
HOUSE BILL 2100

State of Washington

65th Legislature

2017 Regular Session

By Representative Goodman

Read first time 02/14/17. Referred to Committee on Environment.

1 AN ACT Relating to the statutory vested rights doctrine and
2 establishing rules for determining what regulations control decisions
3 on project permit applications; amending RCW 36.70B.020, 19.27.095,
4 58.17.170, 36.70B.170, 36.70A.302, 36.70A.280, and 36.70A.280; adding
5 a new section to chapter 36.70B RCW; creating a new section;
6 repealing RCW 58.17.033; providing an effective date; and providing
7 an expiration date.

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

9 NEW SECTION. **Sec. 1.** The legislature finds that the status of
10 the common law vested rights doctrine has been called into question
11 by Washington courts, resulting in substantial uncertainty in land
12 use decisions. The question of vested rights is a matter of state
13 concern and it is in the public interest to state clear rules for
14 determining what regulations control local land use decisions.

15 NEW SECTION. **Sec. 2.** A new section is added to chapter 36.70B
16 RCW to be codified between RCW 36.70B.050 and 36.70B.060 to read as
17 follows:

18 Each local government shall apply the following controlling law
19 when reviewing project permit applications:

1 (1) An application for approval of a proposed preliminary, final,
2 or short plat, as defined in RCW 58.17.020, must be considered under
3 the controlling law in effect on the date a complete application for
4 preliminary plat approval of a subdivision, or short plat approval of
5 a short subdivision, was submitted, unless the legislative body finds
6 that a change in conditions creates a serious threat to the public
7 health or safety in the subdivision.

8 (2) For land subject to a final plat approval, each complete
9 project permit application submitted no later than five years after
10 the date of that approval must be considered under the controlling
11 law in effect on the date the complete application for preliminary
12 plat approval was submitted, unless the legislative body finds that a
13 change in conditions creates a serious threat to the public health or
14 safety in the subdivision.

15 (3) For land subject to a short plat approval, each complete
16 project permit application submitted no later than two years after
17 the date of that approval must be considered under the controlling
18 law in effect on the date the complete application for short plat
19 approval was submitted, unless the legislative body finds that a
20 change in conditions creates a serious threat to the public health or
21 safety in the short subdivision.

22 (4) For any project permit application for which the controlling
23 law is not determined under subsections (1) through (3) of this
24 section, each complete project permit application is considered under
25 the controlling law in effect on the date the complete application
26 for the comprehensive permit was submitted, if the project is one for
27 which:

28 (a) A complete comprehensive permit application has been
29 submitted:

30 (i) Provided the application has not expired without the local
31 government making a decision on the application; and

32 (ii) The local government has not denied the application; or

33 (b) The local government has issued a comprehensive permit:
34 Provided the permit has not expired.

35 (5) For any project permit application for which the controlling
36 law is not determined under subsections (1) through (4) of this
37 section, the application must be considered under the controlling law
38 in effect on the date that complete application was submitted.

1 (6) For a building permit application, the application must be
2 considered under the technical code in effect on the date the
3 complete building permit application was submitted.

4 (7) Notwithstanding subsections (1) through (6) of this section:

5 (a) An application for a site-specific rezone or a planned unit
6 development must be considered under the controlling law in effect on
7 the date the local government makes a final determination on that
8 application.

9 (b) Any nonqualifying law relevant to making a decision on a
10 project permit application must be the version of that law in effect
11 on the date the local government makes a final determination on that
12 application.

13 (c) Unless a local government adopts a different rule by
14 ordinance or resolution, any local government law regulating the
15 process for reviewing a project permit application must be the latest
16 version of that law.

17 (8) If the jurisdiction's critical area ordinance is amended
18 after the project permit application is filed, the amended critical
19 area ordinance applies to the project if compliance can be achieved
20 without significant change to the project. For purposes of this
21 subsection, "significant change" means a reduction by more than ten
22 percent of:

23 (a) The lots proposed in a residential application; or

24 (b) The floor area in a nonresidential application.

