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SENATE BILL 5983

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State of Washington

63rd Legislature

2014 Regular Session

By Senator Ericksen

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

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

5 **Sec. 1.** RCW 36.70A.280 and 2011 c 360 s 17 are each amended to  
6 read as follows:

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

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

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

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

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

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

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

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

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

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