
HOUSE BILL 2708

State of Washington

59th Legislature

2006 Regular Session

By Representatives Schindler, Woods, Kristiansen, Roach, Bailey, Kretz, Nixon, Holmquist, Sump, Condotta, Kessler, Dunn, Serben, Upthegrove, Armstrong and Hinkle

Read first time 01/12/2006. Referred to Committee on Local Government.

1 AN ACT Relating to eliminating the growth management hearings
2 boards; amending RCW 36.70A.110, 36.70A.140, 36.70A.172, 36.70A.210,
3 36.70A.320, and 36.70A.345; reenacting and amending RCW 36.70A.130;
4 creating a new section; and repealing RCW 36.70A.250, 36.70A.260,
5 36.70A.270, 36.70A.280, 36.70A.290, 36.70A.295, 36.70A.300, 36.70A.302,
6 36.70A.305, 36.70A.310, 36.70A.3201, 36.70A.330, 36.70A.335, and
7 36.70A.340.

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

9 **Sec. 1.** RCW 36.70A.110 and 2004 c 206 s 1 are each amended to read
10 as follows:

11 (1) Each county that is required or chooses to plan under RCW
12 36.70A.040 shall designate an urban growth area or areas within which
13 urban growth shall be encouraged and outside of which growth can occur
14 only if it is not urban in nature. Each city that is located in such
15 a county shall be included within an urban growth area. An urban
16 growth area may include more than a single city. An urban growth area
17 may include territory that is located outside of a city only if such
18 territory already is characterized by urban growth whether or not the

1 urban growth area includes a city, or is adjacent to territory already
2 characterized by urban growth, or is a designated new fully contained
3 community as defined by RCW 36.70A.350.

4 (2) Based upon the growth management population projection made for
5 the county by the office of financial management, the county and each
6 city within the county shall include areas and densities sufficient to
7 permit the urban growth that is projected to occur in the county or
8 city for the succeeding twenty-year period, except for those urban
9 growth areas contained totally within a national historical reserve.

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

21 Within one year of July 1, 1990, each county that as of June 1,
22 1991, was required or chose to plan under RCW 36.70A.040, shall begin
23 consulting with each city located within its boundaries and each city
24 shall propose the location of an urban growth area. Within sixty days
25 of the date the county legislative authority of a county adopts its
26 resolution of intention or of certification by the office of financial
27 management, all other counties that are required or choose to plan
28 under RCW 36.70A.040 shall begin this consultation with each city
29 located within its boundaries. The county shall attempt to reach
30 agreement with each city on the location of an urban growth area within
31 which the city is located. If such an agreement is not reached with
32 each city located within the urban growth area, the county shall
33 justify in writing why it so designated the area an urban growth area.
34 A city may object formally with the department over the designation of
35 the urban growth area within which it is located. Where appropriate,
36 the department shall attempt to resolve the conflicts, including the
37 use of mediation services.

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

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

18 (5) On or before October 1, 1993, each county that was initially
19 required to plan under RCW 36.70A.040(1) shall adopt development
20 regulations designating interim urban growth areas under this chapter.
21 Within three years and three months of the date the county legislative
22 authority of a county adopts its resolution of intention or of
23 certification by the office of financial management, all other counties
24 that are required or choose to plan under RCW 36.70A.040 shall adopt
25 development regulations designating interim urban growth areas under
26 this chapter. Adoption of the interim urban growth areas may only
27 occur after public notice; public hearing; and compliance with the
28 state environmental policy act, chapter 43.21C RCW, and RCW 36.70A.110.
29 Such action may be appealed to (~~the appropriate growth management~~
30 ~~hearings board under RCW 36.70A.280~~) superior court. Final urban
31 growth areas shall be adopted at the time of comprehensive plan
32 adoption under this chapter.

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

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

1 **Sec. 2.** RCW 36.70A.130 and 2005 c 423 s 6 and 2005 c 294 s 2 are
2 each reenacted and amended to read as follows:

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

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

22 (c) The review and evaluation required by this subsection may be
23 combined with the review required by subsection (3) of this section.
24 The review and evaluation required by this subsection shall include,
25 but is not limited to, consideration of critical area ordinances and,
26 if planning under RCW 36.70A.040, an analysis of the population
27 allocated to a city or county from the most recent ten-year population
28 forecast by the office of financial management.

