
Local Government & Housing Committee

HB 1079

Brief Description: Authorizing the substitution of growth management hearings board members in the case of vacancy, disqualification, illness, or injury.

Sponsors: Representatives Simpson, Nelson, Springer, White and Moeller; by request of Growth Management Hearings Board.

Brief Summary of Bill

- Authorizes Growth Management Hearings Board (Board) members to appoint a substitute member from a different Board for the rendering of a decision on a matter.
- Specifies that substitutions may be made in the event of vacancy, disqualification, illness, or injury.
- Requires Board members to attempt to maintain compositional requirements for Boards when selecting a substitute member.

Hearing Date: 1/15/09

Staff: Ethan Moreno (786-7386)

Background:

The Growth Management Act (GMA or Act) is the comprehensive land use planning framework for county and city governments in Washington. Enacted in 1990 and 1991, the GMA establishes numerous requirements for local governments obligated by mandate or choice to fully plan under the Act (planning jurisdictions) and a reduced number of directives for all other counties and cities. Twenty-nine of Washington's 39 counties, and the cities within those counties, are planning jurisdictions.

The GMA directs planning jurisdictions to adopt internally consistent comprehensive land use plans that are generalized, coordinated land use policy statements of the governing body. Comprehensive plans must address specified planning elements, each of which is a subset of a

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comprehensive plan. Planning jurisdictions must also adopt development regulations that implement and conform with their comprehensive plan.

The GMA establishes three regional Growth Management Hearings Boards (Boards). Each Board consists of three members appointed by the Governor to six-year terms. Members must satisfy residency requirements, must be qualified by experience or training in matters pertaining to land use planning, and no more than two members of a Board may be from the same political party.

Boards have limited jurisdiction and may only hear and determine petitions alleging:

- that a state agency or planning jurisdiction is noncompliant with the GMA, specific provisions of the Shoreline Management Act, or certain mandates of the State Environmental Policy Act relating to qualifying plans, regulations, or amendments; or
- that the 20 year planning population projections adopted by the Office of Financial Management should be adjusted.

Final decisions of the Boards may be appealed to the superior court. Additionally, if all parties agree, the superior court may directly review a petition filed with a Board.

Boards are governed by statutory requirements for conduct and procedure. For example, a majority of a Board constitutes a quorum for making decisions, adopting rules, and conducting other official business. Boards, however, may act even though one Board position is vacant.

Summary of Bill:

If a Board is missing one of its members to render a decision on a matter due to vacancy, disqualification, illness, or injury, the remaining two members may appoint a Board member from one of the other Boards to substitute for the member and participate in rendering the decision on that matter. The appointing Board must attempt to maintain specified experience and political affiliation requirements in selecting the substitute member.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.