

SENATE BILL REPORT

SB 6372

As of February 10, 2014

Title: An act relating to ensuring growth management hearings board members meet qualifications relating to land use experience.

Brief Description: Ensuring growth management hearings board members meet qualifications relating to land use experience.

Sponsors: Senator Roach.

Brief History:

Committee Activity: Governmental Operations: 2/04/14, 2/06/14 [DPF].

SENATE COMMITTEE ON GOVERNMENTAL OPERATIONS

Staff: Karen Epps (786-7424)

Background: The Growth Management Act (GMA) is the comprehensive land use planning framework for county and city governments in Washington. Enacted in 1990 and 1991, GMA establishes numerous planning requirements for counties and cities obligated by mandate or choice to fully plan under GMA. It also establishes a reduced number of directives for all other counties and cities. GMA establishes the Growth Management Hearings Board (GMHB).

GMHB is comprised of three panels for the purposes of hearing and deciding cases within the following regions: central Puget Sound; eastern Washington; and western Washington. GMHB consists of seven members who are appointed for six-year terms, with at least two each residing in the geographic regions of the panels. The requirements for GMHB members are that:

- the members be qualified by experience or training in matters pertaining to land use law or land use planning;
- three of the members be admitted to practice law;
- at least three be former city or county elected officials;
- no more than two members at the time of their appointment or during their term reside in the same county; and
- no more than four members of GMHB be from the same political party.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Each regional panel selected to hear and decide cases must consist of three board members, at least a majority of whom must reside within the region. The presiding officer of each case must reside within the region in which the case arose, except under certain circumstances. Each regional panel must:

- include one member admitted to practice law in this state;
- include one member who has been a city or county elected official; and
- reflect the political composition of the board.

These requirements may be waived under certain circumstances.

Summary of Bill: GMHB members who are admitted to practice law must be engaged in the legal profession with a focus on land use at the time of their appointment. At least three members of the GMHB must have been an elected official or have been engaged in land use planning or land use law and have experience in the practical application of those matters.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: Staff that have worked on developing comprehensive plans should be allowed to be a member of the GMHB. Limiting appointments to county or city elected officials means that someone with stellar qualifications, but who has not been a local elected official, would not be able to serve on the GMHB. The goal of this bill is to broaden who can participate on the GMHB.

OTHER: This bill as drafted would take out the requirement that someone be an elected official. This is an important requirement that should remain in the statute. In rural counties and cities, the local elected official is very involved in their local planning process and the planning that goes on in their communities. A local elected official has experience not only with the land use planning aspects of the GMA, but also the budget and the economic development of a local jurisdiction, and someone who is not an elected official may not have that broad understanding.

Persons Testifying: PRO: Senator Roach, prime sponsor.

OTHER: Laura Merrill, WA State Assn of Counties.