25 (9) After a county, city, or town has provided public notice or
26 the applicant has actual notice that the jurisdiction has initiated a
27 process to review, amend, or adopt a comprehensive plan, development
28 regulation, or shoreline master program, any project permit
29 applications must comply with the provisions in effect when the
30 county, city, or town makes a final decision on the application. A
31 county, city, or town must provide public notice when it initiates a
32 process to review, amend, or adopt a comprehensive plan or
33 development regulation.

34 (10) A development agreement authorized under this chapter may
35 establish the controlling law for project permit applications. In the
36 event of a conflict between subsections (1) through (9) of this
37 section and the terms of a development agreement authorized under
38 this chapter, the terms of the development agreement control.

1 **Sec. 3.** RCW 36.70B.020 and 1995 c 347 s 402 are each amended to
2 read as follows:

3 Unless the context clearly requires otherwise, the definitions in
4 this section apply throughout this chapter.

5 (1) "Closed record appeal" means an administrative appeal on the
6 record to a local government body or officer, including the
7 legislative body, following an open record hearing on a project
8 permit application when the appeal is on the record with no or
9 limited new evidence or information allowed to be submitted and only
10 appeal argument allowed.

11 (2) "Local government" means a county, city, or town.

12 (3) "Open record hearing" means a hearing, conducted by a single
13 hearing body or officer authorized by the local government to conduct
14 such hearings, that creates the local government's record through
15 testimony and submission of evidence and information, under
16 procedures prescribed by the local government by ordinance or
17 resolution. An open record hearing may be held prior to a local
18 government's decision on a project permit to be known as an "open
19 record predecision hearing." An open record hearing may be held on an
20 appeal, to be known as an "open record appeal hearing," if no open
21 record predecision hearing has been held on the project permit.

22 (4) "Project permit" or "project permit application" means any
23 land use or environmental permit or license required from a local
24 government for a project action, including but not limited to
25 building permits, subdivisions, binding site plans, planned unit
26 developments, conditional uses, shoreline substantial development
27 permits, site plan review, permits or approvals required by critical
28 area ordinances, site-specific rezones authorized by a comprehensive
29 plan or subarea plan, but excluding the adoption or amendment of a
30 comprehensive plan, subarea plan, or development regulations except
31 as otherwise specifically included in this subsection.

32 (5) "Public meeting" means an informal meeting, hearing,
33 workshop, or other public gathering of people to obtain comments from
34 the public or other agencies on a proposed project permit prior to
35 the local government's decision. A public meeting may include, but is
36 not limited to, a design review or architectural control board
37 meeting, a special review district or community council meeting, or a
38 scoping meeting on a draft environmental impact statement. A public
39 meeting does not include an open record hearing. The proceedings at a

1 public meeting may be recorded and a report or recommendation may be
2 included in the local government's project permit application file.

3 (6) "Complete application" means a project permit application
4 deemed complete pursuant to:

5 (a) RCW 36.70B.070 by a local government planning pursuant to RCW
6 36.70A.040; or

7 (b) The requirements for a complete application defined by local
8 ordinance by a local government not planning pursuant to RCW
9 36.70A.040.

10 (7) "Controlling law" means:

11 (a) All policies adopted under RCW 43.21C.060;

12 (b) All development regulations and other local government law
13 relevant to making a decision on a project permit application;

14 (c) All comprehensive plan policies that may apply and
15 development regulations as defined in RCW 36.70A.030(7); and

16 (d) For shoreline permits, variances, and exemptions the policy
17 of the shoreline management act, chapter 90.58 RCW, any applicable
18 regulations adopted under the act, and the shoreline master program.

19 (8) "Nonqualifying law" means: Impacts fees and other fees and
20 taxes; other laws that do not directly affect the physical attributes
21 of new development or the types or intensity of new land uses; and
22 any law with which existing development or uses must also comply.
23 "Nonqualifying law" excludes local government law regulating a
24 project permit review process.

25 (9) "Technical code" means any of the codes enumerated in RCW
26 19.27.031 and chapter 19.27A RCW, excluding any such code provision
27 that purports to apply a development regulation.

28 (10) "Comprehensive permit" means a building permit and, for each
29 local government, any other permit designated as such by ordinance or
30 resolution provided that no local government may designate any of the
31 following as a comprehensive permit: Final plat or short plat
32 approval; site-specific rezone; shoreline substantial development
33 permit; shoreline variance; shoreline conditional use permit;
34 variance; concurrency determination; grading permit; clearing permit;
35 or septic tank permit.

