes with a minimum lot size of one  
28 acre to increase inversely as the size of the total acreage  
29 increases.

30       (3) Accessory uses allowed under subsection (2)(a) of this  
31 section shall comply with the following:

32       (a) Accessory uses shall be located, designed, and operated so as  
33 to not interfere with, and to support the continuation of, the  
34 overall agricultural use of the property and neighboring properties,  
35 and shall comply with the requirements of this chapter;

36       (b) Accessory uses may include:

37       (i) Agricultural accessory uses and activities, including but not  
38 limited to the storage, distribution, and marketing of regional  
39 agricultural products from one or more producers, agriculturally  
40 related experiences, or the production, marketing, and distribution

1 of value-added agricultural products, including support services that  
2 facilitate these activities; and

3 (ii) Nonagricultural accessory uses and activities as long as  
4 they are consistent with the size, scale, and intensity of the  
5 existing agricultural use of the property and the existing buildings  
6 on the site. Nonagricultural accessory uses and activities, including  
7 new buildings, parking, or supportive uses, shall not be located  
8 outside the general area already developed for buildings and  
9 residential uses and shall not otherwise convert more than one acre  
10 of agricultural land to nonagricultural uses; and

11 (c) Counties and cities have the authority to limit or exclude  
12 accessory uses otherwise authorized in this subsection (3) in areas  
13 designated as agricultural lands of long-term commercial  
14 significance.

15 (4) This section shall not be interpreted to limit agricultural  
16 production on designated agricultural lands.

17 (5) This section may not be interpreted to limit the development  
18 of detached accessory dwelling units that comply with the  
19 requirements of section 2(1) of this act.

20 **Sec. 5.** RCW 36.70A.130 and 2023 c 280 s 1 and 2023 c 228 s 15  
21 are each reenacted and amended to read as follows:

22 (1)(a) Each comprehensive land use plan and development  
23 regulations shall be subject to continuing review and evaluation by  
24 the county or city that adopted them. Except as otherwise provided, a  
25 county or city shall take legislative action to review and, if  
26 needed, revise its comprehensive land use plan and development  
27 regulations to ensure the plan and regulations comply with the  
28 requirements of this chapter according to the deadlines in  
29 subsections (4) and (5) of this section.

30 (b)(i) A city or town located within (~~fa~~) a county planning  
31 under RCW 36.70A.040 may opt out of a full review and revisions of  
32 its comprehensive plan established in this section if the city or  
33 town meets the following criteria:

34 (A) Has a population fewer than 500;

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

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

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

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

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

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

23 (d) The review and evaluation required by this subsection shall  
24 include, but is not limited to, consideration of critical area  
25 ordinances and, if planning under RCW 36.70A.040, an analysis of the  
26 population allocated to a city or county from the most recent 10-year  
27 population forecast by the office of financial management. Population  
28 growth from the development of detached accessory dwelling units that  
29 comply with the requirements of section 2(1) of this act may not be  
30 counted for the purpose of determining whether a county is achieving  
31 rural or urban growth targets contained in a comprehensive plan.

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

36 (2)(a) Each county and city shall establish and broadly  
37 disseminate to the public a public participation program consistent  
38 with RCW 36.70A.035 and 36.70A.140 that identifies procedures and  
39 schedules whereby updates, proposed amendments, or revisions of the  
40 comprehensive plan are considered by the governing body of the county

1 or city no more frequently than once every year. "Updates" means to  
2 review and revise, if needed, according to subsection (1) of this  
3 section, and the deadlines in subsections (4) and (5) of this section  
4 or in accordance with the provisions of subsection (6) of this  
5 section. Amendments may be considered more frequently than once per  
6 year under the following circumstances:

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

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

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

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

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

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

36 (3)(a) Each county that designates urban growth areas under RCW  
37 36.70A.110 shall review, according to the schedules established in  
38 subsections (4) and (5) of this section, its designated urban growth  
39 area or areas, patterns of development occurring within the urban  
40 growth area or areas, and the densities permitted within both the



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

7 (b) The county comprehensive plan designating urban growth areas,  
8 and the densities permitted in the urban growth areas by the  
9 comprehensive plans of the county and each city located within the  
10 urban growth areas, shall be revised to accommodate the urban growth  
11 projected to occur in the county for the succeeding 20-year period.  
12 The review required by this subsection may be combined with the  
13 review and evaluation required by RCW 36.70A.215.

