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HOUSE BILL 1749

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State of Washington

65th Legislature

2017 Regular Session

By Representatives Taylor and Shea

Read first time 01/27/17. Referred to Committee on Environment.

1 AN ACT Relating to repealing growth management planning  
2 requirements in chapter 36.70A RCW; creating new sections; and  
3 repealing RCW 36.70A.010, 36.70A.011, 36.70A.020, 36.70A.030,  
4 36.70A.035, 36.70A.040, 36.70A.045, 36.70A.050, 36.70A.060,  
5 36.70A.070, 36.70A.080, 36.70A.085, 36.70A.090, 36.70A.100,  
6 36.70A.103, 36.70A.106, 36.70A.108, 36.70A.110, 36.70A.115,  
7 36.70A.120, 36.70A.130, 36.70A.131, 36.70A.140, 36.70A.150,  
8 36.70A.160, 36.70A.165, 36.70A.170, 36.70A.171, 36.70A.172,  
9 36.70A.175, 36.70A.177, 36.70A.180, 36.70A.190, 36.70A.200,  
10 36.70A.210, 36.70A.215, 36.70A.250, 36.70A.252, 36.70A.260,  
11 36.70A.270, 36.70A.280, 36.70A.290, 36.70A.295, 36.70A.300,  
12 36.70A.302, 36.70A.305, 36.70A.310, 36.70A.320, 36.70A.3201,  
13 36.70A.330, 36.70A.335, 36.70A.340, 36.70A.345, 36.70A.350,  
14 36.70A.360, 36.70A.362, 36.70A.365, 36.70A.367, 36.70A.368,  
15 36.70A.370, 36.70A.380, 36.70A.385, 36.70A.390, 36.70A.400,  
16 36.70A.410, 36.70A.420, 36.70A.430, 36.70A.450, 36.70A.460,  
17 36.70A.470, 36.70A.480, 36.70A.481, 36.70A.490, 36.70A.500,  
18 36.70A.510, 36.70A.520, 36.70A.530, 36.70A.540, 36.70A.550,  
19 36.70A.570, 36.70A.695, 36.70A.700, 36.70A.702, 36.70A.703,  
20 36.70A.705, 36.70A.710, 36.70A.715, 36.70A.720, 36.70A.725,  
21 36.70A.730, 36.70A.735, 36.70A.740, 36.70A.745, 36.70A.750,  
22 36.70A.755, 36.70A.760, 36.70A.800, 36.70A.900, 36.70A.901,  
23 36.70A.902, 36.70A.903, and 36.70A.904.

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

2 NEW SECTION. **Sec. 1.** The legislature finds that the growth  
3 management planning requirements established in chapter 36.70A RCW,  
4 the growth management act, create compliance costs that are a  
5 significant burden to taxpayers and inappropriate redirection of  
6 limited financial resources away from essential local government  
7 functions. The legislature finds also that the growth management act  
8 creates unfunded mandates for counties and cities facing numerous  
9 fiscal challenges.

10 The legislature further finds that local governments have  
11 sufficient expertise and ability to make thoughtful land use and  
12 planning decisions that are consistent with local needs and  
13 preferences, and that a state-directed approach to land use and  
14 planning disregards the insight and responsiveness that can only be  
15 accessed through local decision makers. The legislature, therefore,  
16 intends to repeal chapter 36.70A RCW, the growth management act.