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

33 (2)(a) Each county and city shall establish and broadly disseminate
34 to the public a public participation program consistent with RCW
35 36.70A.035 and 36.70A.140 that identifies procedures and schedules
36 whereby updates, proposed amendments, or revisions of the comprehensive
37 plan are considered by the governing body of the county or city no more
38 frequently than once every year. "Updates" means to review and revise,

1 if needed, according to subsection (1) of this section, and the time
2 periods specified in subsection (4) of this section or in accordance
3 with the provisions of subsection (8) of this section. Amendments may
4 be considered more frequently than once per year under the following
5 circumstances:

6 (i) The initial adoption of a subarea plan that does not modify the
7 comprehensive plan policies and designations applicable to the subarea;

8 (ii) The adoption or amendment of a shoreline master program under
9 the procedures set forth in chapter 90.58 RCW;

10 (iii) The amendment of the capital facilities element of a
11 comprehensive plan that occurs concurrently with the adoption or
12 amendment of a county or city budget; and

13 (iv) Until June 30, 2006, the designation of recreational lands
14 under RCW 36.70A.1701. A county amending its comprehensive plan
15 pursuant to this subsection (2)(a)(iv) may not do so more frequently
16 than every eighteen months.

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

25 (3)(a) Each county that designates urban growth areas under RCW
26 36.70A.110 shall review, at least every ten years, its designated urban
27 growth area or areas, and the densities permitted within both the
28 incorporated and unincorporated portions of each urban growth area. In
29 conjunction with this review by the county, each city located within an
30 urban growth area shall review the densities permitted within its
31 boundaries, and the extent to which the urban growth occurring within
32 the county has located within each city and the unincorporated portions
33 of the urban growth areas.

34 (b) The county comprehensive plan designating urban growth areas,
35 and the densities permitted in the urban growth areas by the
36 comprehensive plans of the county and each city located within the
37 urban growth areas, shall be revised to accommodate the urban growth

1 projected to occur in the county for the succeeding twenty-year period.
2 The review required by this subsection may be combined with the review
3 and evaluation required by RCW 36.70A.215.

4 (4) The department shall establish a schedule for counties and
5 cities to take action to review and, if needed, revise their
6 comprehensive plans and development regulations to ensure the plan and
7 regulations comply with the requirements of this chapter. Except as
8 provided in subsection (8) of this section, the schedule established by
9 the department shall provide for the reviews and evaluations to be
10 completed as follows:

11 (a) On or before December 1, 2004, and every seven years
12 thereafter, for Clallam, Clark, Jefferson, King, Kitsap, Pierce,
13 Snohomish, Thurston, and Whatcom counties and the cities within those
14 counties;

15 (b) On or before December 1, 2005, and every seven years
16 thereafter, for Cowlitz, Island, Lewis, Mason, San Juan, Skagit, and
17 Skamania counties and the cities within those counties;

18 (c) On or before December 1, 2006, and every seven years
19 thereafter, for Benton, Chelan, Douglas, Grant, Kittitas, Spokane, and
20 Yakima counties and the cities within those counties; and

21 (d) On or before December 1, 2007, and every seven years
22 thereafter, for Adams, Asotin, Columbia, Ferry, Franklin, Garfield,
23 Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille,
24 Stevens, Wahkiakum, Walla Walla, and Whitman counties and the cities
25 within those counties.

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

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

35 (6) A county or city subject to the time periods in subsection
36 (4)(a) of this section that, pursuant to an ordinance adopted by the
37 county or city establishing a schedule for periodic review of its
38 comprehensive plan and development regulations, has conducted a review

1 and evaluation of its comprehensive plan and development regulations
2 and, on or after January 1, 2001, has taken action in response to that
3 review and evaluation shall be deemed to have conducted the first
4 review required by subsection (4)(a) of this section. Subsequent
5 review and evaluation by the county or city of its comprehensive plan
6 and development regulations shall be conducted in accordance with the
7 time periods established under subsection (4)(a) of this section.

