

**2SHB 1740** - H AMD 1267

By Representative Taylor

1           On page 4, line 20, after "section" insert "and RCW  
2 90.58.180(4)(b), if applicable"

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

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

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

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

25           (2) The department or the attorney general may obtain review of  
26 any final decision granting a permit, or granting or denying an  
27 application for a permit issued by a local government by filing a

1 written petition with the shorelines hearings board and the  
2 appropriate local government within twenty-one days from the date  
3 the final decision was filed as provided in RCW 90.58.140(6).

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

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

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

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

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

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

33 (c) Is arbitrary and capricious; or  
34

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

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

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

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

19  
20 NEW SECTION. **Sec. 4.** By December 1, 2021, the department of  
21 ecology must review the requirements established in RCW  
22 90.58.180(4)(b) and determine whether the rejection of permits in  
23 certain high unemployment areas by the shoreline hearings board have  
24 decreased after the effective date of this act. The department of  
25 ecology must submit a report to the Legislature consistent with RCW  
26 43.01.036 containing the results of its review and determination."

27 Correct the title.

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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