
SENATE BILL 5012

State of Washington

62nd Legislature

2011 Regular Session

By Senators White and Kline

Read first time 01/10/11. Referred to Committee on Government Operations, Tribal Relations & Elections.

1 AN ACT Relating to the standard of review utilized by the growth
2 management hearings board when hearing appeals under the growth
3 management act; and amending RCW 36.70A.3201.

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

5 **Sec. 1.** RCW 36.70A.3201 and 2010 c 211 s 12 are each amended to
6 read as follows:

7 ~~((The legislature intends that the board applies a more deferential
8 standard of review to actions of counties and cities than the
9 preponderance of the evidence standard provided for under existing law.
10 In recognition of the broad range of discretion that may be exercised
11 by counties and cities consistent with the requirements of this
12 chapter, the legislature intends for the board to grant deference to
13 counties and cities in how they plan for growth, consistent with the
14 requirements and goals of this chapter. Local comprehensive plans and
15 development regulations require counties and cities to balance
16 priorities and options for action in full consideration of local
17 circumstances. The legislature finds that while this chapter requires
18 local planning to take place within a framework of state goals and
19 requirements, the ultimate burden and responsibility for planning,~~

1 ~~harmonizing the planning goals of this chapter, and implementing a~~
2 ~~county's or city's future rests with that community.)) The legislature~~
3 ~~intends that local decisions be guided by the goals of this chapter and~~
4 ~~comply with its requirements. The board shall defer to a local~~
5 ~~decision unless the board determines that the local government has~~
6 ~~erroneously construed the law or, after reviewing the facts in the~~
7 ~~record, concludes that the weight of evidence does not support the~~
8 ~~local decision. In the interest of finality in decision making, the~~
9 ~~legislature intends that reviewing courts accord appropriate deference~~
10 ~~to board expertise.~~

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