

**SB 5042 - S AMD 970**  
By Senator Short

**NOT ADOPTED 01/26/2022**

1 On page 2, after line 16, strike all material through "order." on  
2 line 22 and insert the following:

3 "(1) Upon final action taken by the legislative body of the city  
4 or county responsible for approving the action; or

5 (2) If a petition for review under this chapter is timely filed,  
6 upon issuance of the final decision."

7 On page 2, after line 22, insert the following:

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

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

12 (a) That, except as provided otherwise by this subsection, a  
13 state agency, county, or city planning under this chapter is not in  
14 compliance with the requirements of this chapter, chapter 90.58 RCW  
15 as it relates to the adoption of shoreline master programs or  
16 amendments thereto, or chapter 43.21C RCW as it relates to plans,  
17 development regulations, or amendments, adopted under RCW 36.70A.040  
18 or chapter 90.58 RCW. Nothing in this subsection authorizes the board  
19 to hear petitions alleging noncompliance with RCW 36.70A.5801, an  
20 action expanding an urban growth area designated under RCW  
21 36.70A.110, removes the designation of agricultural, forest, or  
22 mineral resource lands designated under RCW 36.70A.170, creates or  
23 expands a limited area of more intensive rural development designated  
24 under RCW 36.70A.070(5)(d), establishes a new fully contained  
25 community under RCW 36.70A.350, or creates or expands a master  
26 planned resort designated under RCW 36.70A.360;

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

30 (c) That the approval of a work plan adopted under RCW  
31 36.70A.735(1)(a) is not in compliance with the requirements of the  
32 program established under RCW 36.70A.710;

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

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

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

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

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

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

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

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

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1           On page 1, line 2 of the title, after "act;" insert "amending RCW  
2 36.70A.280;"

EFFECT: Removes the 60-day delay and ability to delay the effective date by filing a petition of noncompliance with the growth management act to the growth management hearings board. Replaces it with the ability to delay the effective date by filing an appeal under the land use petition act. The matters subject to review by the growth management hearings board are amended to exempt the actions listed in the bill.

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