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HOUSE BILL 2279

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State of Washington

54th Legislature

1996 Regular Session

By Representatives Hargrove, Chappell, Goldsmith, Hymes, McMahan, Pelesky and Johnson

Read first time 01/09/96. Referred to Committee on Government Operations.

1 AN ACT Relating to review of growth management decisions; and  
2 amending RCW 36.70A.300.

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

4 **Sec. 1.** RCW 36.70A.300 and 1995 c 347 s 110 are each amended to  
5 read as follows:

6 (1) The board shall issue a final order within one hundred eighty  
7 days of receipt of the petition for review, or, when multiple petitions  
8 are filed, within one hundred eighty days of receipt of the last  
9 petition that is consolidated. Such a final order shall be based  
10 exclusively on whether or not a state agency, county, or city is in  
11 compliance with the requirements of this chapter, chapter 90.58 RCW as  
12 it relates to adoption or amendment of shoreline master programs, or  
13 chapter 43.21C RCW as it relates to plans, development regulations, and  
14 amendments thereto, adopted under RCW 36.70A.040 or chapter 90.58 RCW.  
15 In the final order, the board shall either: (a) Find that the state  
16 agency, county, or city is in compliance with the requirements of this  
17 chapter or chapter 90.58 RCW as it relates to the adoption or amendment  
18 of shoreline master programs; or (b) find that the state agency,  
19 county, or city is not in compliance with the requirements of this

1 chapter or chapter 90.58 RCW as it relates to the adoption or amendment  
2 of shoreline master programs, in which case the board shall remand the  
3 matter to the affected state agency, county, or city and specify a  
4 reasonable time not in excess of one hundred eighty days within which  
5 the state agency, county, or city shall comply with the requirements of  
6 this chapter.

7 (2) A finding of noncompliance and an order of remand shall not  
8 affect the validity of comprehensive plans and development regulations  
9 during the period of remand, (~~unless the board's final order also:~~

10 ~~(a) Includes a determination, supported by findings of fact and~~  
11 ~~conclusions of law, that the continued validity of the plan or~~  
12 ~~regulation would substantially interfere with the fulfillment of the~~  
13 ~~goals of this chapter; and~~

14 ~~(b) Specifies the particular part or parts of the plan or~~  
15 ~~regulation that are determined to be invalid, and the reasons for their~~  
16 ~~invalidity.~~

17 ~~(3) A determination of invalidity shall:~~

18 ~~(a) Be prospective in effect and shall not extinguish rights that~~  
19 ~~vested under state or local law before the date of the board's order;~~  
20 ~~and~~

21 ~~(b) Subject any development application that would otherwise vest~~  
22 ~~after the date of the board's order to the local ordinance or~~  
23 ~~resolution that both is enacted in response to the order of remand and~~  
24 ~~determined by the board pursuant to RCW 36.70A.330 to comply with the~~  
25 ~~requirements of this chapter.~~

26 ~~(4))~~ except that if the ordinance that adopts a plan or  
27 development regulation under this chapter includes a savings clause  
28 intended to revive prior policies or regulations in the event the new  
29 plan or regulations are determined to be invalid, the board shall  
30 determine (~~under subsection (2) of this section~~) whether the prior  
31 policies or regulations are valid during the period of remand.

32 ~~((5))~~ (3) Any party aggrieved by a final decision of the hearings  
33 board may appeal the decision to superior court as provided in RCW  
34 34.05.514 or 36.01.050 within thirty days of the final order of the  
35 board.

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