

2 **SB 5087** - H AMD TO H AMD(H-3086.2/95)**877 ADOPTED 4/14/95**

3 By Representative Reams

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5 On page 1, after line 15 of the amendment, insert the following:

6 "The legislature also finds that petitions to growth management  
7 hearings boards have resulted in costly reviews that have not accorded  
8 adequate deference to planning decisions of counties and cities.  
9 Sections 22 through 25 of this act are intended to reaffirm the  
10 presumption of validity accorded to local decisions and clarify the  
11 role of the state and the boards in the review and appeal of local  
12 plans."

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14 By

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16 On page 19, after line 2 of the amendment, insert the following:

17 "**Sec. 22.** RCW 36.70A.310 and 1994 c 249 s 32 are each amended to  
18 read as follows:

19 (1) A request for review by the state to a growth management  
20 hearings board may be made only by the governor, or with the governor's  
21 consent the head of an agency, or by the commissioner of public lands  
22 as relating to state trust lands, for the review of whether: ~~((+1))~~

23 (a) A county or city that is required or chooses to plan under RCW  
24 36.70A.040 has failed to adopt a comprehensive plan or development  
25 regulations, or county-wide planning policies within the time limits  
26 established by this chapter; or ~~((+2))~~ (b) a county or city that is  
27 required or chooses to plan under this chapter has adopted a  
28 comprehensive plan, development regulations, or county-wide planning  
29 policies, that are not in compliance with the requirements of this  
30 chapter.

31 (2) Except as provided in subsection (1) of this section with  
32 regard to state trust lands, a state agency may be authorized to seek  
33 review by a growth management hearings board only if the governor  
34 finds:

1       (a) The agency has participated substantially in the local process  
2 and has consistently raised the issues to be addressed in the petition;  
3 or

4       (b) Review by a board is the best means to accomplish the state  
5 goals.

6       **Sec. 23.** RCW 36.70A.320 and 1991 sp.s. c 32 s 13 are each amended  
7 to read as follows:

8       (1)(a) Comprehensive plans and development regulations, and  
9 amendments thereto, adopted under this chapter are presumed valid upon  
10 adoption. In any petition under this chapter, the board, after full  
11 consideration of the petition, shall determine whether there is  
12 compliance with the requirements of this chapter. In making its  
13 determination, the board shall consider the criteria adopted by the  
14 department under RCW 36.70A.190(4).

15       (b) The board shall find compliance unless it finds that the  
16 petitioner has demonstrated by a preponderance of the evidence that the  
17 state agency, county, or city erroneously interpreted or applied this  
18 chapter. The presumption of validity accorded to the decisions of the  
19 local legislative body places the burden upon the petitioner to  
20 demonstrate noncompliance. The failure of a county or city to develop  
21 a record that supports the action that is the basis of the petition  
22 does not by itself constitute a basis for a finding of noncompliance.

23       (2) In making its determination, the board shall take into  
24 consideration the extent of urbanization of the area in question, the  
25 planning history and capabilities of the county or city, and the  
26 relative amount of financial assistance made available to the county or  
27 city by the state for purposes of meeting the requirements of this  
28 chapter.

29       NEW SECTION. **Sec. 24.** A new section is added to chapter 36.70A  
30 RCW to read as follows:

31       The office of the attorney general shall, at the request of a  
32 county or city that has been found in compliance with the provisions of  
33 this chapter by a growth management hearings board, defend or provide  
34 assistance in the county or city's defense of an appeal of the board  
35 finding in superior court.

1       **Sec. 25.** RCW 36.70A.250 and 1994 c 249 s 29 are each amended to  
2 read as follows:

3       (1) There are hereby created three growth management hearings  
4 boards for the state of Washington. Each board is a quasi-judicial  
5 body. The boards shall be established as follows:

6       (a) An Eastern Washington board with jurisdictional boundaries  
7 including all counties that are required to or choose to plan under RCW  
8 36.70A.040 and are located east of the crest of the Cascade mountains;

9       (b) A Central Puget Sound board with jurisdictional boundaries  
10 including King, Pierce, Snohomish, and Kitsap counties; and

11       (c) A Western Washington board with jurisdictional boundaries  
12 including all counties that are required or choose to plan under RCW  
13 36.70A.040 and are located west of the crest of the Cascade mountains  
14 and are not included in the Central Puget Sound board jurisdictional  
15 boundaries. Skamania county, should it be required or choose to plan  
16 under RCW 36.70A.040, may elect to be included within the  
17 jurisdictional boundaries of either the Western or Eastern board.

18       (2) Each board shall only hear matters pertaining to the cities and  
19 counties located within its jurisdictional boundaries."

20       Renumber the remaining sections consecutively and correct the  
21 title.

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