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SENATE BILL 5061

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State of Washington                      64th Legislature                      2015 Regular Session

By Senators Honeyford, Schoesler, Warnick, and Ericksen

Prefiled 01/09/15. Read first time 01/12/15. Referred to Committee on Agriculture, Water & Rural Economic Development.

1            AN ACT Relating to limiting the authority of growth management  
2 hearings boards to hear petitions challenging the regulation of  
3 permit exempt wells; amending RCW 36.70A.280 and 36.70A.280;  
4 providing an effective date; and providing an expiration date.

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

6            **Sec. 1.** RCW 36.70A.280 and 2014 c 147 s 3 are each amended to  
7 read as follows:

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

10            (a) That, except as provided otherwise by this subsection, a  
11 state agency, county, or city planning under this chapter is not in  
12 compliance with the requirements of this chapter, chapter 90.58 RCW  
13 as it relates to the adoption of shoreline master programs or  
14 amendments thereto, or chapter 43.21C RCW as it relates to plans,  
15 development regulations, or amendments, adopted under RCW 36.70A.040  
16 or chapter 90.58 RCW. Nothing in this subsection authorizes the board  
17 to hear petitions (~~alleging noncompliance with RCW 36.70A.5801~~)  
18 challenging the regulation of withdrawal of public groundwater exempt  
19 from the permit requirement under RCW 90.44.050;

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

4 (c) That the approval of a work plan adopted under RCW  
5 36.70A.735(1)(a) is not in compliance with the requirements of the  
6 program established under RCW 36.70A.710;

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

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

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

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

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

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

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

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

35 If adjusted by the board, a county growth management planning  
36 population projection shall only be used for the planning purposes  
37 set forth in this chapter and shall be known as the "board adjusted  
38 population projection." None of these changes shall affect the  
39 official state and county population forecasts prepared by the office

1 of financial management, which shall continue to be used for state  
2 budget and planning purposes.

3 **Sec. 2.** RCW 36.70A.280 and 2011 c 360 s 17 are each amended to  
4 read as follows:

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

7 (a) That, except as provided otherwise by this subsection, a  
8 state agency, county, or city planning under this chapter is not in  
9 compliance with the requirements of this chapter, chapter 90.58 RCW  
10 as it relates to the adoption of shoreline master programs or  
11 amendments thereto, or chapter 43.21C RCW as it relates to plans,  
12 development regulations, or amendments, adopted under RCW 36.70A.040  
13 or chapter 90.58 RCW. Nothing in this subsection authorizes the board  
14 to hear petitions (~~alleging noncompliance with RCW 36.70A.5801~~)  
15 challenging the regulation of withdrawal of public groundwater exempt  
16 from the permit requirement under RCW 90.44.050;

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

20 (c) That the approval of a work plan adopted under RCW  
21 36.70A.735(1)(a) is not in compliance with the requirements of the  
22 program established under RCW 36.70A.710;

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

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

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

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

38 (4) To establish participation standing under subsection (2)(b)  
39 of this section, a person must show that his or her participation

1 before the county or city was reasonably related to the person's  
2 issue as presented to the board.

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

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

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

17 NEW SECTION. **Sec. 3.** Section 1 of this act expires December 31,  
18 2020.

19 NEW SECTION. **Sec. 4.** Section 2 of this act takes effect  
20 December 31, 2020.

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