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

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

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

28 (iii) Less than 15 percent of the areas added to the urban growth  
29 area are critical areas;

30 (iv) The areas added to the urban growth areas are suitable for  
31 urban growth;

32 (v) The transportation element and capital facility plan element  
33 have identified the transportation facilities, and public facilities  
34 and services needed to serve the urban growth area and the funding to  
35 provide the transportation facilities and public facilities and  
36 services;

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

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

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

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

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

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

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

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

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

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

35 (b) On or before June 30, 2025, and every 10 years thereafter,  
36 for Clallam, Clark, Island, Jefferson, Lewis, Mason, San Juan,  
37 Skagit, Thurston, and Whatcom counties and the cities within those  
38 counties;

39 (c) On or before June 30, 2026, and every 10 years thereafter,  
40 for Benton, Chelan, Cowlitz, Douglas, Franklin, Kittitas, Skamania,

1 Spokane, Walla Walla, and Yakima counties and the cities within those  
2 counties; and

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

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

13 (b) A county that is subject to a deadline established in  
14 subsection (5) (b) through (d) of this section and meets the following  
15 criteria may comply with the requirements of this section at any time  
16 within the 24 months following the deadline established in subsection  
17 (5) of this section: The county has a population of less than 50,000  
18 and has had its population increase by no more than 17 percent in the  
19 10 years preceding the deadline established in subsection (5) of this  
20 section as of that date.

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

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

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

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

1 (ii) Demonstrating substantial progress towards compliance with  
2 the schedules in this section for development regulations that  
3 protect critical areas.

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

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

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

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

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

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

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

30 (v) Three or more years have elapsed since the receipt of  
31 funding.

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

1 (9) (a) Counties subject to planning deadlines established in  
2 subsection (5) of this section that are required or that choose to  
3 plan under RCW 36.70A.040 and that meet either criteria of (a) (i) or  
4 (ii) of this subsection, and cities with a population of more than  
5 6,000 as of April 1, 2021, within those counties, must provide to the  
6 department an implementation progress report detailing the progress  
7 they have achieved in implementing their comprehensive plan five  
8 years after the review and revision of their comprehensive plan. Once  
9 a county meets the criteria in (a) (i) or (ii) of this subsection, the  
10 implementation progress report requirements remain in effect  
11 thereafter for that county and the cities therein with populations  
12 greater than 6,000 as of April 1, 2021, even if the county later no  
13 longer meets either or both criteria. A county is subject to the  
14 implementation progress report requirement if it meets either of the  
15 following criteria on or after April 1, 2021:

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

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

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

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

27 (ii) Permit processing timelines; and

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

32 (c) If a city or county required to provide an implementation  
33 progress report under this subsection (9) has not implemented any  
34 specifically identified regulations, zoning and land use changes, or  
35 taken other legislative or administrative action necessary to  
36 implement any changes in the most recent periodic update in their  
37 comprehensive plan by the due date for the implementation progress  
38 report, the city or county must identify the need for such action in  
39 the implementation progress report. Cities and counties must adopt a  
40 work plan to implement any necessary regulations, zoning and land use

1 changes, or take other legislative or administrative action  
2 identified in the implementation progress report and complete all  
3 work necessary for implementation within two years of submission of  
4 the implementation progress report.

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

15 (11) Any county that authorizes the development of detached  
16 accessory dwelling units in rural areas under section 2 of this act  
17 must revise its comprehensive plan, at its next regularly scheduled  
18 update, to allow development of detached accessory dwelling units in  
19 rural areas consistent with section 2 of this act.

20 **Sec. 6.** RCW 36.70A.210 and 2022 c 252 s 6 are each amended to  
21 read as follows:

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

32 (2) The legislative authority of a county that plans under RCW  
33 36.70A.040 shall adopt a countywide planning policy in cooperation  
34 with the cities located in whole or in part within the county as  
35 follows:

36 (a) No later than (~~sixty~~) 60 calendar days from July 16, 1991,  
37 the legislative authority of each county that as of June 1, 1991, was  
38 required or chose to plan under RCW 36.70A.040 shall convene a  
39 meeting with representatives of each city located within the county

1 for the purpose of establishing a collaborative process that will  
2 provide a framework for the adoption of a countywide planning policy.  
3 In other counties that are required or choose to plan under RCW  
4 36.70A.040, this meeting shall be convened no later than (~~sixty~~) 60  
5 days after the date the county adopts its resolution of intention or  
6 was certified by the office of financial management.

