

FINAL BILL REPORT

2ESB 5185

FULL VETO

As Passed Legislature

Brief Description: Revising procedures for growth management hearings boards.

Sponsors: Senators Horn, McCaslin, Long, Benton, Prince and Deccio.

Senate Committee on Government Operations

House Committee on Government Reform & Land Use

Background: Three growth management hearings boards, with jurisdiction over different geographic areas, hear appeals on compliance of actions by state agencies, counties, and cities with the Growth Management Act (GMA). The boards may appoint hearing examiners to assist them.

In 1997, changes were made regarding direct judicial review and regarding determinations of noncompliance and invalidity by the boards. Parties can agree to go directly to superior court and are given time to settle. If boards find noncompliance, they remand for a reasonable time. Boards must follow specific requirements for making determinations of invalidity and use a standard of review that is deferential to local governments.

Summary: Hearing examiners may only make findings of fact, not conclusions of law, when assisting growth management hearings boards.

Boards have authority to mediate disputes between counties and cities regarding coordination and consistency of their comprehensive plans. They have authority to decide whether a county or city has met GMA deadlines, has addressed relevant issues, and has achieved consistency among plans; and to decide whether shoreline master programs comply with relevant statutes. They may not consider the adequacy of local government actions.

Any person may file a petition regarding GMA deadlines at any time, but only a person with standing under the State Environmental Policy Act (SEPA) may challenge a SEPA or shoreline master program action. Petitions regarding relevant issues or consistency must be filed within 60 days of publication.

Boards do not have authority to determine compliance by state agencies or need for adjustment of population forecasts by the Office of Financial Management. They do not have authority to determine validity or invalidity of city or county comprehensive plans or development regulations.

Boards render a decision, not a final order.

Aggrieved parties may appeal board decisions directly to the Court of Appeals.

Votes on Final Passage:

Senate	27	21
House	56	40