36 **Sec. 4.** RCW 19.27.095 and 1991 c 281 s 27 are each amended to
37 read as follows:

38 (1) ~~((A valid and fully complete building permit application for~~
39 ~~a structure, that is permitted under the zoning or other land use~~

1 ~~control ordinances in effect on the date of the application shall be~~
2 ~~considered under the building permit ordinance in effect at the time~~
3 ~~of application, and the zoning or other land use control ordinances~~
4 ~~in effect on the date of application.~~

5 ~~(2))~~ The requirements for a ~~((fully))~~ complete~~((d))~~ building
6 permit application shall be defined by local ordinance but for any
7 construction project costing more than five thousand dollars the
8 application shall include, at a minimum:

9 (a) The legal description, or the tax parcel number assigned
10 pursuant to RCW 84.40.160, and the street address if available, and
11 may include any other identification of the construction site by the
12 prime contractor;

13 (b) The property owner's name, address, and phone number;

14 (c) The prime contractor's business name, address, phone number,
15 current state contractor registration number; and

16 (d) Either:

17 (i) The name, address, and phone number of the office of the
18 lender administering the interim construction financing, if any; or

19 (ii) The name and address of the firm that has issued a payment
20 bond, if any, on behalf of the prime contractor for the protection of
21 the owner, if the bond is for an amount not less than fifty percent
22 of the total amount of the construction project.

23 ~~((3))~~ (2) The information required on the building permit
24 application by subsection ~~((2))~~ (1)(a) through (d) of this section
25 shall be set forth on the building permit document which is issued to
26 the owner, and on the inspection record card which shall be posted at
27 the construction site.

28 ~~((4))~~ (3) The information required by subsection ~~((2))~~ (1) of
29 this section and information supplied by the applicant after the
30 permit is issued under subsection ~~((5))~~ (4) of this section shall
31 be kept on record in the office where building permits are issued and
32 made available to any person on request. If a copy is requested, a
33 reasonable charge may be made.

34 ~~((5))~~ (4) If any of the information required by subsection
35 ~~((2))~~ (1)(d) of this section is not available at the time the
36 application is submitted, the applicant shall so state and the
37 application shall be processed forthwith and the permit issued as if
38 the information had been supplied, and the lack of the information
39 shall not cause the application to be deemed incomplete for the
40 purposes of ~~((vesting under subsection (1) of this section))~~

1 determining the controlling law under section 2 of this act. However,
2 the applicant shall provide the remaining information as soon as the
3 applicant can reasonably obtain such information.

4 ~~((6) The limitations imposed by this section shall not restrict~~
5 ~~conditions imposed under chapter 43.21C RCW.))~~

6 **Sec. 5.** RCW 58.17.170 and 2013 c 16 s 2 are each amended to read
7 as follows:

8 (1) When the legislative body of the city, town, or county finds
9 that the subdivision proposed for final plat approval conforms to all
10 terms of the preliminary plat approval, and that ~~((said))~~ subdivision
11 meets the requirements of this chapter, other applicable state
12 laws ~~(, and any local ordinances adopted under this chapter which~~
13 ~~were in effect at the time of preliminary plat approval))~~ in effect
14 on the date a complete application for preliminary plat approval was
15 submitted, and of the controlling law determined under section 2 of
16 this act, it shall suitably inscribe and execute its written approval
17 on the face of the plat. The original of said final plat ~~((shall))~~
18 must be filed for record with the county auditor. One reproducible
19 copy ~~((shall))~~ must be furnished to the city, town, or county
20 engineer. One paper copy shall be filed with the county assessor.
21 Paper copies shall be provided to such other agencies as may be
22 required by ordinance.

