

2 **SB 5051** - S AMD - 139  
3 By Senator Haugen

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5 Strike everything after the enacting clause and insert the  
6 following:

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 36.70A RCW  
8 to read as follows:

9 In amending RCW 36.70A.320(2) by section 3(2), chapter . . . , Laws  
10 of 1997 (section 3(2) of this act), the legislature intends that the  
11 boards apply a more deferential standard of review to actions of  
12 counties and cities than the preponderance of the evidence standard  
13 provided for under existing law. In recognition of the broad range of  
14 discretion that may be exercised by counties and cities consistent with  
15 the requirements of this chapter, the legislature intends for the  
16 boards to grant deference to counties and cities in how they plan for  
17 growth, consistent with the requirements and goals of this chapter.  
18 Local comprehensive plans and development regulations require counties  
19 and cities to balance priorities and options for action in full  
20 consideration of local circumstances. The legislature finds that while  
21 this chapter requires local planning to take place within a framework  
22 of state goals and requirements, the ultimate burden and responsibility  
23 for planning and implementing a county's or city's future rests with  
24 that community.

25 **Sec. 2.** RCW 36.70A.290 and 1995 c 347 s 109 are each amended to  
26 read as follows:

27 (1) All requests for review to a growth management hearings board  
28 shall be initiated by filing a petition that includes a detailed  
29 statement of issues presented for resolution by the board. The board  
30 shall render written decisions articulating the basis for its holdings.  
31 The board shall not issue advisory opinions on issues not presented to  
32 the board in the statement of issues, as modified by any prehearing  
33 order.

34 (2) All petitions relating to whether or not an adopted  
35 comprehensive plan, development regulation, or permanent amendment

1 thereto, is in compliance with the goals and requirements of this  
2 chapter or chapter 90.58 or 43.21C RCW must be filed within sixty days  
3 after publication by the legislative bodies of the county or city.

4 (a) Except as provided in (c) of this subsection, the date of  
5 publication for a city shall be the date the city publishes the  
6 ordinance, or summary of the ordinance, adopting the comprehensive plan  
7 or development regulations, or amendment thereto, as is required to be  
8 published.

9 (b) Promptly after adoption, a county shall publish a notice that  
10 it has adopted the comprehensive plan or development regulations, or  
11 amendment thereto.

12 Except as provided in (c) of this subsection, for purposes of this  
13 section the date of publication for a county shall be the date the  
14 county publishes the notice that it has adopted the comprehensive plan  
15 or development regulations, or amendment thereto.

16 (c) For local governments planning under RCW 36.70A.040, promptly  
17 after approval or disapproval of a local government s shoreline master  
18 program or amendment thereto by the department of ecology as provided  
19 in RCW 90.58.090, the local government shall publish a notice that the  
20 shoreline master program or amendment thereto has been approved or  
21 disapproved by the department of ecology. For purposes of this  
22 section, the date of publication for the adoption or amendment of a  
23 shoreline master program is the date the local government publishes  
24 notice that the shoreline master program or amendment thereto has been  
25 approved or disapproved by the department of ecology.

26 (3) Unless the board dismisses the petition as frivolous or finds  
27 that the person filing the petition lacks standing, the board shall,  
28 within ten days of receipt of the petition, set a time for hearing the  
29 matter.

30 (4) The board shall base its decision on the record developed by  
31 the city, county, or the state and supplemented with additional  
32 evidence if the board determines that such additional evidence would be  
33 necessary or of substantial assistance to the board in reaching its  
34 decision.

35 (5) The board, shall consolidate, when appropriate, all petitions  
36 involving the review of the same comprehensive plan or the same  
37 development regulation or regulations.

1       **Sec. 3.** RCW 36.70A.320 and 1995 c 347 s 111 are each amended to  
2 read as follows:

3       (1) Except as provided in subsection (2) of this section,  
4 comprehensive plans and development regulations, and amendments  
5 thereto, adopted under this chapter are presumed valid upon adoption.  
6 In any petition under this chapter, the board, after full consideration  
7 of the petition, shall determine whether there is compliance with the  
8 requirements of this chapter. In making its determination, the board  
9 shall consider the criteria adopted by the department under RCW  
10 36.70A.190(4). The board shall find compliance unless it (~~finds by a~~  
11 ~~preponderance of the evidence that the state agency, county, or city~~  
12 ~~erroneously interpreted or applied this chapter)) determines that the  
13 action by the state agency, county, or city is clearly erroneous in  
14 view of the entire record before the board and in light of the goals  
15 and requirements of this chapter.~~

16       (2) The shoreline element of a comprehensive plan and the  
17 applicable development regulations adopted by a county or city shall  
18 take effect as provided in chapter 90.58 RCW.

19       Renumber the sections consecutively and correct any internal  
20 references accordingly.

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24       On page 1, on line 2 of the title, delete "and amending RCW  
25 36.70A.300 and 36.70A.330" and insert "amending RCW 36.70A.290 and RCW  
26 36.70A.320, and adding a new section to chapter 36.70A RCW"

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