

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

By Senator Warnick

**NOT ADOPTED 03/03/2022**

1 On page 20, line 3, after "(3)(a)" insert "After the council  
2 submits a draft certification agreement, a local government that is  
3 aggrieved by the council's decision may appeal the council's decision  
4 to the growth management hearings board. The growth management  
5 hearings board's review under this subsection is limited to whether  
6 the draft certification agreement would authorize construction of a  
7 project under RCW 80.50.060 that is not consistent with chapter  
8 36.70A RCW or a local government's comprehensive plan or development  
9 regulations adopted pursuant to chapter 36.70A RCW.

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

15 (4)(a)"

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

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

19 "**Sec. 23.** RCW 36.70A.280 and 2011 c 360 s 17 are each amended to  
20 read as follows:

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

23 (a) That, except as provided otherwise by this subsection, a  
24 state agency, county, or city planning under this chapter is not in  
25 compliance with the requirements of this chapter, chapter 90.58 RCW  
26 as it relates to the adoption of shoreline master programs or  
27 amendments thereto, (~~(e)~~) chapter 43.21C RCW as it relates to plans,  
28 development regulations, or amendments, adopted under RCW 36.70A.040  
29 or chapter 90.58 RCW, or the requirements of this chapter as they  
30 relate to certification agreements where an appeal to the growth  
31 management hearings board is authorized under RCW 80.50.100. Nothing

1 in this subsection authorizes the board to hear petitions alleging  
2 noncompliance with RCW 36.70A.5801;

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

6 (c) That the approval of a work plan adopted under RCW  
7 36.70A.735(1)(a) is not in compliance with the requirements of the  
8 program established under RCW 36.70A.710;

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

12 (e) That a department certification under RCW 36.70A.735(1)(c) 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~~) 60 days of filing the  
19 request with the board; or (d) a person qualified pursuant to RCW  
20 34.05.530.

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

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

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

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

36 If adjusted by the board, a county growth management planning  
37 population projection shall only be used for the planning purposes  
38 set forth in this chapter and shall be known as the "board adjusted  
39 population projection." None of these changes shall affect the  
40 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 Renumber the remaining sections consecutively and correct any  
4 internal references accordingly.

5 On page 32, line 27, after "80.50.090," strike "and 43.79A.040"  
6 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.

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