17 NEW SECTION. **Sec. 2.** The following acts or parts of acts are  
18 each repealed:

19 (1) RCW 36.70A.010 (Legislative findings) and 1990 1st ex.s. c 17  
20 s 1;

21 (2) RCW 36.70A.011 (Findings—Rural lands) and 2002 c 212 s 1;

22 (3) RCW 36.70A.020 (Planning goals) and 2002 c 154 s 1 & 1990 1st  
23 ex.s. c 17 s 2;

24 (4) RCW 36.70A.030 (Definitions) and 2012 c 21 s 1;

25 (5) RCW 36.70A.035 (Public participation—Notice provisions) and  
26 2015 c 25 s 1, 1999 c 315 s 708, & 1997 c 429 s 9;

27 (6) RCW 36.70A.040 (Who must plan—Summary of requirements—  
28 Resolution for partial planning—Development regulations must  
29 implement comprehensive plans) and 2014 c 147 s 1, 2000 c 36 s 1,  
30 1998 c 171 s 1, 1995 c 400 s 1, 1993 sp.s. c 6 s 1, & 1990 1st ex.s.  
31 c 17 s 4;

32 (7) RCW 36.70A.045 (Phasing of comprehensive plan submittal) and  
33 1991 sp.s. c 32 s 15;

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

1 (9) RCW 36.70A.060 (Natural resource lands and critical areas—  
2 Development regulations) and 2014 c 147 s 2, 2005 c 423 s 3, 1998 c  
3 286 s 5, 1991 sp.s. c 32 s 21, & 1990 1st ex.s. c 17 s 6;

4 (10) RCW 36.70A.070 (Comprehensive plans—Mandatory elements) and  
5 2015 c 241 s 2, 2010 1st sp.s. c 26 s 6, 2005 c 360 s 2, (2005 c 477  
6 s 1 expired August 31, 2005), 2004 c 196 s 1, & 2003 c 152 s 1;

7 (11) RCW 36.70A.080 (Comprehensive plans—Optional elements) and  
8 2011 c 318 s 801 & 1990 1st ex.s. c 17 s 8;

9 (12) RCW 36.70A.085 (Comprehensive plans—Port elements) and 2009  
10 c 514 s 2;

11 (13) RCW 36.70A.090 (Comprehensive plans—Innovative techniques)  
12 and 1990 1st ex.s. c 17 s 9;

13 (14) RCW 36.70A.100 (Comprehensive plans—Must be coordinated) and  
14 1990 1st ex.s. c 17 s 10;

15 (15) RCW 36.70A.103 (State agencies required to comply with  
16 comprehensive plans) and 2002 c 68 s 15, 2001 2nd sp.s. c 12 s 203, &  
17 1991 sp.s. c 32 s 4;

18 (16) RCW 36.70A.106 (Comprehensive plans—Development regulations  
19 —Transmittal to state—Amendments—Expedited review) and 2004 c 197 s  
20 1 & 1991 sp.s. c 32 s 8;

21 (17) RCW 36.70A.108 (Comprehensive plans—Transportation element—  
22 Multimodal transportation improvements and strategies) and 2005 c 328  
23 s 1;

24 (18) RCW 36.70A.110 (Comprehensive plans—Urban growth areas) and  
25 2010 c 211 s 1;

26 (19) RCW 36.70A.115 (Comprehensive plans and development  
27 regulations must provide sufficient land capacity for development)  
28 and 2009 c 121 s 3 & 2003 c 333 s 1;

29 (20) RCW 36.70A.120 (Planning activities and capital budget  
30 decisions—Implementation in conformity with comprehensive plan) and  
31 1993 sp.s. c 6 s 3 & 1990 1st ex.s. c 17 s 12;

32 (21) RCW 36.70A.130 (Comprehensive plans—Review procedures and  
33 schedules—Amendments) and 2012 c 191 s 1;

34 (22) RCW 36.70A.131 (Mineral resource lands—Review of related  
35 designations and development regulations) and 1998 c 286 s 7;

36 (23) RCW 36.70A.140 (Comprehensive plans—Ensure public  
37 participation) and 1995 c 347 s 107 & 1990 1st ex.s. c 17 s 14;

38 (24) RCW 36.70A.150 (Identification of lands useful for public  
39 purposes) and 1991 c 322 s 23 & 1990 1st ex.s. c 17 s 15;