8 (7) The requirements imposed on counties and cities under this
9 section shall be considered "requirements of this chapter" under the
10 terms of RCW 36.70A.040(1). Only those counties and cities in
11 compliance with the schedules in this section and those counties and
12 cities demonstrating substantial progress towards compliance with the
13 schedules in this section for development regulations that protect
14 critical areas may receive grants, loans, pledges, or financial
15 guarantees from those accounts established in RCW 43.155.050 and
16 70.146.030. A county or city that is fewer than twelve months out of
17 compliance with the schedules in this section for development
18 regulations that protect critical areas is deemed to be making
19 substantial progress towards compliance. Only those counties and
20 cities in compliance with the schedules in this section may receive
21 preference for grants or loans subject to the provisions of RCW
22 43.17.250.

23 (8)(a) Counties and cities required to satisfy the requirements of
24 this section according to the schedule established by subsection (4)(b)
25 through (d) of this section may comply with the requirements of this
26 section for development regulations that protect critical areas one
27 year after the dates established in subsection (4)(b) through (d) of
28 this section.

29 (b) Counties and cities complying with the requirements of this
30 section one year after the dates established in subsection (4)(b)
31 through (d) of this section for development regulations that protect
32 critical areas shall be deemed in compliance with the requirements of
33 this section.

34 (c) This subsection (8) applies only to the counties and cities
35 specified in subsection (4)(b) through (d) of this section, and only to
36 the requirements of this section for development regulations that
37 protect critical areas that must be satisfied by December 1, 2005,
38 December 1, 2006, and December 1, 2007.

1 (9) Notwithstanding subsection (8) of this section and the
2 substantial progress provisions of subsections (7) and (10) of this
3 section, only those counties and cities complying with the schedule in
4 subsection (4) of this section may receive preferences for grants,
5 loans, pledges, or financial guarantees from those accounts established
6 in RCW 43.155.050 and 70.146.030.

7 (10) Until December 1, 2005, and notwithstanding subsection (7) of
8 this section, a county or city subject to the time periods in
9 subsection (4)(a) of this section demonstrating substantial progress
10 towards compliance with the schedules in this section for its
11 comprehensive land use plan and development regulations may receive
12 grants, loans, pledges, or financial guarantees from those accounts
13 established in RCW 43.155.050 and 70.146.030. A county or city that is
14 fewer than twelve months out of compliance with the schedules in this
15 section for its comprehensive land use plan and development regulations
16 is deemed to be making substantial progress towards compliance.

17 **Sec. 3.** RCW 36.70A.140 and 1995 c 347 s 107 are each amended to
18 read as follows:

19 Each county and city that is required or chooses to plan under RCW
20 36.70A.040 shall establish and broadly disseminate to the public a
21 public participation program identifying procedures providing for early
22 and continuous public participation in the development and amendment of
23 comprehensive land use plans and development regulations implementing
24 such plans. The procedures shall provide for broad dissemination of
25 proposals and alternatives, opportunity for written comments, public
26 meetings after effective notice, provision for open discussion,
27 communication programs, information services, and consideration of and
28 response to public comments. In enacting legislation in response to
29 (~~the board's decision pursuant to RCW 36.70A.300~~) a court's decision
30 declaring part or all of a comprehensive plan or development regulation
31 invalid, the county or city shall provide for public participation that
32 is appropriate and effective under the circumstances presented by the
33 (~~board's~~) court's order. Errors in exact compliance with the
34 established program and procedures shall not render the comprehensive
35 land use plan or development regulations invalid if the spirit of the
36 program and procedures is observed.

1 **Sec. 4.** RCW 36.70A.172 and 1995 c 347 s 105 are each amended to
2 read as follows:

3 ~~((1))~~ In designating and protecting critical areas under this
4 chapter, counties and cities shall include the best available science
5 in developing policies and development regulations to protect the
6 functions and values of critical areas. In addition, counties and
7 cities shall give special consideration to conservation or protection
8 measures necessary to preserve or enhance anadromous fisheries.

