
HOUSE BILL 1214

State of Washington

66th Legislature

2019 Regular Session

By Representatives Shea and McCaslin

Read first time 01/16/19. Referred to Committee on Environment & Energy.

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.211, 36.70A.212, 36.70A.213, 36.70A.215,
11 36.70A.217, 36.70A.250, 36.70A.252, 36.70A.260, 36.70A.270,
12 36.70A.280, 36.70A.290, 36.70A.295, 36.70A.300, 36.70A.302,
13 36.70A.305, 36.70A.310, 36.70A.320, 36.70A.3201, 36.70A.330,
14 36.70A.335, 36.70A.340, 36.70A.345, 36.70A.350, 36.70A.360,
15 36.70A.362, 36.70A.365, 36.70A.367, 36.70A.368, 36.70A.370,
16 36.70A.380, 36.70A.385, 36.70A.390, 36.70A.400, 36.70A.410,
17 36.70A.420, 36.70A.430, 36.70A.450, 36.70A.460, 36.70A.470,
18 36.70A.480, 36.70A.481, 36.70A.490, 36.70A.500, 36.70A.510,
19 36.70A.520, 36.70A.530, 36.70A.540, 36.70A.550, 36.70A.570,
20 36.70A.590, 36.70A.690, 36.70A.695, 36.70A.700, 36.70A.702,
21 36.70A.703, 36.70A.705, 36.70A.710, 36.70A.715, 36.70A.720,
22 36.70A.725, 36.70A.730, 36.70A.735, 36.70A.740, 36.70A.745,

1 36.70A.750, 36.70A.755, 36.70A.760, 36.70A.800, 36.70A.900,
2 36.70A.901, 36.70A.902, 36.70A.903, and 36.70A.904.

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

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

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

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20 each repealed:

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

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

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

26 (4) RCW 36.70A.030 (Definitions) and 2017 3rd sp.s. c 18 s 2 &
27 2012 c 21 s 1;

28 (5) RCW 36.70A.035 (Public participation—Notice provisions) and
29 2015 c 25 s 1, 1999 c 315 s 708, & 1997 c 429 s 9;

30 (6) RCW 36.70A.040 (Who must plan—Summary of requirements—
31 Resolution for partial planning—Development regulations must
32 implement comprehensive plans) and 2014 c 147 s 1, 2000 c 36 s 1,
33 1998 c 171 s 1, 1995 c 400 s 1, 1993 sp.s. c 6 s 1, & 1990 1st ex.s.
34 c 17 s 4;

35 (7) RCW 36.70A.045 (Phasing of comprehensive plan submittal) and
36 1991 sp.s. c 32 s 15;

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

3 (9) RCW 36.70A.060 (Natural resource lands and critical areas—
4 Development regulations) and 2017 3rd sp.s. c 18 s 3, 2014 c 147 s 2,
5 2005 c 423 s 3, 1998 c 286 s 5, 1991 sp.s. c 32 s 21, & 1990 1st
6 ex.s. c 17 s 6;

7 (10) RCW 36.70A.070 (Comprehensive plans—Mandatory elements) and
8 2017 3rd sp.s. c 18 s 4, 2017 3rd sp.s. c 16 s 4, 2017 c 331 s 2,
9 2015 c 241 s 2, 2010 1st sp.s. c 26 s 6, 2005 c 360 s 2, (2005 c 477
10 s 1 expired August 31, 2005), 2004 c 196 s 1, & 2003 c 152 s 1;

11 (11) RCW 36.70A.080 (Comprehensive plans—Optional elements) and
12 2011 c 318 s 801 & 1990 1st ex.s. c 17 s 8;

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

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

17 (14) RCW 36.70A.100 (Comprehensive plans—Must be coordinated) and
18 1990 1st ex.s. c 17 s 10;

19 (15) RCW 36.70A.103 (State agencies required to comply with
20 comprehensive plans) and 2002 c 68 s 15, 2001 2nd sp.s. c 12 s 203, &
21 1991 sp.s. c 32 s 4;

22 (16) RCW 36.70A.106 (Comprehensive plans—Development regulations
23 —Transmittal to state—Amendments—Expedited review) and 2004 c 197 s
24 1 & 1991 sp.s. c 32 s 8;

25 (17) RCW 36.70A.108 (Comprehensive plans—Transportation element—
26 Multimodal transportation improvements and strategies) and 2017 3rd
27 sp.s. c 18 s 5 & 2005 c 328 s 1;