1 (25) RCW 36.70A.160 (Identification of open space corridors—  
2 Purchase authorized) and 1992 c 227 s 1 & 1990 1st ex.s. c 17 s 16;  
3 (26) RCW 36.70A.165 (Property designated as greenbelt or open  
4 space—Not subject to adverse possession) and 1997 c 429 s 41;  
5 (27) RCW 36.70A.170 (Natural resource lands and critical areas—  
6 Designations) and 1990 1st ex.s. c 17 s 17;  
7 (28) RCW 36.70A.171 (Playing fields—Compliance with this chapter)  
8 and 2005 c 423 s 5;  
9 (29) RCW 36.70A.172 (Critical areas—Designation and protection—  
10 Best available science to be used) and 2010 c 211 s 3 & 1995 c 347 s  
11 105;  
12 (30) RCW 36.70A.175 (Wetlands to be delineated in accordance with  
13 manual) and 1995 c 382 s 12;  
14 (31) RCW 36.70A.177 (Agricultural lands—Innovative zoning  
15 techniques—Accessory uses) and 2006 c 147 s 1, 2004 c 207 s 1, & 1997  
16 c 429 s 23;  
17 (32) RCW 36.70A.180 (Chapter implementation—Intent) and 2012 1st  
18 sp.s. c 5 s 3 & 1990 1st ex.s. c 17 s 19;  
19 (33) RCW 36.70A.190 (Technical assistance, procedural criteria,  
20 grants, and mediation services) and 1991 sp.s. c 32 s 3 & 1990 1st  
21 ex.s. c 17 s 20;  
22 (34) RCW 36.70A.200 (Siting of essential public facilities—  
23 Limitation on liability) and 2013 c 275 s 5, 2011 c 60 s 17, 2010 c  
24 62 s 1, 2002 c 68 s 2, 2001 2nd sp.s. c 12 s 205, 1998 c 171 s 3, &  
25 1991 sp.s. c 32 s 1;  
26 (35) RCW 36.70A.210 (Countywide planning policies) and 2009 c 121  
27 s 2, 1998 c 171 s 4, 1994 c 249 s 28, 1993 sp.s. c 6 s 4, & 1991  
28 sp.s. c 32 s 2;  
29 (36) RCW 36.70A.215 (Review and evaluation program) and 2011 c  
30 353 s 3 & 1997 c 429 s 25;  
31 (37) RCW 36.70A.250 (Growth management hearings board—Creation—  
32 Members) and 2010 c 211 s 4, 1994 c 249 s 29, & 1991 sp.s. c 32 s 5;  
33 (38) RCW 36.70A.252 (Growth management hearings board—  
34 Consolidation into environmental and land use hearings office) and  
35 2010 c 210 s 15;  
36 (39) RCW 36.70A.260 (Growth management hearings board—Regional  
37 panels) and 2010 c 211 s 5, 1994 c 249 s 30, & 1991 sp.s. c 32 s 6;  
38 (40) RCW 36.70A.270 (Growth management hearings board—Conduct,  
39 procedure, and compensation) and 2010 c 211 s 6, 2010 c 210 s 16,

1 1997 c 429 s 11, 1996 c 325 s 1, 1994 c 257 s 1, & 1991 sp.s. c 32 s  
2 7;

3 (41) RCW 36.70A.280 (Growth management hearings board—Matters  
4 subject to review) and 2014 c 147 s 3, 2011 c 360 s 17, 2010 c 211 s  
5 7, 2008 c 289 s 5, 2003 c 332 s 2, 1996 c 325 s 2, 1995 c 347 s 108,  
6 1994 c 249 s 31, & 1991 sp.s. c 32 s 9;

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

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

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

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

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

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

21 (48) RCW 36.70A.320 (Presumption of validity—Burden of proof—  
22 Plans and regulations) and 1997 c 429 s 20, 1995 c 347 s 111, & 1991  
23 sp.s. c 32 s 13;

24 (49) RCW 36.70A.3201 (Growth management hearings board—  
25 Legislative intent and finding) and 2010 c 211 s 12 & 1997 c 429 s 2;

