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SENATE BILL 5506

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State of Washington

58th Legislature

2003 Regular Session

By Senators T. Sheldon and Mulliken

Read first time 01/28/2003. Referred to Committee on Land Use & Planning.

1 AN ACT Relating to final orders of growth management hearings  
2 boards; and 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 1997 c 429 s 14 are each amended to  
5 read as follows:

6 (1) The board shall issue a final order that shall be based  
7 exclusively on whether or not a state agency, county, or city is in  
8 compliance with the requirements of this chapter, chapter 90.58 RCW as  
9 it relates to adoption or amendment of shoreline master programs, or  
10 chapter 43.21C RCW as it relates to adoption of plans, development  
11 regulations, and amendments thereto, under RCW 36.70A.040 or chapter  
12 90.58 RCW.

13 (2)(a) Except as provided in (b) of this subsection, the final  
14 order shall be issued within one hundred eighty days of receipt of the  
15 petition for review, or, if multiple petitions are filed, within one  
16 hundred eighty days of receipt of the last petition that is  
17 consolidated.

18 (b) The board may extend the period of time for issuing a decision  
19 to enable the parties to settle the dispute if additional time is

1 necessary to achieve a settlement, and (i) an extension is requested by  
2 all parties, or (ii) an extension is requested by the petitioner and  
3 respondent and the board determines that a negotiated settlement  
4 between the remaining parties could resolve significant issues in  
5 dispute. The request must be filed with the board not later than seven  
6 days before the date scheduled for the hearing on the merits of the  
7 petition. The board may authorize one or more extensions for up to  
8 ninety days each, subject to the requirements of this section.

9 (3) In the final order, the board shall either:

10 (a) Find that the state agency, county, or city is in compliance  
11 with the requirements of this chapter, chapter 90.58 RCW as it relates  
12 to the adoption or amendment of shoreline master programs, or chapter  
13 43.21C RCW as it relates to adoption of plans, development regulations,  
14 and amendments thereto, under RCW 36.70A.040 or chapter 90.58 RCW; or

15 (b) Find that the state agency, county, or city is not in  
16 compliance with the requirements of this chapter, chapter 90.58 RCW as  
17 it relates to the adoption or amendment of shoreline master programs,  
18 or chapter 43.21C RCW as it relates to adoption of plans, development  
19 regulations, and amendments thereto, under RCW 36.70A.040 or chapter  
20 90.58 RCW, in which case the board shall remand the matter to the  
21 affected state agency, county, or city. The board shall specify a  
22 reasonable time not in excess of one hundred eighty days, or such  
23 longer period as determined by the board in cases of unusual scope or  
24 complexity, within which the state agency, county, or city shall comply  
25 with the requirements of this chapter. The board may require periodic  
26 reports to the board on the progress the jurisdiction is making towards  
27 compliance.

28 (4) Unless the board makes a determination of invalidity as  
29 provided in RCW 36.70A.302, a finding of noncompliance and an order of  
30 remand shall not affect the validity of comprehensive plans and  
31 development regulations during the period of remand.

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

35 (6) A final order must clearly state the requirements for  
36 compliance with the order. If a board subsequently finds that the  
37 state agency, county, or city complies with the requirements of the

1 prior final order of the board, then the board must find compliance in  
2 that case.

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