
SUBSTITUTE HOUSE BILL 2245

State of Washington 63rd Legislature 2014 Regular Session

By House Local Government (originally sponsored by Representatives Ormsby, Riccelli, Ryu, and Pollet)

READ FIRST TIME 02/05/14.

1 AN ACT Relating to vesting in urban growth areas with recently
2 added territory; and adding a new section to chapter 36.70A RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 36.70A RCW
5 to read as follows:

6 (1) When a petition for review, which meets the criteria set out in
7 subsection (2) of this section, is submitted to the growth management
8 hearings board in accordance with RCW 36.70A.280 and 36.70A.290, the
9 petitioner may file in superior court a petition to stay or suspend
10 vesting under the comprehensive plan, development regulation, or
11 amendment to a comprehensive plan or development regulation challenged
12 in the petition for review during pendency of the matter before the
13 board. A petition to stay or suspend vesting must set forth a
14 statement of grounds for the stay and the factual basis for the
15 request.

16 (2) To be eligible to receive a stay or suspension of vesting from
17 the court under this section, the petition for review submitted to the
18 growth management hearings board must allege the following:

1 (a) A county has adopted a comprehensive plan, development
2 regulation, or amendment to a comprehensive plan or development
3 regulation that modifies the boundaries of an urban growth area;

4 (b) The modified urban growth area includes territory previously
5 designated outside of the urban growth area; and

6 (c) The adopted comprehensive plan, development regulation, or
7 amendment to a comprehensive plan or development regulation is not in
8 compliance with the goals and requirements of this chapter, or
9 applicable requirements of chapter 90.58 or 43.21C RCW.

10 (3) A court may grant a petition to stay or suspend vesting only if
11 the court finds that:

12 (a) The party requesting the stay is likely to prevail on the
13 merits;

14 (b) Without the stay the party requesting it will suffer
15 irreparable harm;

16 (c) The grant of a stay will not substantially harm other parties
17 to the proceedings; and

18 (d) The request for the stay is timely in light of the
19 circumstances of the case.

20 (4) The court may grant the petition to stay or suspend vesting
21 upon such terms and conditions as are necessary to prevent harm to
22 other parties by the stay.

23 (5) If a petition to stay or suspend vesting is granted under this
24 section, the stay or suspension may not exceed the latest of the
25 following dates:

26 (a) Upon issuance of the board's final order finding that the
27 challenged comprehensive plan, development regulation, or amendment to
28 a comprehensive plan or development regulation is in compliance with
29 statutory requirements, as provided in RCW 36.70A.300(3)(a); or

30 (b) If the board finds that the comprehensive plan, development
31 regulation, or amendment to a comprehensive plan or development
32 regulation is not in compliance with the requirements of this chapter,
33 upon the board's subsequent review and determination that the
34 jurisdiction is in compliance.

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