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

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

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

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

34 (54) RCW 36.70A.350 (New fully contained communities) and 1991  
35 sp.s. c 32 s 16;

36 (55) RCW 36.70A.360 (Master planned resorts) and 1998 c 112 s 2 &  
37 1991 sp.s. c 32 s 17;

38 (56) RCW 36.70A.362 (Master planned resorts—Existing resort may  
39 be included) and 1997 c 382 s 1;

1 (57) RCW 36.70A.365 (Major industrial developments) and 1995 c  
2 190 s 1;

3 (58) RCW 36.70A.367 (Major industrial developments—Master planned  
4 locations) and 2014 c 149 s 1, 2007 c 433 s 1, 2004 c 208 s 1, 2003 c  
5 88 s 1, 2002 c 306 s 1, 2001 c 326 s 1, 1998 c 289 s 2, 1997 c 402 s  
6 1, & 1996 c 167 s 2;

7 (59) RCW 36.70A.368 (Major industrial developments—Master planned  
8 locations—Reclaimed surface coal mine sites) and 2007 c 194 s 1;

9 (60) RCW 36.70A.370 (Protection of private property) and 1991  
10 sp.s. c 32 s 18;

11 (61) RCW 36.70A.380 (Extension of designation date) and 1991  
12 sp.s. c 32 s 39;

13 (62) RCW 36.70A.385 (Environmental planning pilot projects) and  
14 1998 c 245 s 30, 1995 c 399 s 43, & 1991 sp.s. c 32 s 20;

15 (63) RCW 36.70A.390 (Moratoria, interim zoning controls—Public  
16 hearing—Limitation on length—Exceptions) and 1992 c 207 s 6;

17 (64) RCW 36.70A.400 (Accessory apartments) and 1993 c 478 s 11;

18 (65) RCW 36.70A.410 (Treatment of residential structures occupied  
19 by persons with handicaps) and 1993 c 478 s 23;

20 (66) RCW 36.70A.420 (Transportation projects—Findings—Intent)  
21 and 1994 c 258 s 1;

22 (67) RCW 36.70A.430 (Transportation projects—Collaborative review  
23 process) and 1994 c 258 s 2;

24 (68) RCW 36.70A.450 (Family day-care provider's home facility—  
25 County or city may not prohibit in residential or commercial area—  
26 Conditions) and 2007 c 17 s 13, 2003 c 286 s 5, 1995 c 49 s 3, & 1994  
27 c 273 s 17;

28 (69) RCW 36.70A.460 (Watershed restoration projects—Permit  
29 processing—Fish habitat enhancement project) and 2014 c 120 s 15,  
30 2003 c 39 s 21, 1998 c 249 s 11, & 1995 c 378 s 11;

31 (70) RCW 36.70A.470 (Project review—Amendment suggestion  
32 procedure—Definitions) and 1995 c 347 s 102;

33 (71) RCW 36.70A.480 (Shorelines of the state) and 2010 c 107 s 2,  
34 2003 c 321 s 5, & 1995 c 347 s 104;

35 (72) RCW 36.70A.481 (Construction—Chapter 347, Laws of 1995) and  
36 1995 c 382 s 13;

37 (73) RCW 36.70A.490 (Growth management planning and environmental  
38 review fund—Established) and 2012 1st sp.s. c 1 s 309 & 1995 c 347 s  
39 115;