28 (18) RCW 36.70A.110 (Comprehensive plans—Urban growth areas) and
29 2017 c 305 s 1 & 2010 c 211 s 1;

30 (19) RCW 36.70A.115 (Comprehensive plans and development
31 regulations must provide sufficient land capacity for development)
32 and 2017 3rd sp.s. c 16 s 1, 2009 c 121 s 3, & 2003 c 333 s 1;

33 (20) RCW 36.70A.120 (Planning activities and capital budget
34 decisions—Implementation in conformity with comprehensive plan) and
35 1993 sp.s. c 6 s 3 & 1990 1st ex.s. c 17 s 12;

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

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

1 (23) RCW 36.70A.140 (Comprehensive plans—Ensure public
2 participation) and 1995 c 347 s 107 & 1990 1st ex.s. c 17 s 14;
3 (24) RCW 36.70A.150 (Identification of lands useful for public
4 purposes) and 1991 c 322 s 23 & 1990 1st ex.s. c 17 s 15;
5 (25) RCW 36.70A.160 (Identification of open space corridors—
6 Purchase authorized) and 1992 c 227 s 1 & 1990 1st ex.s. c 17 s 16;
7 (26) RCW 36.70A.165 (Property designated as greenbelt or open
8 space—Not subject to adverse possession) and 1997 c 429 s 41;
9 (27) RCW 36.70A.170 (Natural resource lands and critical areas—
10 Designations) and 1990 1st ex.s. c 17 s 17;
11 (28) RCW 36.70A.171 (Playing fields—Compliance with this chapter)
12 and 2005 c 423 s 5;
13 (29) RCW 36.70A.172 (Critical areas—Designation and protection—
14 Best available science to be used) and 2010 c 211 s 3 & 1995 c 347 s
15 105;
16 (30) RCW 36.70A.175 (Wetlands to be delineated in accordance with
17 manual) and 1995 c 382 s 12;
18 (31) RCW 36.70A.177 (Agricultural lands—Innovative zoning
19 techniques—Accessory uses) and 2006 c 147 s 1, 2004 c 207 s 1, & 1997
20 c 429 s 23;
21 (32) RCW 36.70A.180 (Chapter implementation—Intent) and 2012 1st
22 sp.s. c 5 s 3 & 1990 1st ex.s. c 17 s 19;
23 (33) RCW 36.70A.190 (Technical assistance, procedural criteria,
24 grants, and mediation services) and 1991 sp.s. c 32 s 3 & 1990 1st
25 ex.s. c 17 s 20;
26 (34) RCW 36.70A.200 (Siting of essential public facilities—
27 Limitation on liability) and 2013 c 275 s 5, 2011 c 60 s 17, 2010 c
28 62 s 1, 2002 c 68 s 2, 2001 2nd sp.s. c 12 s 205, 1998 c 171 s 3, &
29 1991 sp.s. c 32 s 1;
30 (35) RCW 36.70A.210 (Countywide planning policies) and 2009 c 121
31 s 2, 1998 c 171 s 4, 1994 c 249 s 28, 1993 sp.s. c 6 s 4, & 1991
32 sp.s. c 32 s 2;
33 (36) RCW 36.70A.211 (Siting of schools—Rural areas, when
34 authorized—Impact fees) and 2017 c 129 s 2;
35 (37) RCW 36.70A.212 (Siting of schools—Periodic updates) and 2017
36 c 129 s 3;
37 (38) RCW 36.70A.213 (Extension of public facilities and utilities
38 to serve school sited in a rural area authorized—Requirements for
39 authorization—Report) and 2017 3rd sp.s. c 32 s 1;

1 (39) RCW 36.70A.215 (Review and evaluation program) and 2017 3rd
2 sp.s. c 16 s 2, 2011 c 353 s 3, & 1997 c 429 s 25;

3 (40) RCW 36.70A.217 (Guidance for local governments on the review
4 and evaluation program—Public participation—Analysis and
5 recommendations) and 2017 3rd sp.s. c 16 s 3;

6 (41) RCW 36.70A.250 (Growth management hearings board—Creation—
7 Members) and 2010 c 211 s 4, 1994 c 249 s 29, & 1991 sp.s. c 32 s 5;

8 (42) RCW 36.70A.252 (Growth management hearings board—
9 Consolidation into environmental and land use hearings office) and
10 2010 c 210 s 15;

11 (43) RCW 36.70A.260 (Growth management hearings board—Regional
12 panels) and 2010 c 211 s 5, 1994 c 249 s 30, & 1991 sp.s. c 32 s 6;

