
SENATE BILL 5243

State of Washington

66th Legislature

2019 Regular Session

By Senators Short and Wilson, L.

Read first time 01/16/19. Referred to Committee on Local Government.

1 AN ACT Relating to standing before the growth management hearings
2 board; amending RCW 36.70A.280 and 36.70A.280; creating a new
3 section; providing an effective date; and providing an expiration
4 date.

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

6 NEW SECTION. **Sec. 1.** The growth management act was initially
7 established in 1990. Since its inception, various elements of the act
8 have been highly litigated. The costs of litigation have become
9 burdensome on cities and counties and have had a chilling effect on
10 growth and development especially in rural counties. In order to
11 relieve this burden, the legislature finds that it is time to make
12 the growth management hearings board consistent with other land use
13 appeals.

14 **Sec. 2.** RCW 36.70A.280 and 2014 c 147 s 3 are each amended to
15 read as follows:

16 (1) The growth management hearings board shall hear and determine
17 only those petitions alleging either:

18 (a) That, except as provided otherwise by this subsection, a
19 state agency, county, or city planning under this chapter is not in
20 compliance with the requirements of this chapter, chapter 90.58 RCW

1 as it relates to the adoption of shoreline master programs or
2 amendments thereto, or chapter 43.21C RCW as it relates to plans,
3 development regulations, or amendments, adopted under RCW 36.70A.040
4 or chapter 90.58 RCW. Nothing in this subsection authorizes the board
5 to hear petitions alleging noncompliance with RCW 36.70A.5801;

6 (b) That the twenty-year growth management planning population
7 projections adopted by the office of financial management pursuant to
8 RCW 43.62.035 should be adjusted;

9 (c) That the approval of a work plan adopted under RCW
10 36.70A.735(1)(a) is not in compliance with the requirements of the
11 program established under RCW 36.70A.710;

12 (d) That regulations adopted under RCW 36.70A.735(1)(b) are not
13 regionally applicable and cannot be adopted, wholly or partially, by
14 another jurisdiction;

15 (e) That a department certification under RCW 36.70A.735(1)(c) is
16 erroneous; or

17 (f) That a department determination under RCW 36.70A.060(1)(d) is
18 erroneous.

19 (2) A petition may be filed only by:

20 (a) The state, or a county or city that plans under this chapter;

21 ~~(b) ((a person who has participated orally or in writing before~~
22 ~~the county or city regarding the matter on which a review is being~~
23 ~~requested; (c) a person who is certified by the governor within sixty~~
24 ~~days of filing the request with the board; or (d))~~ A person
25 qualified pursuant to RCW 34.05.530; or

26 (c) Any person who:

27 (i) Owns property within the boundaries of the city or county
28 planning under this chapter;

29 (ii) Is prejudiced or likely to be prejudiced by the action of
30 the city or county planning under this chapter; and

31 (iii) Will suffer actual injury if the contested action is
32 upheld.

33 (3) For purposes of this section "person" means any individual,
34 partnership, corporation, association, state agency, governmental
35 subdivision or unit thereof, or public or private organization or
36 entity of any character.

37 ~~(4) ((To establish participation standing under subsection (2)(b)~~
38 ~~of this section, a person must show that his or her participation~~
39 ~~before the county or city was reasonably related to the person's~~
40 ~~issue as presented to the board.~~

1 ~~(5))~~) When considering a possible adjustment to a growth
2 management planning population projection prepared by the office of
3 financial management, the board shall consider the implications of
4 any such adjustment to the population forecast for the entire state.

5 The rationale for any adjustment that is adopted by the board
6 must be documented and filed with the office of financial management
7 within ten working days after adoption.

8 If adjusted by the board, a county growth management planning
9 population projection shall only be used for the planning purposes
10 set forth in this chapter and shall be known as the "board adjusted
11 population projection." None of these changes shall affect the
12 official state and county population forecasts prepared by the office
13 of financial management, which shall continue to be used for state
14 budget and planning purposes.

15 **Sec. 3.** RCW 36.70A.280 and 2011 c 360 s 17 are each amended to
16 read as follows:

17 (1) The growth management hearings board shall hear and determine
18 only those petitions alleging either:

19 (a) That, except as provided otherwise by this subsection, a
20 state agency, county, or city planning under this chapter is not in
21 compliance with the requirements of this chapter, chapter 90.58 RCW
22 as it relates to the adoption of shoreline master programs or
23 amendments thereto, or chapter 43.21C RCW as it relates to plans,
24 development regulations, or amendments, adopted under RCW 36.70A.040
25 or chapter 90.58 RCW. Nothing in this subsection authorizes the board
26 to hear petitions alleging noncompliance with RCW 36.70A.5801;

27 (b) That the twenty-year growth management planning population
28 projections adopted by the office of financial management pursuant to
29 RCW 43.62.035 should be adjusted;

30 (c) That the approval of a work plan adopted under RCW
31 36.70A.735(1)(a) is not in compliance with the requirements of the
32 program established under RCW 36.70A.710;

33 (d) That regulations adopted under RCW 36.70A.735(1)(b) are not
34 regionally applicable and cannot be adopted, wholly or partially, by
35 another jurisdiction; or

36 (e) That a department certification under RCW 36.70A.735(1)(c) is
37 erroneous.

38 (2) A petition may be filed only by:

39 (a) The state, or a county or city that plans under this chapter;

1 (b) ~~((a person who has participated orally or in writing before~~
2 ~~the county or city regarding the matter on which a review is being~~
3 ~~requested; (c) a person who is certified by the governor within sixty~~
4 ~~days of filing the request with the board; or (d))~~) A person
5 qualified pursuant to RCW 34.05.530; or

6 (c) Any person who:

7 (i) Owns property within the boundaries of the city or county
8 planning under this chapter;

9 (ii) Is prejudiced or likely to be prejudiced by the action of
10 the city or county planning under this chapter; and

11 (iii) Will suffer actual injury if the contested action is
12 upheld.

13 (3) For purposes of this section "person" means any individual,
14 partnership, corporation, association, state agency, governmental
15 subdivision or unit thereof, or public or private organization or
16 entity of any character.

17 (4) ~~((To establish participation standing under subsection (2) (b)~~
18 ~~of this section, a person must show that his or her participation~~
19 ~~before the county or city was reasonably related to the person's~~
20 ~~issue as presented to the board.~~

21 ~~(5))~~) When considering a possible adjustment to a growth
22 management planning population projection prepared by the office of
23 financial management, the board shall consider the implications of
24 any such adjustment to the population forecast for the entire state.

25 The rationale for any adjustment that is adopted by the board
26 must be documented and filed with the office of financial management
27 within ten working days after adoption.

28 If adjusted by the board, a county growth management planning
29 population projection shall only be used for the planning purposes
30 set forth in this chapter and shall be known as the "board adjusted
31 population projection." None of these changes shall affect the
32 official state and county population forecasts prepared by the office
33 of financial management, which shall continue to be used for state
34 budget and planning purposes.

35 NEW SECTION. Sec. 4. Section 2 of this act expires December 31,
36 2020.

1 NEW SECTION. **Sec. 5.** Section 3 of this act takes effect
2 December 31, 2020.

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