1 (74) RCW 36.70A.500 (Growth management planning and environmental  
2 review fund—Awarding of grant or loan—Procedures) and 2012 1st sp.s.  
3 c 1 s 310, 1997 c 429 s 28, & 1995 c 347 s 116;  
4 (75) RCW 36.70A.510 (General aviation airports) and 1996 c 239 s  
5 5;  
6 (76) RCW 36.70A.520 (National historic towns—Designation) and  
7 2000 c 196 s 1;  
8 (77) RCW 36.70A.530 (Land use development incompatible with  
9 military installation not allowed—Revision of comprehensive plans and  
10 development regulations) and 2004 c 28 s 2;  
11 (78) RCW 36.70A.540 (Affordable housing incentive programs—Low-  
12 income housing units) and 2009 c 80 s 1 & 2006 c 149 s 2;  
13 (79) RCW 36.70A.550 (Aquifer conservation zones) and 2007 c 159 s  
14 1;  
15 (80) RCW 36.70A.570 (Regulation of forest practices) and 2007 c  
16 236 s 2;  
17 (81) RCW 36.70A.695 (Development regulations—Jurisdictions  
18 specified—Electric vehicle infrastructure) and 2009 c 459 s 12;  
19 (82) RCW 36.70A.700 (Purpose—Intent—2011 c 360) and 2011 c 360 s  
20 1;  
21 (83) RCW 36.70A.702 (Construction) and 2011 c 360 s 15;  
22 (84) RCW 36.70A.703 (Definitions) and 2011 c 360 s 2;  
23 (85) RCW 36.70A.705 (Voluntary stewardship program established—  
24 Administered by commission—Agency participation) and 2011 c 360 s 3;  
25 (86) RCW 36.70A.710 (Critical areas protection—Alternative to RCW  
26 36.70A.060—County's responsibilities—Procedures) and 2011 c 360 s 4;  
27 (87) RCW 36.70A.715 (Funding by commission—County's duties—  
28 Watershed group established) and 2011 c 360 s 5;  
29 (88) RCW 36.70A.720 (Watershed group's duties—Work plan—  
30 Conditional priority funding) and 2011 c 360 s 6;  
31 (89) RCW 36.70A.725 (Technical review of work plan—Time frame for  
32 action by director) and 2011 c 360 s 7;  
33 (90) RCW 36.70A.730 (Report by watershed group—Director consults  
34 with statewide advisory committee) and 2011 c 360 s 8;  
35 (91) RCW 36.70A.735 (When work plan is not approved, fails, or is  
36 unfunded—County's duties—Rules) and 2011 c 360 s 9;  
37 (92) RCW 36.70A.740 (Commission's duties—Timelines) and 2011 c  
38 360 s 10;

1 (93) RCW 36.70A.745 (Statewide advisory committee—Membership) and  
2 2011 c 360 s 11;

3 (94) RCW 36.70A.750 (Agricultural operators—Individual  
4 stewardship plan) and 2011 c 360 s 12;

5 (95) RCW 36.70A.755 (Implementing the work plan) and 2011 c 360 s  
6 13;

7 (96) RCW 36.70A.760 (Agricultural operators—Withdrawal from  
8 program) and 2011 c 360 s 14;

9 (97) RCW 36.70A.800 (Role of growth strategies commission) and  
10 1990 1st ex.s. c 17 s 86;

11 (98) RCW 36.70A.900 (Severability—1990 1st ex.s. c 17) and 1990  
12 1st ex.s. c 17 s 88;

13 (99) RCW 36.70A.901 (Part, section headings not law—1990 1st  
14 ex.s. c 17) and 1990 1st ex.s. c 17 s 89;

15 (100) RCW 36.70A.902 (Section headings not law—1991 sp.s. c 32)  
16 and 1991 sp.s. c 32 s 40;

17 (101) RCW 36.70A.903 (Transfer of powers, duties, and functions)  
18 and 2010 c 210 s 43; and

19 (102) RCW 36.70A.904 (Conflict with federal requirements—2011 c  
20 360) and 2011 c 360 s 21.

21 NEW SECTION. **Sec. 3.** The department of commerce shall prepare  
22 recommendations, in the form of draft legislation, to modify or  
23 repeal statutory provisions associated with chapter 36.70A RCW that  
24 are affected by the repeal of chapter 36.70A RCW. The recommendations  
25 required by this section must be submitted to the appropriate  
26 committees of the house of representatives and the senate by December  
27 1, 2017.

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