9 ~~((2) If it determines that advice from scientific or other experts
10 is necessary or will be of substantial assistance in reaching its
11 decision, a growth management hearings board may retain scientific or
12 other expert advice to assist in reviewing a petition under RCW
13 36.70A.290 that involves critical areas.))~~

14 **Sec. 5.** RCW 36.70A.210 and 1998 c 171 s 4 are each amended to read
15 as follows:

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

26 (2) The legislative authority of a county that plans under RCW
27 36.70A.040 shall adopt a county-wide planning policy in cooperation
28 with the cities located in whole or in part within the county as
29 follows:

30 (a) No later than sixty calendar days from July 16, 1991, the
31 legislative authority of each county that as of June 1, 1991, was
32 required or chose to plan under RCW 36.70A.040 shall convene a meeting
33 with representatives of each city located within the county for the
34 purpose of establishing a collaborative process that will provide a
35 framework for the adoption of a county-wide planning policy. In other
36 counties that are required or choose to plan under RCW 36.70A.040, this

1 meeting shall be convened no later than sixty days after the date the
2 county adopts its resolution of intention or was certified by the
3 office of financial management.

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

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

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

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

1 pursuant to (b) of this subsection, and after holding a public hearing
2 or hearings on the proposed county-wide planning policy.

3 (3) A county-wide planning policy shall at a minimum, address the
4 following:

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

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

8 (c) Policies for siting public capital facilities of a county-wide
9 or statewide nature, including transportation facilities of statewide
10 significance as defined in RCW 47.06.140;

11 (d) Policies for county-wide transportation facilities and
12 strategies;

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

16 (f) Policies for joint county and city planning within urban growth
17 areas;

18 (g) Policies for county-wide economic development and employment;
19 and

20 (h) An analysis of the fiscal impact.

21 (4) Federal agencies and Indian tribes may participate in and
22 cooperate with the county-wide planning policy adoption process.
23 Adopted county-wide planning policies shall be adhered to by state
24 agencies.

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

33 (6) Cities and the governor may appeal an adopted county-wide
34 planning policy to (~~the growth management hearings board~~) superior
35 court within sixty days of the adoption of the county-wide planning
36 policy.

37 (7) Multicounty planning policies shall be adopted by two or more
38 counties, each with a population of four hundred fifty thousand or

1 more, with contiguous urban areas and may be adopted by other counties,
2 according to the process established under this section or other
3 processes agreed to among the counties and cities within the affected
4 counties throughout the multicounty region.

5 **Sec. 6.** RCW 36.70A.320 and 1997 c 429 s 20 are each amended to
6 read as follows:

7 (1) Except as provided in subsection ~~((+5))~~ (4) of this section,
8 comprehensive plans and development regulations, and amendments
9 thereto, adopted under this chapter are presumed valid upon adoption.

10 (2) ~~((Except as otherwise provided in subsection (4) of this~~
11 ~~section,))~~ The burden is on the petitioner to demonstrate that any
12 action taken by a state agency, county, or city under this chapter is
13 not in compliance with the requirements of this chapter.

14 (3) In any petition under this chapter, the ~~((board))~~ court, after
15 full consideration of the petition, shall determine whether there is
16 compliance with the requirements of this chapter. In making its
17 determination, the ~~((board))~~ court shall consider the criteria adopted
18 by the department under RCW 36.70A.190(4). The ~~((board))~~ court shall
19 find compliance unless it determines that the action by the state
20 agency, county, or city is clearly erroneous in view of the entire
21 record before the ~~((board))~~ court and in light of the goals and
22 requirements of this chapter.

23 (4) ~~((A county or city subject to a determination of invalidity~~
24 ~~made under RCW 36.70A.300 or 36.70A.302 has the burden of demonstrating~~
25 ~~that the ordinance or resolution it has enacted in response to the~~
26 ~~determination of invalidity will no longer substantially interfere with~~
27 ~~the fulfillment of the goals of this chapter under the standard in RCW~~
28 ~~36.70A.302(1)).~~

29 ~~+5))~~ The shoreline element of a comprehensive plan and the
30 applicable development regulations adopted by a county or city shall
31 take effect as provided in chapter 90.58 RCW.