23 ~~(2)((a) Except as provided by (b) of this subsection, any lots~~
24 ~~in a final plat filed for record shall be a valid land use~~
25 ~~notwithstanding any change in zoning laws for a period of seven years~~
26 ~~from the date of filing if the date of filing is on or before~~
27 ~~December 31, 2014, and for a period of five years from the date of~~
28 ~~filing if the date of filing is on or after January 1, 2015.~~

29 ~~(b) Any lots in a final plat filed for record shall be a valid~~
30 ~~land use notwithstanding any change in zoning laws for a period of~~
31 ~~ten years from the date of filing if the project is not subject to~~
32 ~~requirements adopted under chapter 90.58 RCW and the date of filing~~
33 ~~is on or before December 31, 2007.~~

34 ~~(3)(a) Except as provided by (b) of this subsection,)~~ A
35 subdivision shall be governed by the terms of approval of the final
36 plat, and the ~~((statutes, ordinances, and regulations in effect at~~
37 ~~the time of approval under RCW 58.17.150 (1) and (3) for a period of~~
38 ~~seven years after final plat approval if the date of final plat~~
39 ~~approval is on or before December 31, 2014, and for a period of five~~

1 ~~years after final plat approval if the date of final plat approval is~~
2 ~~on or after January 1, 2015)) controlling law determined under~~
3 ~~section 2 of this act for the period determined under section 2 of~~
4 ~~this act, unless the legislative body finds that a change in~~
5 ~~conditions creates a serious threat to the public health or safety in~~
6 ~~the subdivision.~~

7 ~~((b) A subdivision shall be governed by the terms of approval of~~
8 ~~the final plat, and the statutes, ordinances, and regulations in~~
9 ~~effect at the time of approval under RCW 58.17.150 (1) and (3) for a~~
10 ~~period of ten years after final plat approval if the project is not~~
11 ~~subject to requirements adopted under chapter 90.58 RCW and the date~~
12 ~~of final plat approval is on or before December 31, 2007, unless the~~
13 ~~legislative body finds that a change in conditions creates a serious~~
14 ~~threat to the public health or safety in the subdivision.))~~

15 **Sec. 6.** RCW 36.70B.170 and 1995 c 347 s 502 are each amended to
16 read as follows:

17 (1) A local government may enter into a development agreement
18 with a person having ownership or control of real property within its
19 jurisdiction. A city may enter into a development agreement for real
20 property outside its boundaries as part of a proposed annexation or a
21 service agreement. A development agreement must set forth the
22 development standards and other provisions that shall apply to and
23 govern and vest the development, use, and mitigation of the
24 development of the real property for the duration specified in the
25 agreement. A development agreement shall be consistent with
26 applicable development regulations adopted by a local government
27 planning under chapter 36.70A RCW.

28 (2) RCW 36.70B.170 through 36.70B.190 and section 501, chapter
29 347, Laws of 1995 do not affect the validity of a contract rezone,
30 concomitant agreement, annexation agreement, or other agreement in
31 existence on July 23, 1995, or adopted under separate authority, that
32 includes some or all of the development standards provided in
33 subsection (3) of this section.

34 (3) For the purposes of this section, "development standards"
35 includes, but is not limited to:

36 (a) Project elements such as permitted uses, residential
37 densities, and nonresidential densities and intensities or building
38 sizes;

1 (b) The amount and payment of impact fees imposed or agreed to in
2 accordance with any applicable provisions of state law, any
3 reimbursement provisions, other financial contributions by the
4 property owner, inspection fees, or dedications;

5 (c) Mitigation measures, development conditions, and other
6 requirements under chapter 43.21C RCW;

7 (d) Design standards such as maximum heights, setbacks, drainage
8 and water quality requirements, landscaping, and other development
9 features;

10 (e) Affordable housing;

11 (f) Parks and open space preservation;

12 (g) Phasing;

13 (h) Review procedures and standards for implementing decisions;

14 (i) A build-out or (~~vesting~~) other period (~~for~~) during which
15 applicable standards must be considered controlling law. No
16 development agreement and build-out period is valid for more than ten
17 years. Before a development agreement expires, the county or city
18 legislative body may extend a development agreement and build-out
19 period for one additional five-year period and may include changes to
20 the applicable development standards; and

21 (j) Any other appropriate development requirement or procedure.

22 (4) The execution of a development agreement is a proper exercise
23 of county and city police power and contract authority. A development
24 agreement may obligate a party to fund or provide services,
25 infrastructure, or other facilities. A development agreement shall
26 reserve authority to impose new or different regulations to the
27 extent required by a serious threat to public health and safety.

