
SENATE BILL 6154

State of Washington

62nd Legislature

2012 Regular Session

By Senators Hobbs, Pridemore, Swecker, Hargrove, Benton, Hatfield, and Schoesler

Read first time 01/12/12. Referred to Committee on Government Operations, Tribal Relations & Elections.

1 AN ACT Relating to the filing of appeals with the growth management
2 hearings board; amending RCW 36.70A.280 and 36.70A.290; adding a new
3 section to chapter 36.70A RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds and declares that, as
6 a result of the significant fiscal crisis facing the state, there is a
7 need to establish a filing fee to be paid when an appeal is submitted
8 to the growth management hearings board. Filing fees are prevalent in
9 other areas within the judicial system, including court filing fees.
10 Further, the legislature finds that there is a need to evaluate who may
11 file appeals to the growth management hearings board. It is the intent
12 of this act to establish a filing fee to assist in covering the costs
13 of the operation of the board and to amend who has standing under the
14 growth management act to file an appeal to the board.

15 **Sec. 2.** RCW 36.70A.280 and 2011 c 360 s 17 are each amended to
16 read as follows:

17 (1) The growth management hearings board shall hear and determine
18 only those petitions alleging either:

1 (a) That, except as provided otherwise by this subsection, a state
2 agency, county, or city planning under this chapter is not in
3 compliance with the requirements of this chapter, chapter 90.58 RCW as
4 it relates to the adoption of shoreline master programs or amendments
5 thereto, or chapter 43.21C RCW as it relates to plans, development
6 regulations, or amendments, adopted under RCW 36.70A.040 or chapter
7 90.58 RCW. Nothing in this subsection authorizes the board to hear
8 petitions alleging noncompliance with RCW 36.70A.5801;

9 (b) That the twenty-year growth management planning population
10 projections adopted by the office of financial management pursuant to
11 RCW 43.62.035 should be adjusted;

12 (c) That the approval of a work plan adopted under RCW
13 36.70A.735(1)(a) is not in compliance with the requirements of the
14 program established under RCW 36.70A.710;

15 (d) That regulations adopted under RCW 36.70A.735(1)(b) are not
16 regionally applicable and cannot be adopted, wholly or partially, by
17 another jurisdiction; or

18 (e) That a department certification under RCW 36.70A.735(1)(c) is
19 erroneous.

20 (2) A petition may be filed only by: (a) The state, or a county or
21 city that plans under this chapter; (b) ~~((a person who has participated
22 orally or in writing before the county or city regarding the matter on
23 which a review is being requested; (c)))~~ a person who is certified by
24 the governor within sixty days of filing the request with the board; or
25 ~~((d))~~ (c) a person qualified pursuant to RCW 34.05.530.

26 (3) For purposes of this section "person" means any individual,
27 partnership, corporation, association, state agency, governmental
28 subdivision or unit thereof, or public or private organization or
29 entity of any character.

30 (4) ~~((To establish participation standing under subsection (2)(b)
31 of this section, a person must show that his or her participation
32 before the county or city was reasonably related to the person's issue
33 as presented to the board.~~

34 ~~(5))~~ When considering a possible adjustment to a growth management
35 planning population projection prepared by the office of financial
36 management, the board shall consider the implications of any such
37 adjustment to the population forecast for the entire state.

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

4 If adjusted by the board, a county growth management planning
5 population projection shall only be used for the planning purposes set
6 forth in this chapter and shall be known as the "board adjusted
7 population projection." None of these changes shall affect the
8 official state and county population forecasts prepared by the office
9 of financial management, which shall continue to be used for state
10 budget and planning purposes.

11 **Sec. 3.** RCW 36.70A.290 and 2011 c 277 s 1 are each amended to read
12 as follows:

13 (1)(a) All requests for review to the growth management hearings
14 board shall be initiated by filing a petition that includes a detailed
15 statement of issues presented for resolution by the board, and (b) a
16 four hundred dollar filing fee. The filing fee shall be deposited in
17 the growth management appeals account created under section 4 of this
18 act. These fees are to be used to assist in covering the costs of the
19 operation of the board.

20 (2) Any individual, by reason of financial hardship, may request
21 the filing fee be waived as set forth in this subsection. The fee may
22 be waived by the board upon a showing of direct impact by the board's
23 decision and acceptance by the board of an affidavit regarding
24 financial hardship.

25 (3) The board shall render written decisions articulating the basis
26 for its holdings. The board shall not issue advisory opinions on
27 issues not presented to the board in the statement of issues, as
28 modified by any prehearing order.

29 ((+2)) (4) All petitions relating to whether or not an adopted
30 comprehensive plan, development regulation, or permanent amendment
31 thereto, is in compliance with the goals and requirements of this
32 chapter or chapter 90.58 or 43.21C RCW must be filed within sixty days
33 after publication as provided in (a) through (c) of this subsection.

34 (a) Except as provided in (c) of this subsection, the date of
35 publication for a city shall be the date the city publishes the
36 ordinance, or summary of the ordinance, adopting the comprehensive plan

1 or development regulations, or amendment thereto, as is required to be
2 published.

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

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

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

19 ~~((+3))~~ (5) Unless the board dismisses the petition as frivolous or
20 finds that the person filing the petition lacks standing, or the
21 parties have filed an agreement to have the case heard in superior
22 court as provided in RCW 36.70A.295, the board shall, within ten days
23 of receipt of the petition, set a time for hearing the matter.

24 ~~((+4))~~ (6) The board shall base its decision on the record
25 developed by the city, county, or the state and supplemented with
26 additional evidence if the board determines that such additional
27 evidence would be necessary or of substantial assistance to the board
28 in reaching its decision.

29 ~~((+5))~~ (7) The board, shall consolidate, when appropriate, all
30 petitions involving the review of the same comprehensive plan or the
31 same development regulation or regulations.

32 NEW SECTION. **Sec. 4.** A new section is added to chapter 36.70A RCW
33 to read as follows:

34 The growth management appeals account is created in the custody of
35 the state treasurer. All receipts from the fee imposed under RCW
36 36.70A.290 must be deposited into the account. Expenditures from the

1 account may be used only to cover the costs of the operation of the
2 growth management hearings board.

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