
SENATE BILL 5619

State of Washington**54th Legislature****1995 Regular Session**

By Senators Loveland, Swecker, McCaslin, Hochstatter, Hargrove, Deccio and Roach

Read first time 01/30/95. Referred to Committee on Government Operations.

1 AN ACT Relating to petitions to growth management hearings boards;
2 amending RCW 36.70A.310 and 36.70A.320; and adding a new section to
3 chapter 36.70A RCW.

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

5 **Sec. 1.** RCW 36.70A.310 and 1994 c 249 s 32 are each amended to
6 read as follows:

7 (1) A request for review by the state to a growth management
8 hearings board may be made only by the governor, or with the governor's
9 consent the head of an agency, or by the commissioner of public lands
10 as relating to state trust lands, for the review of whether: ((+1))
11 (a) A county or city that is required or chooses to plan under RCW
12 36.70A.040 has failed to adopt a comprehensive plan or development
13 regulations, or county-wide planning policies within the time limits
14 established by this chapter; or ((+2)) (b) a county or city that is
15 required or chooses to plan under this chapter has adopted a
16 comprehensive plan, development regulations, or county-wide planning
17 policies, that are not in compliance with the requirements of this
18 chapter.

1 (2) A state agency or the commissioner of public lands may seek
2 review by a growth management hearings board only if the governor
3 finds:

4 (a) The agency or commissioner has participated substantially in
5 the local process and has consistently raised the issues to be raised
6 in the petition; or

7 (b) That review by a board is the best means to accomplish the
8 state goals.

9 **Sec. 2.** RCW 36.70A.320 and 1991 sp.s. c 32 s 13 are each amended
10 to read as follows:

11 (1) Comprehensive plans and development regulations, and amendments
12 thereto, adopted under this chapter are presumed valid upon adoption.
13 In any petition under this chapter, the board, after full consideration
14 of the petition, shall determine whether there is compliance with the
15 requirements of this chapter. In making its determination, the board
16 shall consider the criteria adopted by the department under RCW
17 36.70A.190(4). The board shall find compliance by the state agency,
18 county, or city unless it finds ((by a preponderance of the evidence
19 that the state agency, county, or city erroneously interpreted or
20 applied this chapter)) either:

21 (a) That the action was predicated upon an interpretation of this
22 chapter or chapter 43.21C RCW that is clearly erroneous; or

23 (b) That the action is not supported by substantial evidence.

24 (2) In making its determination, the board shall take into
25 consideration the extent of urbanization of the area in question, the
26 planning history and capabilities of the county or city, and the
27 relative amount of financial assistance made available to the county or
28 city by the state for purposes of meeting the requirements of this
29 chapter.

30 NEW SECTION. **Sec. 3.** A new section is added to chapter 36.70A RCW
31 to read as follows:

32 The office of the attorney general shall, at the request of a
33 county or city that has been found in compliance with this chapter by
34 a growth management hearings board, defend or provide assistance in the

1 county's or city's defense of an appeal of the board finding in
2 superior court.

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