28 **Sec. 7.** RCW 36.70A.302 and 2010 c 211 s 10 are each amended to
29 read as follows:

30 (1) The board may determine that part or all of a comprehensive
31 plan or development regulations are invalid if the board:

32 (a) Makes a finding of noncompliance and issues an order of
33 remand under RCW 36.70A.300;

34 (b) Includes in the final order a determination, supported by
35 findings of fact and conclusions of law, that the continued validity
36 of part or parts of the plan or regulation would substantially
37 interfere with the fulfillment of the goals of this chapter; and

1 (c) Specifies in the final order the particular part or parts of
2 the plan or regulation that are determined to be invalid, and the
3 reasons for their invalidity.

4 (2) A determination of invalidity is prospective in effect and
5 does not (~~extinguish rights that vested under state or local law~~)
6 alter any controlling law determined under section 2 of this act
7 before receipt of the board's order by the city or county. (~~The~~
8 ~~determination of invalidity does not apply to a completed development~~
9 ~~permit application for a project that vested under state or local law~~
10 ~~before receipt of the board's order by the county or city or to~~
11 ~~related construction permits for that project.~~)

12 (3)(a) Except as otherwise provided in subsection (2) of this
13 section and (b) of this subsection, (~~a development permit~~
14 ~~application not vested under state or local law before~~) the
15 controlling law determined under section 2 of this act after receipt
16 of the board's order by the county or city (~~vests to~~) must include
17 the local ordinance or resolution that is determined by the board not
18 to substantially interfere with the fulfillment of the goals of this
19 chapter.

20 (b) (~~Even though the application is not vested under state or~~
21 ~~local law before receipt by the county or city of the board's~~
22 ~~order,~~) A determination of invalidity does not (apply to a
23 development) alter any controlling law determined under section 2 of
24 this act with respect to a project permit application for:

25 (i) A permit for construction by any owner, lessee, or contract
26 purchaser of a single-family residence for his or her own use or for
27 the use of his or her family on a lot existing before receipt by the
28 county or city of the board's order, except as otherwise specifically
29 provided in the board's order to protect the public health and
30 safety;

31 (ii) A building permit and related construction permits for
32 remodeling, tenant improvements, or expansion of an existing
33 structure on a lot existing before receipt of the board's order by
34 the county or city; and

35 (iii) A boundary line adjustment or a division of land that does
36 not increase the number of buildable lots existing before receipt of
37 the board's order by the county or city.

38 (4) If the ordinance that adopts a plan or development regulation
39 under this chapter includes a savings clause intended to revive prior
40 policies or regulations in the event the new plan or regulations are

1 determined to be invalid, the board shall determine under subsection
2 (1) of this section whether the prior policies or regulations are
3 valid during the period of remand.

4 (5) A county or city subject to a determination of invalidity may
5 adopt interim controls and other measures to be in effect until it
6 adopts a comprehensive plan and development regulations that comply
7 with the requirements of this chapter. (~~(A development permit~~
8 ~~application may vest under)~~) An interim control or measure may be
9 included as controlling law determined under section 2 of this act
10 upon determination by the board that the interim controls and other
11 measures do not substantially interfere with the fulfillment of the
12 goals of this chapter.

13 (6) A county or city subject to a determination of invalidity may
14 file a motion requesting that the board clarify, modify, or rescind
15 the order. The board shall expeditiously schedule a hearing on the
16 motion. At the hearing on the motion, the parties may present
17 information to the board to clarify the part or parts of the
18 comprehensive plan or development regulations to which the final
19 order applies. The board shall issue any supplemental order based on
20 the information provided at the hearing not later than thirty days
21 after the date of the hearing.

22 (7)(a) If a determination of invalidity has been made and the
23 county or city has enacted an ordinance or resolution amending the
24 invalidated part or parts of the plan or regulation or establishing
25 interim controls on development affected by the order of invalidity,
26 after a compliance hearing, the board shall modify or rescind the
27 determination of invalidity if it determines under the standard in
28 subsection (1) of this section that the plan or regulation, as
29 amended or made subject to such interim controls, will no longer
30 substantially interfere with the fulfillment of the goals of this
31 chapter.

