
HOUSE BILL 1822

State of Washington

54th Legislature

1995 Regular Session

By Representatives Goldsmith, Reams and Honeyford

Read first time 02/10/95. Referred to Committee on Government Operations.

1 AN ACT Relating to growth management hearings boards; amending RCW
2 36.70A.280 and 36.70A.300; and reenacting and amending RCW 36.70A.290.

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

4 **Sec. 1.** RCW 36.70A.280 and 1994 c 249 s 31 are each amended to
5 read as follows:

6 (1) A growth management hearings board shall hear and determine
7 only those petitions alleging either:

8 (a) That a state agency, county, or city is not in compliance with
9 the requirements of this (~~chapter, or chapter 43.21C RCW as it relates~~
10 ~~to plans, regulations, or amendments, adopted under RCW 36.70A.040~~))
11 section or RCW 36.70A.040, 36.70A.103, 36.70A.110, 36.70A.120,
12 36.70A.180, or 36.70A.200; or

13 (b) That the twenty-year growth management planning population
14 projections adopted by the office of financial management pursuant to
15 RCW 43.62.035 should be adjusted.

16 (2) A petition may be filed only by the state, a county or city
17 that plans under this chapter, a person who has either appeared before
18 the county or city regarding the matter on which a review is being
19 requested or is certified by the governor within sixty days of filing

1 the request with the board, or a person qualified pursuant to RCW
2 34.05.530.

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

6 (4) The state, counties, and cities have standing to file petitions
7 before the board as to any matter that affects territory over which the
8 petitioner has authority. A person has standing only if he or she
9 pleads and proves that he or she owns specific real property that is
10 subject to the governmental action listed in subsection (1) of this
11 section that is the subject of the petition. An organization has
12 standing to represent the interests of its members only if it names and
13 joins as petitioners at least two individual members who have standing
14 as individuals.

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

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

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

29 **Sec. 2.** RCW 36.70A.290 and 1994 c 257 s 2 and 1994 c 249 s 26 are
30 each reenacted and amended to read as follows:

31 (1) All requests for review to a growth management hearings board
32 shall be initiated by filing a petition (~~that includes a detailed~~
33 ~~statement of issues presented for resolution by the board~~). The
34 petition must allege specific facts that entitle the petitioner to
35 relief under the terms of this chapter. Within twenty days of service
36 of the petition, respondents must file an answer that specifically
37 admits or denies each averment of the petition; the failure to deny any
38 averment shall be deemed an admission of fact.

1 (2) All petitions relating to whether or not an adopted
2 comprehensive plan, development regulation, or permanent amendment
3 thereto, is in compliance with the goals and requirements of this
4 chapter or chapter 43.21C RCW must be filed within sixty days after
5 publication by the legislative bodies of the county or city. The date
6 of publication for a city shall be the date the city publishes the
7 ordinance, or summary of the ordinance, adopting the comprehensive plan
8 or development regulations, or amendment thereto, as is required to be
9 published. Promptly after adoption, a county shall publish a notice
10 that it has adopted the comprehensive plan or development regulations,
11 or amendment thereto. The date of publication for a county shall be
12 the date the county publishes the notice that it has adopted the
13 comprehensive plan or development regulations, or amendment thereto.

14 (3) Unless the board dismisses the petition as frivolous or finds
15 that the person filing the petition lacks standing, the board shall,
16 within ten days of receipt of the petition, set a time for hearing the
17 matter.

18 (4) The board shall base its decision on the record developed by
19 the city, county, or the state and supplemented with additional
20 evidence if the board determines that such additional evidence would be
21 necessary or of substantial assistance to the board in reaching its
22 decision.

23 (5) The board, shall consolidate, when appropriate, all petitions
24 involving the review of the same comprehensive plan or the same
25 development regulation or regulations. If a quasi-judicial hearing has
26 not been provided to a petitioner by the local government respondent,
27 then the petitioner is entitled to present all relevant evidence to
28 support the petition.

29 **Sec. 3.** RCW 36.70A.300 and 1991 sp.s. c 32 s 11 are each amended
30 to read as follows:

31 (1) The board shall issue a final order within one hundred eighty
32 days of receipt of the petition for review, or, when multiple petitions
33 are filed, within one hundred eighty days of receipt of the last
34 petition that is consolidated. Such a final order shall be based
35 exclusively on whether or not a state agency, county, or city is in
36 compliance with the requirements of this chapter, or chapter 43.21C RCW
37 as it relates to plans, regulations, and amendments thereto, adopted
38 under RCW 36.70A.040. In the final order, the board shall either: (a)

1 Find that the state agency, county, or city is in compliance with the
2 requirements of this chapter; or (b) find that the state agency,
3 county, or city is not in compliance with the requirements of this
4 chapter, in which case the board shall remand the matter to the
5 affected state agency, county, or city and specify a reasonable time
6 not in excess of one hundred eighty days within which the state agency,
7 county, or city shall comply with the requirements of this chapter.

8 (2) Any party aggrieved by a final decision of the hearings board
9 may appeal the decision to Thurston county superior court within thirty
10 days of the final order of the board.

11 (3) The review in superior court of a ruling of the board shall be
12 de novo.

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