**1812-S2.E AMS WARN S5158.1 - NOT FOR FLOOR USE**

**E2SHB 1812** - S AMD TO ENET COMM AMD (S-4749.4/22) **1338**

By Senator Warnick

**NOT ADOPTED 03/03/2022**

On page 20, line 3, after "(3)(a)" insert "After the council submits a draft certification agreement, a local government that is aggrieved by the council's decision may appeal the council's decision to the growth management hearings board. The growth management hearings board's review under this subsection is limited to whether the draft certification agreement would authorize construction of a project under RCW 80.50.060 that is not consistent with chapter 36.70A RCW or a local government's comprehensive plan or development regulations adopted pursuant to chapter 36.70A RCW.

(b) If a local government appeals the council's decision to the growth management hearings board under (a) of this subsection, the governor may not approve the application or execute the draft certification agreement until issuance of a final order from the growth management hearings board.

(4)(a)"

Renumber the remaining subsection consecutively and correct any internal references accordingly.

On page 32, after line 12, insert the following:

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

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

(a) That, except as provided otherwise by this subsection, a state agency, county, or city planning under this chapter is not in compliance with the requirements of this chapter, chapter 90.58 RCW as it relates to the adoption of shoreline master programs or amendments thereto, ((~~or~~)) chapter 43.21C RCW as it relates to plans, development regulations, or amendments, adopted under RCW 36.70A.040 or chapter 90.58 RCW, or the requirements of this chapter as they relate to certification agreements where an appeal to the growth management hearings board is authorized under RCW 80.50.100. Nothing in this subsection authorizes the board to hear petitions alleging noncompliance with RCW 36.70A.5801;

(b) That the ((~~twenty-year~~)) 20-year growth management planning population projections adopted by the office of financial management pursuant to RCW 43.62.035 should be adjusted;

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

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

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

(2) A petition may be filed only by: (a) The state, or a county or city that plans under this chapter; (b) a person who has participated orally or in writing before the county or city regarding the matter on which a review is being requested; (c) a person who is certified by the governor within ((~~sixty~~)) 60 days of filing the request with the board; or (d) a person qualified pursuant to RCW 34.05.530.

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

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

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

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

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

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 32, line 27, after "80.50.090," strike "and 43.79A.040" and insert "43.79A.040, and 36.70A.280"

EFFECT: Authorizes a local government to appeal the Energy Facility Site Evaluation Council (EFSEC)'s decision to the Growth Management Hearings Board (board). The board's review is limited to whether EFSEC's draft certification agreement would authorize construction of a project that is not consistent with the Growth Management Act or a local government's comprehensive plan or development regulations.

Directs that if a local government appeals EFSEC's decision to the board, the governor may not approve the application or execute the draft certification agreement until issuance of a final order from the board.