

ESHB 1241 - S AMD TO HLG COMM AMD (S-2308.1/21) **761**
By Senator Wagoner

NOT CONSIDERED 04/26/2021

1 On page 29, after line 38, insert the following:

2 "Sec. 10. RCW 36.70A.280 and 2011 c 360 s 17 are each amended to
3 read as follows:

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

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

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

17 (c) That the approval of a work plan adopted under RCW
18 36.70A.735(1)(a) is not in compliance with the requirements of the
19 program established under RCW 36.70A.710;

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

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

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

32 (c) Any person who:

1 (i) Is prejudiced or likely to be prejudiced by the action of the
2 city or county planning under this chapter; and

3 (ii) Is likely to suffer irreparable harm if the contested action
4 is upheld.

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

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

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

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

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

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

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29 On page 30, line 7, after "36.70A.190," strike "and"

30 On page 30, line 8, after "36.70A.210" insert ", and 36.70A.280"

EFFECT: Removes the ability to establish standing to petition the
Growth Management Hearings Board (GMHB) by participating orally or in
writing in the matter when it was before a city or county. Removes
Code Rev/RB:akl 2 S-2813.1/21

the ability for the Governor to authorize a person or organization to bring a petition before the GMHB. Adds the ability for a person or organization to establish standing to bring a petition before the GMHB if the person or organization is prejudiced or will be prejudiced by the action of the city or county, and is likely to suffer irreparable harm if the contested action is upheld.

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