7 (b) The process and framework for adoption of a countywide  
8 planning policy specified in (a) of this subsection shall determine  
9 the manner in which the county and the cities agree to all procedures  
10 and provisions including but not limited to desired planning  
11 policies, deadlines, ratification of final agreements and  
12 demonstration thereof, and financing, if any, of all activities  
13 associated therewith.

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

18 (d) If there is no agreement by October 1, 1991, in a county that  
19 was required or chose to plan under RCW 36.70A.040 as of June 1,  
20 1991, or if there is no agreement within (~~one hundred twenty~~) 120  
21 days of the date the county adopted its resolution of intention or  
22 was certified by the office of financial management in any other  
23 county that is required or chooses to plan under RCW 36.70A.040, the  
24 governor shall first inquire of the jurisdictions as to the reason or  
25 reasons for failure to reach an agreement. If the governor deems it  
26 appropriate, the governor may immediately request the assistance of  
27 the department of commerce to mediate any disputes that preclude  
28 agreement. If mediation is unsuccessful in resolving all disputes  
29 that will lead to agreement, the governor may impose appropriate  
30 sanctions from those specified under RCW 36.70A.340 on the county,  
31 city, or cities for failure to reach an agreement as provided in this  
32 section. The governor shall specify the reason or reasons for the  
33 imposition of any sanction.

34 (e) No later than July 1, 1992, the legislative authority of each  
35 county that was required or chose to plan under RCW 36.70A.040 as of  
36 June 1, 1991, or no later than (~~fourteen~~) 14 months after the date  
37 the county adopted its resolution of intention or was certified by  
38 the office of financial management the county legislative authority  
39 of any other county that is required or chooses to plan under RCW  
40 36.70A.040, shall adopt a countywide planning policy according to the

1 process provided under this section and that is consistent with the  
2 agreement pursuant to (b) of this subsection, and after holding a  
3 public hearing or hearings on the proposed countywide planning  
4 policy.

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

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

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

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

13 (d) Policies for countywide transportation facilities and  
14 strategies;

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

18 (f) Policies for joint county and city planning within urban  
19 growth areas;

20 (g) Policies for countywide economic development and employment,  
21 which must include consideration of the future development of  
22 commercial and industrial facilities;

23 (h) An analysis of the fiscal impact; and

24 (i) Policies that address the protection of tribal cultural  
25 resources in collaboration with federally recognized Indian tribes  
26 that are invited pursuant to subsection (4) of this section, provided  
27 that a tribe, or more than one tribe, chooses to participate in the  
28 process.

29 (4) Federal agencies and federally recognized Indian tribes whose  
30 reservation or ceded lands lie within the county shall be invited to  
31 participate in and cooperate with the countywide planning policy  
32 adoption process. Adopted countywide planning policies shall be  
33 adhered to by state agencies.

34 (5) Failure to adopt a countywide planning policy that meets the  
35 requirements of this section may result in the imposition of a  
36 sanction or sanctions on a county or city within the county, as  
37 specified in RCW 36.70A.340. In imposing a sanction or sanctions, the  
38 governor shall specify the reasons for failure to adopt a countywide  
39 planning policy in order that any imposed sanction or sanctions are



1 fairly and equitably related to the failure to adopt a countywide  
2 planning policy.

3 (6) Cities and the governor may appeal an adopted countywide  
4 planning policy to the growth management hearings board within  
5 ~~((sixty))~~ 60 days of the adoption of the countywide planning policy.

6 (7) Multicounty planning policies shall be adopted by two or more  
7 counties, each with a population of ~~((four hundred fifty thousand))~~  
8 450,000 or more, with contiguous urban areas and may be adopted by  
9 other counties, according to the process established under this  
10 section or other processes agreed to among the counties and cities  
11 within the affected counties throughout the multicounty region.

12 (8) The countywide planning policy or multicounty planning policy  
13 for any county that authorizes the development of detached accessory  
14 dwelling units in rural areas under section 2 of this act must be  
15 amended, at its next regularly scheduled update, to allow development  
16 of detached accessory dwelling units in rural areas consistent with  
17 section 2 of this act. Population growth from the development of  
18 detached accessory dwelling units that comply with the requirements  
19 of section 2(1) of this act may not be counted for the purpose of  
20 determining whether a county is achieving rural or urban growth  
21 targets contained in a countywide planning policy or multicounty  
22 planning policy.

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