32 (b) If the board determines that part or parts of the plan or
33 regulation are no longer invalid as provided in this subsection, but
34 does not find that the plan or regulation is in compliance with all
35 of the requirements of this chapter, the board, in its order, may
36 require periodic reports to the board on the progress the
37 jurisdiction is making towards compliance.

38 **Sec. 8.** RCW 36.70A.280 and 2014 c 147 s 3 are each amended to
39 read as follows:

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

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

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

14 (c) That the approval of a work plan adopted under RCW
15 36.70A.735(1)(a) is not in compliance with the requirements of the
16 program established under RCW 36.70A.710;

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

20 (e) That a department certification under RCW 36.70A.735(1)(c) is
21 erroneous; or

22 (f) That a department determination under RCW 36.70A.060(1)(d) is
23 erroneous.

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

30 (3) For purposes of this section "person" means any individual,
31 partnership, corporation, association, state agency, governmental
32 subdivision or unit thereof, or public or private organization or
33 entity of any character.

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

38 (5) When considering a possible adjustment to a growth management
39 planning population projection prepared by the office of financial

1 management, the board shall consider the implications of any such
2 adjustment to the population forecast for the entire state.

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

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

13 (6) The initial effective date of an action subject to review by
14 the growth management hearings board that expands the urban growth
15 boundary shall be after the latest of the following dates:

16 (a) Sixty days after the date of publication of notice of the
17 comprehensive plan, development regulation, or amendment to the plan
18 or regulation adoption, modifying the boundaries of the urban growth
19 area, as provided in RCW 36.70A.290(2); or

20 (b) If a petition for review to the growth management hearings
21 board is timely filed, upon issuance of the board's final decision
22 and order.

23 **Sec. 9.** RCW 36.70A.280 and 2011 c 360 s 17 are each amended to
24 read as follows:

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

27 (a) That, except as provided otherwise by this subsection, a
28 state agency, county, or city planning under this chapter is not in
29 compliance with the requirements of this chapter, chapter 90.58 RCW
30 as it relates to the adoption of shoreline master programs or
31 amendments thereto, or chapter 43.21C RCW as it relates to plans,
32 development regulations, or amendments, adopted under RCW 36.70A.040
33 or chapter 90.58 RCW. Nothing in this subsection authorizes the board
34 to hear petitions alleging noncompliance with RCW 36.70A.5801;

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

1 (c) That the approval of a work plan adopted under RCW
2 36.70A.735(1)(a) is not in compliance with the requirements of the
3 program established under RCW 36.70A.710;

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

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

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

15 (3) For purposes of this section "person" means any individual,
16 partnership, corporation, association, state agency, governmental
17 subdivision or unit thereof, or public or private organization or
18 entity of any character.

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

23 (5) When considering a possible adjustment to a growth management
24 planning population projection prepared by the office of financial
25 management, the board shall consider the implications of any such
26 adjustment to the population forecast for the entire state.

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

30 If adjusted by the board, a county growth management planning
31 population projection shall only be used for the planning purposes
32 set forth in this chapter and shall be known as the "board adjusted
33 population projection." None of these changes shall affect the
34 official state and county population forecasts prepared by the office
35 of financial management, which shall continue to be used for state
36 budget and planning purposes.

37 (6) The initial effective date of an action subject to review by
38 the growth management hearings board that expands the urban growth
39 boundary shall be after the latest of the following dates:

1 (a) Sixty days after the date of publication of notice of the
2 comprehensive plan, development regulation, or amendment to the plan
3 or regulation adoption, modifying the boundaries of the urban growth
4 area, as provided in RCW 36.70A.290(2); or

5 (b) If a petition for review to the growth management hearings
6 board is timely filed, upon issuance of the board's final decision
7 and order.

8 NEW SECTION. Sec. 10. RCW 58.17.033 (Proposed division of land—
9 Consideration of application for preliminary plat or short plat
10 approval—Requirements defined by local ordinance) and 1987 c 104 s 2
11 are each repealed.

12 NEW SECTION. Sec. 11. Section 8 of this act expires December
13 31, 2020.

14 NEW SECTION. Sec. 12. Section 9 of this act takes effect
15 December 31, 2020.

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