

HOUSE BILL REPORT

HB 1815

As Reported By House Committee On:

Government Reform & Land Use

Title: An act relating to growth management hearings boards.

Brief Description: Changing standing for purposes of growth management hearings.

Sponsors: Representatives Reams and Sump.

Brief History:

Committee Activity:

Government Reform & Land Use: 2/17/97, 2/24/97 [DPS].

HOUSE COMMITTEE ON GOVERNMENT REFORM & LAND USE

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Reams, Chairman; Cairnes, Vice Chairman; Sherstad, Vice Chairman; Bush; Mielke; Mulliken and Thompson.

Minority Report: Do not pass. Signed by 4 members: Representatives Romero, Ranking Minority Member; Lantz, Assistant Ranking Minority Member; Fisher and Gardner.

Staff: Joan Elgee (786-7135).

Background: The Growth Management Act (GMA) was enacted in 1990 and 1991. A county meeting certain population and growth criteria is required to plan under the GMA. A county may also bring itself within the GMA planning requirements by resolution.

Three separate Growth Management Hearings Boards were created to review specific actions taken under the GMA or related provisions.

Persons with standing to file a petition to the hearings boards are:

- The state, or a county or city that plans the GMA;
- A person who has participated orally or in writing before the county or city regarding the matter on which a review is being requested;

- A person who is certified by the Governor within 60 days of filing the request with the board; or
- A person who has standing under the Administrative Procedure Act (APA). To have standing under the APA, the action must have prejudiced or be likely to prejudice the person, the person's asserted interests must be among those that the agency was required to consider when it engaged in the agency action challenged, and a judgment in favor of that person must substantially eliminate or redress the prejudice caused or likely to be caused by the action.

Summary of Substitute Bill: A petition to a Growth Management Hearings Board may only be filed by a person directly impacted by the matter on which review is being requested. A person directly impacted— is a person whose interest is within the zone of interests to be protected or regulated by underlying statute and who will suffer specific and perceptible harm if the matter is not reviewed.

Substitute Bill Compared to Original Bill: The substitute conforms the language to terminology in current law, and clarifies that no expansion of matters to be reviewed is intended. Injury in fact— is replaced with specific and perceptible harm—.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: People are coming in from all over the country to bring petitions before the hearings boards. We need plainer language. This will discourage people from raising capricious objections.

Testimony Against: This is a tighter standard which will prevent the Chamber of Commerce and similar groups who don't own property from bringing matters before the boards.

Testified: Representative Reams, prime sponsor (pro); Clint Morrow, Preston Industrial Association (pro); Bob Mack, Association of Washington Cities (con on original bill); Scott Merriman, Washington Environmental Council (con); and George Tyler (concerns).