13 (44) RCW 36.70A.270 (Growth management hearings board—Conduct,
14 procedure, and compensation) and 2010 c 211 s 6, 2010 c 210 s 16,
15 1997 c 429 s 11, 1996 c 325 s 1, 1994 c 257 s 1, & 1991 sp.s. c 32 s
16 7;

17 (45) RCW 36.70A.280 (Growth management hearings board—Matters
18 subject to review) and 2014 c 147 s 3, 2011 c 360 s 17, 2010 c 211 s
19 7, 2008 c 289 s 5, 2003 c 332 s 2, 1996 c 325 s 2, 1995 c 347 s 108,
20 1994 c 249 s 31, & 1991 sp.s. c 32 s 9;

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

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

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

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

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

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

35 (52) RCW 36.70A.320 (Presumption of validity—Burden of proof—
36 Plans and regulations) and 1997 c 429 s 20, 1995 c 347 s 111, & 1991
37 sp.s. c 32 s 13;

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

1 (54) RCW 36.70A.330 (Noncompliance) and 1997 c 429 s 21, 1995 c
2 347 s 112, & 1991 sp.s. c 32 s 14;

3 (55) RCW 36.70A.335 (Order of invalidity issued before July 27,
4 1997) and 1997 c 429 s 22;

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

7 (57) RCW 36.70A.345 (Sanctions) and 2010 c 211 s 13, 1994 c 249 s
8 33, & 1993 sp.s. c 6 s 5;

9 (58) RCW 36.70A.350 (New fully contained communities) and 1991
10 sp.s. c 32 s 16;

11 (59) RCW 36.70A.360 (Master planned resorts) and 1998 c 112 s 2 &
12 1991 sp.s. c 32 s 17;

13 (60) RCW 36.70A.362 (Master planned resorts—Existing resort may
14 be included) and 1997 c 382 s 1;

15 (61) RCW 36.70A.365 (Major industrial developments) and 1995 c
16 190 s 1;

17 (62) RCW 36.70A.367 (Major industrial developments—Master planned
18 locations) and 2014 c 149 s 1, 2007 c 433 s 1, 2004 c 208 s 1, 2003 c
19 88 s 1, 2002 c 306 s 1, 2001 c 326 s 1, 1998 c 289 s 2, 1997 c 402 s
20 1, & 1996 c 167 s 2;

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

23 (64) RCW 36.70A.370 (Protection of private property) and 1991
24 sp.s. c 32 s 18;

25 (65) RCW 36.70A.380 (Extension of designation date) and 1991
26 sp.s. c 32 s 39;

27 (66) RCW 36.70A.385 (Environmental planning pilot projects) and
28 1998 c 245 s 30, 1995 c 399 s 43, & 1991 sp.s. c 32 s 20;

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

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

32 (69) RCW 36.70A.410 (Treatment of residential structures occupied
33 by persons with handicaps) and 1993 c 478 s 23;

34 (70) RCW 36.70A.420 (Transportation projects—Findings—Intent)
35 and 1994 c 258 s 1;

36 (71) RCW 36.70A.430 (Transportation projects—Collaborative review
37 process) and 1994 c 258 s 2;

38 (72) RCW 36.70A.450 (Family day-care provider's home facility—
39 County or city may not prohibit in residential or commercial area—

1 Conditions) and 2018 c 58 s 22, 2007 c 17 s 13, 2003 c 286 s 5, 1995
2 c 49 s 3, & 1994 c 273 s 17;

3 (73) RCW 36.70A.460 (Watershed restoration projects—Permit
4 processing—Fish habitat enhancement project) and 2014 c 120 s 15,
5 2003 c 39 s 21, 1998 c 249 s 11, & 1995 c 378 s 11;

6 (74) RCW 36.70A.470 (Project review—Amendment suggestion
7 procedure—Definitions) and 1995 c 347 s 102;

8 (75) RCW 36.70A.480 (Shorelines of the state) and 2010 c 107 s 2,
9 2003 c 321 s 5, & 1995 c 347 s 104;

10 (76) RCW 36.70A.481 (Construction—Chapter 347, Laws of 1995) and
11 1995 c 382 s 13;

12 (77) RCW 36.70A.490 (Growth management planning and environmental
13 review fund—Established) and 2012 1st sp.s. c 1 s 309 & 1995 c 347 s
14 115;

15 (78) RCW 36.70A.500 (Growth management planning and environmental
16 review fund—Awarding of grant or loan—Procedures) and 2012 1st sp.s.
17 c 1 s 310, 1997 c 429 s 28, & 1995 c 347 s 116;