32 **Sec. 7.** RCW 36.70A.345 and 1994 c 249 s 33 are each amended to
33 read as follows:

34 (1) The governor may impose a sanction or sanctions specified under
35 ~~((RCW 36.70A.340))~~ subsection (2) of this section on: ~~((+1))~~ (a) A
36 county or city that fails to designate critical areas, agricultural

1 lands, forest lands, or mineral resource lands under RCW 36.70A.170 by
2 the date such action was required to have been taken; ~~((+2))~~ (b) a
3 county or city that fails to adopt development regulations under RCW
4 36.70A.060 protecting critical areas or conserving agricultural lands,
5 forest lands, or mineral resource lands by the date such action was
6 required to have been taken; ~~((+3))~~ (c) a county that fails to
7 designate urban growth areas under RCW 36.70A.110 by the date such
8 action was required to have been taken; and ~~((+4))~~ (d) a county or
9 city that fails to adopt its comprehensive plan or development
10 regulations when such actions are required to be taken.

11 Imposition of a sanction or sanctions under this section shall be
12 preceded by written findings by the governor, that either the county or
13 city is not proceeding in good faith to meet the requirements of the
14 act; or that the county or city has unreasonably delayed taking the
15 required action. ~~((The governor shall consult with and communicate his
16 or her findings to the appropriate growth management hearings board
17 prior to imposing the sanction or sanctions.))~~ For those counties or
18 cities that are not required to plan or have not opted in, the governor
19 in imposing sanctions shall consider the size of the jurisdiction
20 relative to the requirements of this chapter and the degree of
21 technical and financial assistance provided.

22 (2) The governor may file a notice of noncompliance with the
23 secretary of state and the county or city, which shall temporarily
24 rescind the county or city's authority to collect the real estate
25 excise tax under RCW 82.46.030 until the governor files a notice
26 rescinding the notice of noncompliance.

27 NEW SECTION. Sec. 8. The following acts or parts of acts are each
28 repealed:

29 (1) RCW 36.70A.250 (Growth management hearings boards) and 1994 c
30 249 s 29 & 1991 sp.s. c 32 s 5;

31 (2) RCW 36.70A.260 (Growth management hearings boards--
32 Qualifications) and 1994 c 249 s 30 & 1991 sp.s. c 32 s 6;

33 (3) RCW 36.70A.270 (Growth management hearings boards--Conduct,
34 procedure, and compensation) and 1997 c 429 s 11, 1996 c 325 s 1, 1994
35 c 257 s 1, & 1991 sp.s. c 32 s 7;

36 (4) RCW 36.70A.280 (Matters subject to board review) and 2003 c 332

1 s 2, 1996 c 325 s 2, 1995 c 347 s 108, 1994 c 249 s 31, & 1991 sp.s. c
2 32 s 9;

3 (5) RCW 36.70A.290 (Petitions to growth management hearings
4 boards--Evidence) and 1997 c 429 s 12 & 1995 c 347 s 109;

5 (6) RCW 36.70A.295 (Direct judicial review) and 1997 c 429 s 13;

6 (7) RCW 36.70A.300 (Final orders) and 1997 c 429 s 14, 1995 c 347
7 s 110, & 1991 sp.s. c 32 s 11;

8 (8) RCW 36.70A.302 (Determination of invalidity--Vesting of
9 development permits--Interim controls) and 1997 c 429 s 16;

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

11 (10) RCW 36.70A.310 (Limitations on appeal by the state) and 1994
12 c 249 s 32 & 1991 sp.s. c 32 s 12;

13 (11) RCW 36.70A.3201 (Intent--Finding--1997 c 429 § 20(3)) and 1997
14 c 429 s 2;

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

17 (13) RCW 36.70A.335 (Order of invalidity issued before July 27,
18 1997) and 1997 c 429 s 22; and

19 (14) RCW 36.70A.340 (Noncompliance and sanctions) and 1991 sp.s. c
20 32 s 26.

21 NEW SECTION. **Sec. 9.** All cases pending before the growth
22 management hearings boards on the effective date of this act are
23 transferred to superior court. The superior courts are not bound by
24 the precedent from prior decisions of the growth management hearings
25 boards.

--- END ---