

SENATE BILL REPORT

SSB 6637

As Passed Senate, February 13, 1996

Title: An act relating to limitations on growth management hearings board discretion.

Brief Description: Limiting growth management hearings board discretion.

Sponsors: Senate Committee on Government Operations (originally sponsored by Senators Haugen, Sheldon, Winsley, Hale, Wood and Long).

Brief History:

Committee Activity: Government Operations: 1/24/96, 2/2/96 [DPS].

Failed Senate, 2/13/96, 18-31. Reconsidered: Passed Senate, 2/13/96, 36-13.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

Majority Report: That Substitute Senate Bill No. 6637 be substituted therefor, and the substitute bill do pass.

Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey and Winsley.

Staff: Rod McAulay (786-7754)

Background: The Growth Management Act (GMA) established three regional growth management hearings boards to review compliance with the deadlines and plans adopted pursuant to the act. There is concern that the standards of review have not been clearly stated and that the intent to give broad discretion to local government in developing comprehensive plans has not been sufficiently emphasized.

Summary of Bill: The standards of review for growth management hearings boards are amended and clarified. The presumption of validity for comprehensive plans and development regulations under the GMA is extended to any other required actions. Hearing boards determine compliance, not only with the GMA, but with approved countywide planning policies. The board finds compliance unless it finds that the petitioner has demonstrated by evidence that is substantial when reviewed in light of the whole record before the board that the city or county erroneously interpreted the requirements of the GMA. In determining compliance, the boards must defer to the city or county as to the relative weight to be given to each goal in arriving at a balanced plan, but all goals must be given effect.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: This reinforces the overall policy of local planning bottoms up approach.

Testimony Against: It may undermine the GMA process. It reduces ability for boards to protect the public from local politics.

Testified: Steve Clagett; Robert Dreyfus; Dick Ducharme; Mary Anne Jones; Mike Ryherd; Bob Hart; Dave Williams; Elizabeth Schragg; Charlie Brown; Martha Ireland; Scott Merriman; Scott Hazelgrove; Nancy Bagby.

House Amendment(s): A legislative finding is added that the GMA hearings boards have not accorded adequate deference to local planning decisions. It is clarified that the GMA does not establish or require any priority among the stated goals of the act and that hearings boards may not prioritize, balance or rank goals. The authority of the boards to determine whether a city or county is in compliance with the requirements of the act is changed. Boards may determine whether an action taken under GMA is not supported by substantial evidence in the record developed before the state agency, county or city. The provision defining who has standing to petition the boards is narrowed. The authority of the boards to supplement the record developed before the city, county or state with additional evidence is repealed. The authority of boards to invalidate comprehensive plans or development regulations is repealed. Boards must defer to any interpretation of the GMA made by a city or county. A provision is added which states that any ruling by a board that a plan or regulation is invalid is null and void whether the ruling occurred before or after the effective date of this act.