

1 5087 AMH REAM H3087.1

2 **SB 5087** - H AMD TO H AMD (H-3086.1/95) **873 WITHDRAWN 4/14/95**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."

13 **SB 5087** - H AMD TO H AMD (H-3086.1/95)
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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