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HOUSE BILL 1112

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State of Washington

58th Legislature

2003 Regular Session

By Representatives Hinkle, Armstrong, Boldt, Benson, Sump, Schoesler and McMahan

Read first time 01/17/2003. Referred to Committee on Local Government.

1 AN ACT Relating to standard of review for growth management  
2 hearings boards; and amending RCW 36.70A.320.

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

4 **Sec. 1.** RCW 36.70A.320 and 1997 c 429 s 20 are each amended to  
5 read as follows:

6 (1) Except as provided in subsection (5) of this section,  
7 comprehensive plans and development regulations, and amendments  
8 thereto, adopted under this chapter are presumed valid upon adoption.

9 (2) Except as otherwise provided in subsection (4) of this section,  
10 the burden is on the petitioner to demonstrate that any action taken by  
11 a state agency, county, or city under this chapter is not in compliance  
12 with the requirements of this chapter.

13 (3) In any petition under this chapter, the board, after full  
14 consideration of the petition, shall determine whether there is  
15 compliance with the requirements of this chapter. In making its  
16 determination, the board shall consider the criteria adopted by the  
17 department under RCW 36.70A.190(4). The board shall find compliance  
18 unless it determines that the action by the state agency, county, or

1 city is (~~clearly erroneous~~) arbitrary and capricious in view of the  
2 entire record before the board and in light of the goals and  
3 requirements of this chapter.

4 (4) A county or city subject to a determination of invalidity made  
5 under RCW 36.70A.300 or 36.70A.302 has the burden of demonstrating that  
6 the ordinance or resolution it has enacted in response to the  
7 determination of invalidity will no longer substantially interfere with  
8 the fulfillment of the goals of this chapter under the standard in RCW  
9 36.70A.302(1).

10 (5) The shoreline element of a comprehensive plan and the  
11 applicable development regulations adopted by a county or city shall  
12 take effect as provided in chapter 90.58 RCW.

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