

SHB 2486 - H AMD 702

By Representative Pike

1 On page 26, after line 19, insert the following:

2 "NEW SECTION. **Sec. 18.** The legislature finds that local elected  
3 officials are appropriately responsible and responsive to their  
4 citizens regarding land use decisions within their communities. The  
5 legislature also finds that citizens of these local governments have  
6 suffered significant financial and other costs resulting from reviews  
7 of disputes by the growth management hearings board that are  
8 subsequently resolved in a court of law. Furthermore, the changes to  
9 the direct review process for growth management act decisions in  
10 section 19 of this act are supportive of the other changes in  
11 sections 1 through 4 of this act to streamline and improve the  
12 administrative processes of the environment and land use hearings  
13 office. The legislature intends to relieve this additive burden of  
14 process by allowing jurisdictions with fewer government resources the  
15 ability to seek judicial interpretations of the growth management act  
16 without the costly and time-consuming practice of an initial review  
17 by the growth management hearings board.

18 **Sec. 19.** RCW 36.70A.295 and 2010 c 211 s 9 are each amended to  
19 read as follows:

20 (1)(a) The superior court may directly review a petition for  
21 review filed under RCW 36.70A.290 if all parties to the proceeding  
22 before the board have agreed to direct review in the superior court.  
23 The agreement of the parties shall be in writing and signed by all of  
24 the parties to the proceeding or their designated representatives.  
25 The agreement shall include the parties' agreement to proper venue as  
26 provided in RCW 36.70A.300(5). The parties shall file their agreement  
27 with the board within ten days after the date the petition is filed,  
28 or if multiple petitions have been filed and the board has  
29 consolidated the petitions pursuant to RCW 36.70A.300, within ten  
30 days after the board serves its order of consolidation.

1        ~~((2))~~ (b) Within ten days of receiving the timely and complete  
2 agreement of the parties, the board shall file a certificate of  
3 agreement with the designated superior court and shall serve the  
4 parties with copies of the certificate. The superior court shall  
5 obtain exclusive jurisdiction over a petition when it receives the  
6 certificate of agreement. With the certificate of agreement the board  
7 shall also file the petition for review, any orders entered by the  
8 board, all other documents in the board's files regarding the action,  
9 and the written agreement of the parties.

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

17        (b) Upon the adoption of an ordinance under (a) of this  
18 subsection (2), any city within the county may also adopt an  
19 ordinance of direct review providing the superior court with  
20 exclusive jurisdiction over petitions to which the city is a party  
21 and that would otherwise qualify for filing with the board under RCW  
22 36.70A.280.

23        (c) Ordinances adopted under this subsection (2) may be effective  
24 for a term of five or fewer years. A county or city legislative  
25 authority may elect to extend the term of the ordinance for one  
26 additional period of five or fewer years. A city choosing to extend  
27 the term of an ordinance may do so independently of any associated  
28 county actions. Matters pending before a court on the date an  
29 ordinance adopted under this subsection (2) expires remain subject to  
30 exclusive jurisdiction of the court.

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

35        (3) For purposes of a petition that is subject to direct review,  
36 the superior court's subject matter jurisdiction shall be equivalent  
37 to that of the board. Consistent with the requirements of the  
38 superior court civil rules, the superior court may consolidate a  
39 petition subject to direct review under this section with a separate  
40 action filed in the superior court.

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

5 (b) The superior court:

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

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

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

13 (c) An aggrieved party may secure appellate review of a final  
14 judgment of the superior court under this section by the supreme  
15 court or the court of appeals. The review shall be secured in the  
16 manner provided by law for review of superior court decisions in  
17 other civil cases.

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

22 (6) The superior court shall transmit a copy of its decision and  
23 order on direct review to the board, the department, and the  
24 governor. If the court has determined that a county or city is not in  
25 compliance with the provisions of this chapter, the governor may  
26 impose sanctions against the county or city in the same manner as if  
27 the board had recommended the imposition of sanctions as provided in  
28 RCW 36.70A.330.

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

33 NEW SECTION. **Sec. 20.** Section 19 of this act expires December  
34 31, 2025."

35 Correct the title.

EFFECT: Authorizes, until December 31, 2025, counties with a  
population of fewer than 600,000 residents, and the cities within  
those counties, to adopt an ordinance granting the superior court

exclusive jurisdiction over petitions for review to which the county or city is a party and that would otherwise qualify for filing with the growth management hearings board under the growth management act. Provides that ordinances adopted under this section may be effective for a term of five or fewer years and that the term may be extended for an additional period of five or fewer years.

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