
HOUSE BILL 1213

State of Washington

66th Legislature

2019 Regular Session

By Representatives Shea, McCaslin, and Young

Read first time 01/16/19. Referred to Committee on Environment & Energy.

1 AN ACT Relating to granting local governments the authority to
2 make challenges related to growth management planning subject to
3 direct review in superior court; amending RCW 36.70A.295; creating
4 new sections; and providing an expiration date.

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

6 NEW SECTION. **Sec. 1.** This act may be known and cited as the
7 "growth management reform act of 2019."

8 NEW SECTION. **Sec. 2.** The legislature finds that local elected
9 officials are appropriately responsible and responsive to their
10 citizens regarding land use decisions within their communities. The
11 legislature also finds that citizens of these local governments have
12 suffered significant financial and other costs resulting from reviews
13 of disputes by the growth management hearings board that are
14 subsequently resolved in a court of law. The legislature intends to
15 relieve this additive burden of process by allowing jurisdictions
16 with fewer government resources the ability to seek judicial
17 interpretations of the growth management act without the costly and
18 time-consuming practice of an initial review by the growth management
19 hearings board.

1 **Sec. 3.** RCW 36.70A.295 and 2010 c 211 s 9 are each amended to
2 read as follows:

3 (1) (a) The superior court may directly review a petition for
4 review filed under RCW 36.70A.290 if all parties to the proceeding
5 before the board have agreed to direct review in the superior court.
6 The agreement of the parties shall be in writing and signed by all of
7 the parties to the proceeding or their designated representatives.
8 The agreement shall include the parties' agreement to proper venue as
9 provided in RCW 36.70A.300(5). The parties shall file their agreement
10 with the board within ten days after the date the petition is filed,
11 or if multiple petitions have been filed and the board has
12 consolidated the petitions pursuant to RCW 36.70A.300, within ten
13 days after the board serves its order of consolidation.

14 ~~((2))~~ (b) Within ten days of receiving the timely and complete
15 agreement of the parties, the board shall file a certificate of
16 agreement with the designated superior court and shall serve the
17 parties with copies of the certificate. The superior court shall
18 obtain exclusive jurisdiction over a petition when it receives the
19 certificate of agreement. With the certificate of agreement the board
20 shall also file the petition for review, any orders entered by the
21 board, all other documents in the board's files regarding the action,
22 and the written agreement of the parties.

23 (2) (a) As an alternative to the direct review provisions
24 established in subsection (1) of this section, the legislative
25 authority of a county with fewer than six hundred thousand persons
26 may adopt an ordinance of direct review providing the superior court
27 with exclusive jurisdiction over petitions to which the county is a
28 party and that would otherwise qualify for filing with the board
29 under RCW 36.70A.280.

30 (b) Upon the adoption of an ordinance under (a) of this
31 subsection (2), any city within the county may also adopt an
32 ordinance of direct review providing the superior court with
33 exclusive jurisdiction over petitions to which the city is a party
34 and that would otherwise qualify for filing with the board under RCW
35 36.70A.280.

36 (c) Ordinances adopted under this subsection (2) may be effective
37 for a term of five or fewer years. A county or city legislative
38 authority may elect to extend the term of the ordinance for one
39 additional period of five or fewer years. A city choosing to extend
40 the term of an ordinance may do so independently of any associated

1 county actions. Matters pending before a court on the date an
2 ordinance adopted under this subsection (2) expires remain subject to
3 exclusive jurisdiction of the court.

4 (d) Except as provided in subsection (1) of this section, matters
5 pending before the board on or after the effective date of an
6 ordinance adopted under this subsection (2) remain subject to the
7 jurisdiction of the board.

8 (3) For purposes of a petition that is subject to direct review,
9 the superior court's subject matter jurisdiction shall be equivalent
10 to that of the board. Consistent with the requirements of the
11 superior court civil rules, the superior court may consolidate a
12 petition subject to direct review under this section with a separate
13 action filed in the superior court.

14 (4)(a) Except as otherwise provided in (b) and (c) of this
15 subsection, the provisions of RCW 36.70A.280 through 36.70A.330,
16 which specify the nature and extent of board review, shall apply to
17 the superior court's review.

18 (b) The superior court:

19 (i) Shall not have jurisdiction to directly review or modify an
20 office of financial management population projection;

21 (ii) Except as otherwise provided in RCW 36.70A.300(2)(b), shall
22 render its decision on the petition within one hundred eighty days of
23 receiving the certification of agreement; and

24 (iii) Shall give a compliance hearing under RCW 36.70A.330(2) the
25 highest priority of all civil matters before the court.

26 (c) An aggrieved party may secure appellate review of a final
27 judgment of the superior court under this section by the supreme
28 court or the court of appeals. The review shall be secured in the
29 manner provided by law for review of superior court decisions in
30 other civil cases.

31 (5) If, following a compliance hearing, the court finds that the
32 state agency, county, or city is not in compliance with the court's
33 prior order, the court may use its remedial and contempt powers to
34 enforce compliance.

35 (6) The superior court shall transmit a copy of its decision and
36 order on direct review to the board, the department, and the
37 governor. If the court has determined that a county or city is not in
38 compliance with the provisions of this chapter, the governor may
39 impose sanctions against the county or city in the same manner as if

1 the board had recommended the imposition of sanctions as provided in
2 RCW 36.70A.330.

3 (7) After the court has assumed jurisdiction over a petition for
4 review under this section, the superior court civil rules shall
5 govern a request for intervention and all other procedural matters
6 not specifically provided for in this section.

7 NEW SECTION. **Sec. 4.** Section 3 of this act expires December 31,
8 2027.

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