
HOUSE BILL 2077

State of Washington 60th Legislature 2007 Regular Session

By Representatives Bailey, Curtis, Schindler, Kretz, Warnick, Hailey, Strow, Ericksen, Roach, Newhouse and Kristiansen

Read first time 02/07/2007. Referred to Committee on Local Government.

1 AN ACT Relating to greater accountability for growth management
2 hearings boards; amending RCW 36.70A.260 and 36.70A.320; and repealing
3 RCW 36.70A.340 and 36.70A.345.

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

5 **Sec. 1.** RCW 36.70A.260 and 1994 c 249 s 30 are each amended to
6 read as follows:

7 (1) Each growth management hearings board shall consist of three
8 members qualified by experience or training in matters pertaining to
9 land use (~~planning~~) and residing within the jurisdictional boundaries
10 of the applicable board. At least one member of each board must be
11 admitted to practice law in this state (~~and~~), at least one member
12 must have been a city or county elected official, and at least one
13 member must be a real property owner that is subject to development
14 regulations that protect critical areas. Each board shall be appointed
15 by the governor (~~and~~) with the advice and consent of the senate prior
16 to serving on the board. Not more than two members at the time of
17 appointment or during their term shall be members of the same political
18 party. No more than two members at the time of appointment or during
19 their term shall reside in the same county.

1 (2) Each member of a board shall be appointed for a term of ~~((six))~~
2 four years and shall be appointed for no more than two consecutive
3 terms. A vacancy shall be filled by appointment by the governor for
4 the unexpired portion of the term in which the vacancy occurs. ~~((The~~
5 ~~terms of the first three members of a board shall be staggered so that~~
6 ~~one member is appointed to serve until July 1, 1994, one member until~~
7 ~~July 1, 1996, and one member until July 1, 1998.))~~

8 **Sec. 2.** RCW 36.70A.320 and 1997 c 429 s 20 are each amended to
9 read as follows:

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

13 (2) Except as otherwise provided in subsection ~~((+4))~~ (5) of this
14 section, the burden is on the petitioner to demonstrate that any action
15 taken by a state agency, county, or city under this chapter is not in
16 compliance with the requirements of this chapter.

17 (3) In any petition under this chapter, the board, after full
18 consideration of the petition, shall determine whether there is
19 compliance with the requirements of this chapter. In making its
20 determination, the board ~~((shall))~~ may consider the criteria adopted by
21 the department under RCW 36.70A.190(4). The board shall find
22 compliance unless it determines that the action by the state agency,
23 county, or city is clearly erroneous in view of the entire record
24 before the board and in light of the goals and requirements of this
25 chapter.

26 (4) In recognition of the broad range of discretion that may be
27 exercised by counties and cities consistent with the requirements of
28 this chapter, the board shall not substitute its judgment for that of
29 county or city-elected officials regarding the exercise of such
30 authorized discretion. When determining whether a comprehensive plan,
31 designation, development regulation, or other action complies with the
32 requirements of this chapter, the board shall find compliance if the
33 city or county's plan as a whole satisfies the goals of this chapter.
34 Further, the board shall defer to decisions by county and city-elected
35 officials on matters not specifically addressed in this chapter.

36 (5) A county or city subject to a determination of invalidity made
37 under RCW 36.70A.300 or 36.70A.302 has the burden of demonstrating that

1 the ordinance or resolution it has enacted in response to the
2 determination of invalidity will no longer substantially interfere with
3 the fulfillment of the goals of this chapter under the standard in RCW
4 36.70A.302(1).

5 ~~((+5+))~~ (6) The shoreline element of a comprehensive plan and the
6 applicable development regulations adopted by a county or city shall
7 take effect as provided in chapter 90.58 RCW.

8 NEW SECTION. **Sec. 3.** The following acts or parts of acts are each
9 repealed:

10 (1) RCW 36.70A.340 (Noncompliance and sanctions) and 1991 sp.s. c
11 32 s 26; and

12 (2) RCW 36.70A.345 (Sanctions) and 1994 c 249 s 33 & 1993 sp.s. c
13 6 s 5.

--- END ---