18 (79) RCW 36.70A.510 (General aviation airports) and 1996 c 239 s
19 5;

20 (80) RCW 36.70A.520 (National historic towns—Designation) and
21 2000 c 196 s 1;

22 (81) RCW 36.70A.530 (Land use development incompatible with
23 military installation not allowed—Revision of comprehensive plans and
24 development regulations) and 2004 c 28 s 2;

25 (82) RCW 36.70A.540 (Affordable housing incentive programs—Low-
26 income housing units) and 2009 c 80 s 1 & 2006 c 149 s 2;

27 (83) RCW 36.70A.550 (Aquifer conservation zones) and 2007 c 159 s
28 1;

29 (84) RCW 36.70A.570 (Regulation of forest practices) and 2007 c
30 236 s 2;

31 (85) RCW 36.70A.590 (Complying with requirements relating to
32 surface and groundwater resources) and 2018 c 1 s 102;

33 (86) RCW 36.70A.690 (On-site sewage system self-inspection) and
34 2017 c 105 s 1;

35 (87) RCW 36.70A.695 (Development regulations—Jurisdictions
36 specified—Electric vehicle infrastructure) and 2009 c 459 s 12;

37 (88) RCW 36.70A.700 (Purpose—Intent—2011 c 360) and 2011 c 360 s
38 1;

39 (89) RCW 36.70A.702 (Construction) and 2011 c 360 s 15;

1 (90) RCW 36.70A.703 (Definitions) and 2011 c 360 s 2;
2 (91) RCW 36.70A.705 (Voluntary stewardship program established—
3 Administered by commission—Agency participation) and 2011 c 360 s 3;
4 (92) RCW 36.70A.710 (Critical areas protection—Alternative to RCW
5 36.70A.060—County's responsibilities—Procedures) and 2011 c 360 s 4;
6 (93) RCW 36.70A.715 (Funding by commission—County's duties—
7 Watershed group established) and 2011 c 360 s 5;
8 (94) RCW 36.70A.720 (Watershed group's duties—Work plan—
9 Conditional priority funding) and 2011 c 360 s 6;
10 (95) RCW 36.70A.725 (Technical review of work plan—Time frame for
11 action by director) and 2017 3rd sp.s. c 1 s 961 & 2011 c 360 s 7;
12 (96) RCW 36.70A.730 (Report by watershed group—Director consults
13 with statewide advisory committee) and 2011 c 360 s 8;
14 (97) RCW 36.70A.735 (When work plan is not approved, fails, or is
15 unfunded—County's duties—Rules) and 2011 c 360 s 9;
16 (98) RCW 36.70A.740 (Commission's duties—Timelines) and 2011 c
17 360 s 10;
18 (99) RCW 36.70A.745 (Statewide advisory committee—Membership) and
19 2011 c 360 s 11;
20 (100) RCW 36.70A.750 (Agricultural operators—Individual
21 stewardship plan) and 2011 c 360 s 12;
22 (101) RCW 36.70A.755 (Implementing the work plan) and 2011 c 360
23 s 13;
24 (102) RCW 36.70A.760 (Agricultural operators—Withdrawal from
25 program) and 2011 c 360 s 14;
26 (103) RCW 36.70A.800 (Role of growth strategies commission) and
27 1990 1st ex.s. c 17 s 86;
28 (104) RCW 36.70A.900 (Severability—1990 1st ex.s. c 17) and 1990
29 1st ex.s. c 17 s 88;
30 (105) RCW 36.70A.901 (Part, section headings not law—1990 1st
31 ex.s. c 17) and 1990 1st ex.s. c 17 s 89;
32 (106) RCW 36.70A.902 (Section headings not law—1991 sp.s. c 32)
33 and 1991 sp.s. c 32 s 40;
34 (107) RCW 36.70A.903 (Transfer of powers, duties, and functions)
35 and 2010 c 210 s 43; and
36 (108) RCW 36.70A.904 (Conflict with federal requirements—2011 c
37 360) and 2011 c 360 s 21.

1 NEW SECTION. **Sec. 3.** The department of commerce shall prepare
2 recommendations, in the form of draft legislation, to modify or
3 repeal statutory provisions associated with chapter 36.70A RCW that
4 are affected by the repeal of chapter 36.70A RCW. The recommendations
5 required by this section must be submitted to the appropriate
6 committees of the house of representatives and the senate by December
7 1, 2019.

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