1740-S2 AMH TAYL LIPS 497

**2SHB 1740** - H AMD **1267**

By Representative Taylor

On page 4, line 20, after "section" insert "and RCW 90.58.180(4)(b), if applicable"

On page 6, after line 16, insert the following:

"**Sec. 3.** RCW 90.58.180 and 2011 c 277 s 4 are each amended to read as follows:

(1) Any person aggrieved by the granting, denying, or rescinding of a permit on shorelines of the state pursuant to RCW 90.58.140 may seek review from the shorelines hearings board by filing a petition for review within twenty-one days of the date of filing of the decision as defined in RCW 90.58.140(6).

Within seven days of the filing of any petition for review with the board as provided in this section pertaining to a final decision of a local government, the petitioner shall serve copies of the petition on the department, the office of the attorney general, and the local government. The department and the attorney general may intervene to protect the public interest and ensure that the provisions of this chapter are complied with at any time within fifteen days from the date of the receipt by the department or the attorney general of a copy of the petition for review filed pursuant to this section. The shorelines hearings board shall schedule review proceedings on the petition for review without regard as to whether the period for the department or the attorney general to intervene has or has not expired.

(2) The department or the attorney general may obtain review of any final decision granting a permit, or granting or denying an application for a permit issued by a local government by filing a written petition with the shorelines hearings board and the appropriate local government within twenty-one days from the date the final decision was filed as provided in RCW 90.58.140(6).

(3) The review proceedings authorized in subsections (1) and (2) of this section are subject to the provisions of chapter 34.05 RCW pertaining to procedures in adjudicative proceedings. Judicial review of such proceedings of the shorelines hearings board is governed by chapter 34.05 RCW. The board shall issue its decision on the appeal authorized under subsections (1) and (2) of this section within one hundred eighty days after the date the petition is filed with the board or a petition to intervene is filed by the department or the attorney general, whichever is later. The time period may be extended by the board for a period of thirty days upon a showing of good cause or may be waived by the parties.

(4)(a) Any person may appeal any rules, regulations, or guidelines adopted or approved by the department within thirty days of the date of the adoption or approval. The board shall make a final decision within sixty days following the hearing held thereon.

(b) If the shoreline hearings board rejects a permit for a project that creates at least fifty new jobs in a city or county with an unemployment rate of five percent or higher, then any legal appeal of the decision of the shoreline hearings board is immediately subject to review by the supreme court of Washington state. The supreme court must hear and rule on the case within six months of the date the appeal is submitted.

(5) The board shall find the rule, regulation, or guideline to be valid and enter a final decision to that effect unless it determines that the rule, regulation, or guideline:

(a) Is clearly erroneous in light of the policy of this chapter; or

(b) Constitutes an implementation of this chapter in violation of constitutional or statutory provisions; or

(c) Is arbitrary and capricious; or

(d) Was developed without fully considering and evaluating all material submitted to the department during public review and comment; or

(e) Was not adopted in accordance with required procedures.

(6) If the board makes a determination under subsection (5)(a) through (e) of this section, it shall enter a final decision declaring the rule, regulation, or guideline invalid, remanding the rule, regulation, or guideline to the department with a statement of the reasons in support of the determination, and directing the department to adopt, after a thorough consultation with the affected local government and any other interested party, a new rule, regulation, or guideline consistent with the board's decision.

(7) A decision of the board on the validity of a rule, regulation, or guideline shall be subject to review in superior court, if authorized pursuant to chapter 34.05 RCW. A petition for review of the decision of the shorelines hearings board on a rule, regulation, or guideline shall be filed within thirty days after the date of final decision by the shorelines hearings board.

NEW SECTION. **Sec. 4.** By December 1, 2021, the department of ecology must review the requirements established in RCW 90.58.180(4)(b) and determine whether the rejection of permits in certain high unemployment areas by the shoreline hearings board have decreased after the effective date of this act. The department of ecology must submit a report to the Legislature consistent with RCW 43.01.036 containing the results of its review and determination."

Correct the title.

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|  | EFFECT: Requires proposed developments that meet other qualifying criteria to be consistent with certain shoreline hearings board permit decision review processes, if applicable, in order for the proposed development to be exempt from administrative or judicial appeals under the State Environmental Policy Act. Makes decisions by the Shoreline Hearings Board to reject a permit for certain projects that create jobs in high unemployment areas subject to immediate review by the Washington Supreme Court, and requires the Supreme Court to hear and rule on such cases within six months of an appeal. Requires the Department of Ecology to submit a report to the Legislature by December 1, 2020 addressing whether the rate of Shoreline Hearings Board permit rejections in high unemployment areas have decreased after the bill's effective date. |

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